

federal register

March 26, 1975—Pages 13293-13476

WEDNESDAY, MARCH 26, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 59

Pages 13293-13476



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federal register

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Area Code 202



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Rules Going Into Effect Today

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

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Eggs and egg products; inspection exemptions; comments by 4-1-75. 8356; 2-27-75

Oranges (Valencia), grown in Arizona and California, handling; expenses and rate of assessment for the 1974-75 fiscal period and carry-over of unexpended funds; comments by 4-1-75. 11587; 3-12-75

Animal and Plant Health Inspection Service—

Edible livestock fat; rendering; comments by 3-31-75. 4438; 1-30-75

Veruses, serums, toxins and analogous products; comments by 4-1-75. 44764; 12-27-75

Rural Electrification Administration—

Specifications for rural telephone system construction contract; (labor and materials), REA Form 511; comments by 4-4-75. 10192; 3-5-75

COMMERCE DEPARTMENT AND INTERIOR DEPARTMENT

National Marine Fisheries Service and Fish and Wildlife Service—

Anadromous fisheries conservation development and enhancement; comments by 3-31-75. 6786; 2-14-75

DEFENSE DEPARTMENT

Engineers Corps—

Ohio River, Mississippi River above Cairo, Illinois and tributaries, navigation regulations; comments by 4-4-75. 10187; 3-5-75

ENVIRONMENTAL PROTECTION AGENCY

Ambient air monitoring reference and equivalent methods; comments by 4-4-75. 7064; 2-18-75

Kentucky: Approval of compliance schedules; comments by 3-31-75. 8360; 2-27-75

Water pollution; effluent limitations; nonferrous metals and sugar processing point source category (2 documents) comments by 3-31-75. 8506; 8530; 2-27-75

FEDERAL COMMUNICATIONS COMMISSION

Bangor, Maine; addition of a Class A FM assignment; comments by 3-31-75. 2828; 1-16-75

Class II Public Coast Station; comments by 4-1-75. 8233; 2-26-75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Bilingual vocational training; grant contract awards; comments by 4-3-75. 8955; 3-4-75

Food and Drug Administration—

Carbonated Soft drink beverages; serving and portion sizes and daily consumption amounts; comments by 3-31-75. 4316; 1-29-75

Social and Rehabilitation Service—

Medical assistance programs; intermediate care facilities residents' rights; comments by 4-3-75. 8954; 3-4-75

INTERIOR DEPARTMENT

Geological Survey—

Coal mining operating regulations; comments by 3-30-75. 4428; 1-30-75

INTERSTATE COMMERCE COMMISSION

Lease and interchange of vehicles; trip leasing; comments by 4-1-75. 6981; 2-18-75

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Laboratories (testing); accreditation; comments by 3-13-75. 4439; 1-30-75

NATIONAL CREDIT UNION ADMINISTRATION

Public unit accounts; funds invested in federally insured credit unions; comments by 4-4-75. 8967; 3-4-75

SECURITIES AND EXCHANGE COMMISSION

Broker-dealers' statements of account to customers; comments by 3-13-75. 4454; 1-30-75

Exemptive rules for variable life insurance; withdrawal of proposed amendments and rescission of rules; comments by 3-31-75. 11613; 3-12-75

TRANSPORTATION DEPARTMENT

Coast Guard—

Wishkah River, Washington; draw-bridge operation regulations; comments by 4-3-75. 8958; 3-4-75

Federal Aviation Administration—

Baton Rouge, La.; transition area; alteration; comments by 3-31-75. 8360; 2-27-75

Canadair; airworthiness directives; comments by 3-13-75. 8568; 2-28-75

Cessna; airworthiness directives; comments by 4-1-75. 8217; 2-26-75

Civil turbojet airplanes; noise retrofit requirements; comments by 4-4-75. 8218; 2-26-75

Compartment interior materials toxic gas-emission standards; comments by 3-31-75. 45054; 12-30-74

Russellville, Ark.; designation of transition area; comments by 3-31-75. 8360; 2-27-75

National Highway Traffic Safety Administration—

Federal motor vehicle safety standards; change in brake hose assembly definition; comments by 4-3-75. 8962; 3-4-75

Motor vehicle safety and damage standards; amendments to bumper requirements; comments by 4-4-75. 11598; 3-12-75

TREASURY DEPARTMENT

Comptroller of the Currency—

National banks and investment funds; fiduciary powers; comments by 3-31-75. 4151; 1-22-75

Customs Service—

Customs field organization; change in Customs Region VI; comments by 4-3-75. 8955; 3-4-75

Internal Revenue Service—

Separate limitation on foreign tax credit in case of dividends from a DISC or former DISC; comments by 3-31-75. 8351; 2-27-75

Next Week's Meetings

ACTION

National Voluntary Service Advisory Council; to be held at Washington, D.C. (open) 4-3-75. 11378; 3-11-75

AGRICULTURE DEPARTMENT

Forest Service—

State and Private Forestry Advisory Committee; to be held in Arlington, Va. (open) 4-2 through 4-3-75. 12527; 3-19-75

CIVIL RIGHTS COMMISSION

Colorado State Advisory Committee to be held in Denver, Colo. (open) 4-5-75. 12539; 3-19-75

Maine State Advisory Committee; to be held at Bangor, Maine (open) 4-2-75. 11635; 3-12-75

COMMERCE DEPARTMENT

Domestic and International Business Administration—

Performance Characteristics and Performance Measurements Subcommittee; to be held in Washington, D.C. (open with restrictions) 4-1-75. 8372; 2-27-75

Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee; to be held in Washington, D.C. (open with restrictions) 4-1-75. 8373; 2-27-75

REMINDERS—Continued

National Bureau of Standards—
Federal Information Processing Standards Task Group 15 "Computer Systems Security"; to be held at Gaithersburg, Md. (open) 4-1-75. 8117; 2-25-75

Office of the Secretary—
National Professional Standards Review Council; to be held in Washington, D.C. (open with restrictions) 3-31-75. 8243; 2-26-75
Social and Economic Statistics Administration—
Census Advisory Committee; to be held in Suitland Md. (open with restrictions) 4-4-75. 8241; 2-26-75

DEFENSE DEPARTMENT

Corps of Engineers—
Army Historical Advisory Committee; to be held in Washington, D.C. (open with restrictions) 4-4-75. 10698; 3-7-75

Defense Intelligence Agency—
Scientific Advisory Committee; to be held at the Pentagon (Virginia) (closed) 4-2-75. 11758; 3-13-75

Office of the Secretary—
Advisory Group on Electron Devices; Working Group D to be held in Arlington, Va. (closed) 4-3 and 4-4-75. 11007; 3-10-75

DDR&E High Energy Laser Review Group, Ad Hoc High Energy Laser Review Team; to be held at Redstone Arsenal, Alabama (closed) 4-1-75. 11918; 3-14-75

Defense Science Board Task Force; to be held at Arlington, Va. (closed) 4-1 and 4-2-75. 8970; 3-4-75

Defense Science Board Task Force on Gun System Acquisition, Advisory Committee; to be held in Arlington, Va. (closed) 4-2 and 4-3-75. 10199; 3-5-75

Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements; to be held at Arlington, Va. (closed) 3-31 and 4-1-75. 11617; 3-12-75

Wage Committee; to be held at Washington, D.C. (closed) 4-1-75. 11364; 3-11-75

ENVIRONMENTAL PROTECTION AGENCY

Lake Michigan Cooling Water Studies Panel; to be held at Chicago, Illinois (open) 4-1-75. 11637; 3-12-75

EXPORT-IMPORT BANK OF THE UNITED STATES

Advisory Committee to be held at Washington, D.C. (closed) 4-3-75. 12541; 3-19-75

FEDERAL ENERGY ADMINISTRATION

Environmental Advisory Committee; to be held in Washington, D.C. (open) 4-1-75. 11800; 3-13-75

FEDERAL POWER COMMISSION

National Power Survey Technical Advisory Committee on Impact of Inadequate Electric Power Supply; to be held at Washington, D.C. (open) 4-2-75. 11948; 3-14-75

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

To be held at Washington, D.C. (closed) 4-3, 4-10, 4-17 and 4-24-75. 11646; 3-12-75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—
Gastrointestinal Drugs Advisory Committee; to be held in Rockville, Md. (open and closed) 3-31 and 4-1-75. 7117; 2-19-75

General Hospital and Personal Use Devices Review Panel; to be held in Washington, D.C. (open with restrictions) 3-31 and 4-1-75. 7117; 2-19-75

National Institutes of Health—
Breast Cancer Experimental Biology Committee; to be held at Bethesda, Maryland (open with restrictions) 4-3 and 4-4-75. 11925; 3-14-75

Breast Cancer Treatment Committee; to be held at Bethesda, Maryland (open with restrictions); 4-4-75. 11925; 3-14-75

Cancer Clinical Investigation Review Committee; to be held at Bethesda, Maryland (open with restrictions); 4-1 and 4-2-75. 11925; 5-14-75

Cancer Immunobiology Committee; to be held at Bethesda, Md. (open with restrictions) 3-31-75. 6812; 2-14-75

Clinical Trials Review Committee; to be held at Chevy Chase, Maryland (open with restrictions) 3-31 through 4-2-75. 11928; 3-14-75

Clinical Trials Review Committee; to be held in Bethesda, Md. (open with restrictions) 4-1-75. 7698; 2-21-75

National Council on Educational Research; to be held in Washington, D.C. (open with restrictions) 4-4-75. 41391; 11-27-74

Office of the Assistant Secretary for Health—
President's Biomedical Research Panel; to be held at Bethesda, Maryland (open) 3-31 and 4-1-75. 11928; 3-14-75

Office of Education—
National Advisory Council for Career Education; to be held in Washington, D.C. (open) 3-31-75. 10704; 3-7-75

INTERIOR DEPARTMENT

National Park Service—
Independence National Historical Park Advisory; to be held in Philadelphia, Pa. (open) 4-3-75. 11767; 3-13-75

Rocky Mountain Regional Advisory Committee to be held in Dillon, Colorado (open) 4-3-75. 11011; 3-10-75

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Research and Technology Advisory Council Panel on Research; to be held at Washington, D.C. (open with restrictions); 4-3 and 4-4-75. 11948; 3-14-75

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Research Panel; to be held at Washington, D.C. (closed) 3-31 and 4-1-75. 9010; 3-4-75

NATIONAL SCIENCE FOUNDATION

Advisory Panel on Science Education Projects; Subpanel on Minority Institutions Science Improvement Program; to be held at Washington, D.C. (closed) 4-3 through 4-4-75. 12550; 3-19-75

SMALL BUSINESS ADMINISTRATION

Pittsburgh District Advisory Council; to be held at Pittsburgh, Pa. 4-2-75. 11420; 3-11-75

San Antonio District Advisory Council; to be held in San Antonio, Tex. (open) 4-3-75. 11822; 3-13-75

STATE DEPARTMENT

Advisory Committee on International Intellectual Property; to be held in Washington, D.C. (open with restrictions) 4-2-75. 8366; 2-27-75

VETERANS ADMINISTRATION

Career Development Committee; to be held in San Francisco, Calif. (open with restrictions) 4-3 through 4-4-75. 12554; 3-19-75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Milk in Northern Louisiana marketing area; handling of; to be held in Alexandria, Louisiana, on 4-8-75. 11879; 3-14-75

INTERNATIONAL TRADE COMMISSION

President's list of articles which may be affected by international trade negotiations; to be held at New York, N.Y., 4-1 and 4-3-75. 3517; 1-22-75

LABOR DEPARTMENT

Occupational Safety and Health Administration—
Carcinogen exposure standards; to be held in Washington, D.C., on 4-1-75. 4934; 2-3-75

presidential documents

Title 3—The President

PROCLAMATION 4357

Armed Forces Day

By the President of the United States of America

A Proclamation

For nearly two hundred years, in times of war and peace, the Armed Forces of the United States have served the Nation with courage and devotion. In this country, and throughout the world, those who wear the uniforms of the Army, Navy, Air Force, Marine Corps and Coast Guard are respected for their patriotic service.

It is fitting and proper that we set aside one day each year to pay tribute to these men and women.

NOW, THEREFORE I, GERALD R. FORD, President of the United States of America and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my five immediate predecessors in this Office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

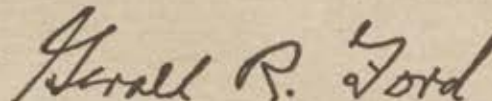
I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to enhance public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to provide for the observance of Armed Forces Day each year.

I call upon my fellow Americans not only to display proudly the flag of the United States at their homes on Armed Forces Day, but also to avail themselves of the opportunity to further their knowledge of our Defense Establishment and of the men and women who constitute our real national strength, by attending and participating in the local observances of the day.

Proclamation No. 4276 of March 21, 1974, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.



[FR Doc. 75-8082 Filed 3-25-75; 12:29 pm]

THE HISTORY OF THE

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EXECUTIVE ORDER 11844

Designation of Beneficiary Developing Countries for the Generalized System of Preferences Under the Trade Act of 1974

Title V of the Trade Act of 1974, hereinafter referred to as the Act (Public Law 93-618, 88 Stat. 1978), provides for a Generalized System of Preferences by which eligible articles from a beneficiary developing country may be provided duty-free treatment.

The Act authorizes the President to designate a country as a beneficiary developing country if such country meets the qualifications of the Act. Prior thereto, the President is to notify the House of Representatives and the Senate of his intention to make such designations and of the considerations entering into such decisions. I have so notified the House of Representatives and the Senate with respect to the countries listed in this Executive order.

In order to implement the Generalized System of Preferences, the Trade Act requires (1) designation of beneficiary developing countries, (2) publication and transmission to the International Trade Commission of the lists of articles which will be considered for designation as eligible articles for purposes of generalized preferences, and (3) submission by the International Trade Commission of its advice to the President within six months as to the probable economic effect on domestic producers and consumers of implementing generalized preferences for those listed articles.

Concurrently with publication of those listed articles and transmission thereof to the International Trade Commission for its advice as required by the Act, I also intend to ask the Commission to provide its advice, pursuant to Section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332), with respect to articles of those countries designated and those which are still under consideration for designation as beneficiary developing countries.

The President is authorized to modify at any time the list of beneficiary developing countries designated herein, and for that purpose there shall be a continuing review of the eligibility of countries to be so designated under the provisions of the Act.

NOW, THEREFORE, by virtue of the authority vested in me by the Trade Act of 1974, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The following named countries are designated as beneficiary developing countries for purposes of the Generalized System of Preferences authorized by Title V of the Act:

- (a) *Those Responsible for Their Own External Relations.*

Afghanistan	Lesotho
Argentina	Liberia
Bahamas	Malagasy Republic
Bahrain	Malawi
Bangladesh	Malaysia
Barbados	Maldives Islands
Bhutan	Mali
Bolivia	Malta
Botswana	Mauritania
Brazil	Mauritius
Burma	Mexico
Burundi	Morocco
Cameroon	Nauru
Central African Republic	Nepal
Chad	Nicaragua
Chile	Niger
Columbia	Oman
Congo (Brazzaville)	Pakistan
Costa Rica	Panama
Dahomey	Paraguay
Dominican Republic	Peru
Egypt	Philippines
El Salvador	Rwanda
Equatorial Guinea	Senegal
Ethiopia	Sierra Leone
Fiji	Singapore
Gambia	Sri Lanka
Ghana	Sudan
Grenada	Swaziland
Guatemala	Syria
Guinea	Taiwan
Guinea Bissau	Tanzania
Guyana	Thailand
Haiti	Togo
Honduras	Tonga
India	Trinidad and Tobago
Ivory Coast	Tunisia
Jamaica	Upper Volta
Jordan	Uruguay
Kenya	Vietnam (South)
Khmer Republic	Western Samoa
Korea, Republic of	Yemen Arab Republic
Laos	Yugoslavia
Lebanon	Zaire
	Zambia

(b) *Those for Whom Another Country is Responsible for Their External Relations.*

Afars and Issas, French Territory of the	Mozambique
Angola	Netherlands Antilles
Anguilla	New Caledonia
Antigua	New Hebrides Condominium
Belize	Niue
Bermuda	Norfolk Island
British Indian Ocean Territory	Papua New Guinea
British Solomon Islands	Pitcairn Island
Brunei	Portuguese Timor
Cape Verde	Saint Christopher - Nevis - Anguilla
Cayman Islands	Saint Helena
Comoro Islands	Saint Lucia
Cook Islands	Saint Vincent
Dominica	Sao Tome and Principe
Falkland Islands (Malvinas) and Dependencies	Seychelles
French Polynesia	Spanish Sahara
Gibraltar	Surinam
Gilbert and Ellice Islands	Tokelau Islands
Heard Island and McDonald Islands	Trust Territory of the Pacific Islands
Macao	Turks and Caicos Islands
Montserrat	Virgin Islands, British
	Wallis and Futuna Islands

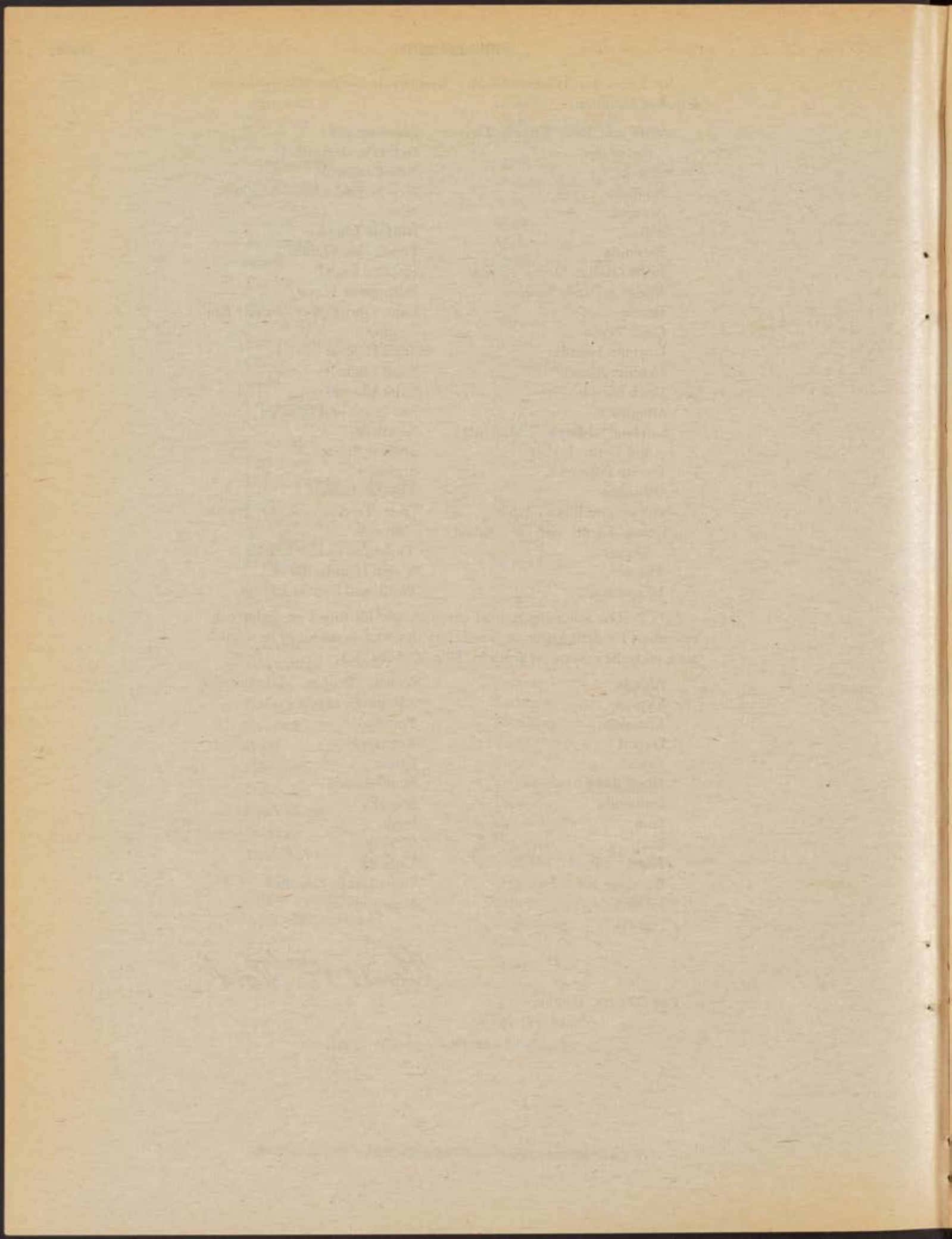
SEC. 2. The following named countries are identified as under consideration for designation as beneficiary developing countries in accordance with the criteria set forth in Title V of the Act:

Algeria	Yemen, Peoples' Democratic Republic of
Cyprus	Portugal
Ecuador	Romania
Gabon	Qatar
Greece	Saudi Arabia
Hong Kong	Somalia
Indonesia	Spain
Iran	Turkey
Iraq	Uganda
Israel	United Arab Emirates
Kuwait	Venezuela
Libya	
Nigeria	

Gerald R. Ford

THE WHITE HOUSE,
March 24, 1975.

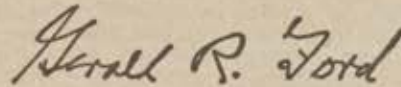
[FR Doc.75-8080 Filed 3-24-75;4:12 pm]



EXECUTIVE ORDER 11845

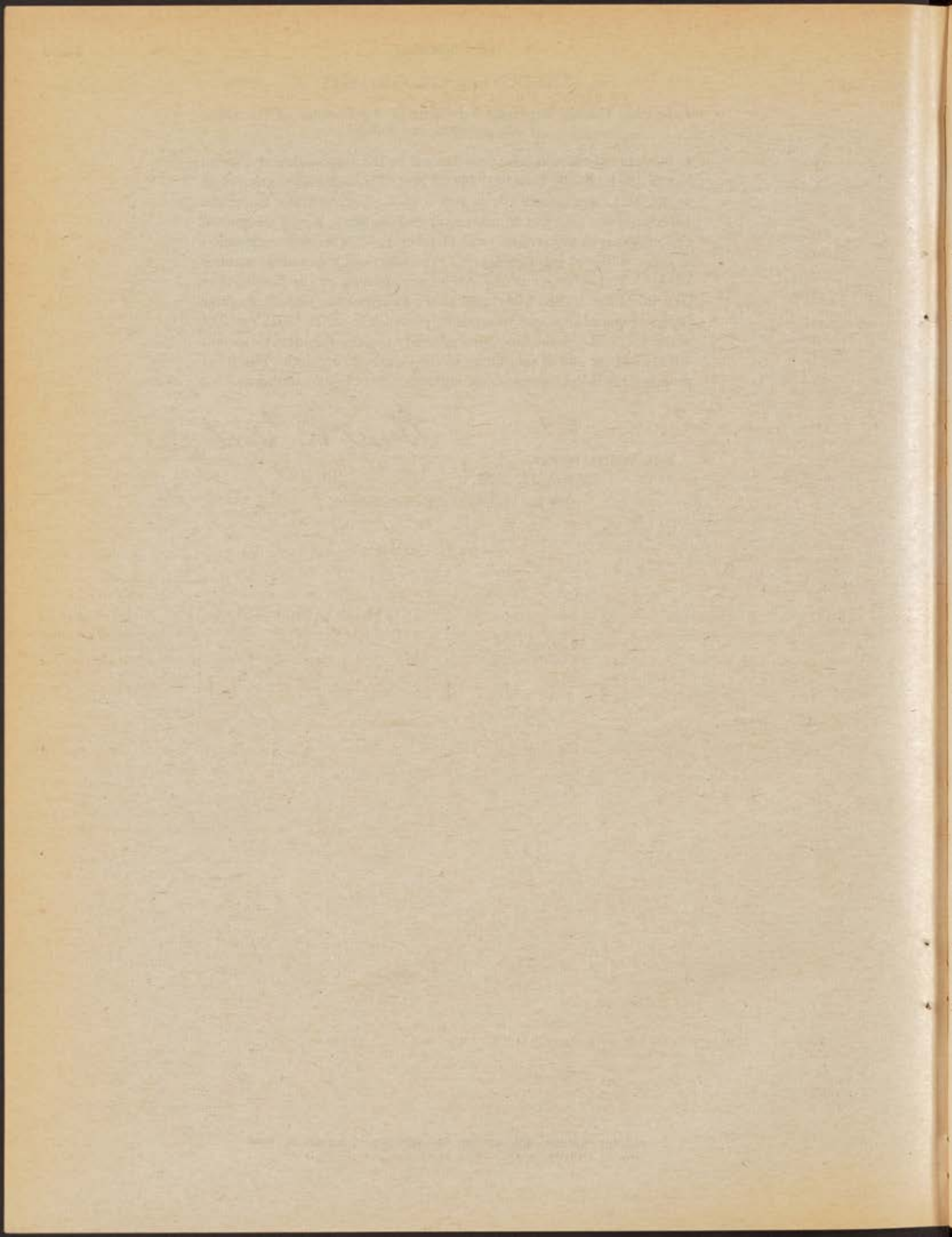
Delegating Certain Reporting Functions to the Director of the Office
of Management and Budget

By virtue of the authority vested in me by the Impoundment Control Act of 1974 (Public Law 93-344; 88 Stat. 332, hereinafter referred to as the Act), and section 301 of title 3 of the United States Code, the Director of the Office of Management and Budget is hereby designated and empowered to exercise, as of October 1, 1974 without ratification or other action of the President (1) the functions required by sections 1014(b) and 1014(d) of the Act of transmitting to the Comptroller General of the United States and to the Office of the Federal Register copies of special messages transmitted pursuant to section 1012 or 1013 of the Act; and (2) the function conferred upon the President by section 1014(e) of the Act of submitting to the Congress cumulative reports of proposed rescissions, reservations, and deferrals of budget authority.



THE WHITE HOUSE,
March 24, 1975.

[FR Doc.75-8054 Filed 3-25-75;9:54 am]



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE
Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner is excepted under Schedule C and one position of Assistant to the Commissioner (Special Projects) is revoked.

Effective March 26, 1975, § 213.3384(b) (3) and (12) are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Administration commissioner.*

(3) One Assistant to the Commissioner (Special Projects)

(12) Two Special Assistants to the Assistant Secretary-Commissioner

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1964-65 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
 to the Commissioners.*

[FR Doc. 75-7854 Filed 3-25-75; 8:45 am]

Title 7—Agriculture

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

[Valencia Orange Reg. 488]

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

Minimum Size Requirement

This regulation sets a minimum size requirement of 2.20 inches in diameter applicable to the handling of Valencia oranges grown in District 1 of the California-Arizona production area during the period April 4 through May 15, 1975. Such action is necessary to satisfy current and prospective market demand for fresh shipments of such California-Arizona Valencia oranges. The specified minimum size requirement is consistent with the size composition and available

supply of the developing crop of Valencia oranges in District 1.

§ 908.788 Valencia Orange Regulation 488.

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

(2) The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions during the period April 4 through May 15, 1975. The 1974-75 season crop of Valencia oranges is currently estimated at 57,700 carlots. The demand in regulated market channels will require about 36 percent of this volume, and the remaining 64 percent will be available for utilization in export, processing, and other outlets. Fresh shipments of Valencia oranges from District 1 are expected to begin on or about the effective time of this regulation. The volume and size composition of the crop of Valencia oranges grown in District 1 are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges which tend to weaken the market for such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this

section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate a declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1975. Necessary supplemental information was received on March 17, 1975.

Order. (a) During the period April 4, 1975, through May 15, 1975, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) As used in this section, "handle", "handler", and "District 1" shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated, March 21, 1975, to become effective April 4, 1975.

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

[FR Doc. 75-7867 Filed 3-25-75; 8:45 am]

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1701—PUBLIC INFORMATION

Appendix—REA Bulletins

Part 1701, Title 7, is hereby amended to include revisions to the Appendix A listing and summary descriptions of REA Bulletins providing the program policies and requirements of the Rural Electrification Administration. The revisions reflect new and revised Bulletins issued after publication in the FEDERAL REGISTER under proposed rule making procedures to secure public comment and participation.

Comments were received on only one of the proposed bulletins. Four changes were suggested for proposed new REA Bulletin 20-22, Guarantee of Loans for Bulk Power Supply Facilities. One suggestion proposed that the bulletin be revised to include a provision that promptly, upon default in payment of a loan, REA will, after notice from the lender, pay the defaulted installment instead of waiting 30 days as provided for in the proposed bulletin. This suggestion was adopted. Another suggestion proposed that the bulletin be strengthened from the standpoint of environmental protection. This suggestion was not adopted since existing REA Bulletin 20-

21:320-21, National Environmental Policy Act, covers guarantees as well as REA-financing. Another suggestion proposed revisions to permit direct public offerings of the guaranteed obligations. This suggestion was not adopted since the history of the amendment to the R.E. Act which established the loan guarantee program indicates that Congress intended by the use of the phrase "legally organized lending agency" in section 306 of the R.E. Act, as amended, to preclude such public offerings. The fourth suggestion proposed that the bulletin be revised to provide for the continuation of the loan guarantee in event of the refunding of an original loan. The suggestion was not adopted since REA believes that in most cases the problem of the continuation of a loan guarantee can be handled adequately within existing REA practices and the terms of the proposed bulletin. In addition, some editorial changes were suggested, most of which were adopted.

The suggested changes adopted for Bulletin 20-22 were also adopted for Bulletin 320-23, Guarantee of Loans for Telephone Facilities.

The following listings of REA Bulletins are additions, replacements, or deletions, as specified, of listings in Appendix A to Part 1701 (36 FR 19075).

APPENDIX A—REA BULLETINS

RURAL ELECTRIFICATION PROGRAM BULLETINS

REA Bulletin number and date of last issuance	Description of content
20-22; February 1975 (new)	REA policy and procedure concerning the guaranteeing by REA of loans made by legally organized lending agencies for bulk electric power supply facilities.
80-6; May 1955 (deletion)	Remove from appendix A as obsolete the REA bulletin concerning the reporting of construction releases by borrowers' engineers.

RURAL TELEPHONE PROGRAM BULLETINS

320-22; February 1975 (new)	REA policy and procedure concerning the guarantee by REA of loans made by legally organized lending agencies for the purpose of financing rural telephone facilities.
344-2; January 1975 (replacing January 1973)	REA approved list of materials and equipment suitable for use on the systems of REA telephone borrowers.
345-17; May 1962 (deletion)	Remove from appendix A as obsolete the REA bulletin describing agency specification for figure 8 cable on borrowers' telephone systems.
345-34; November 1963 (deletion)	Remove from appendix A as obsolete the REA bulletin describing Agency specification for locust wood bushings on borrowers' telephone systems.
345-35; November 1963 (deletion)	Remove from appendix A as obsolete the REA bulletin describing agency specification for wood insulator pins on borrowers' telephone systems.
345-48; April 1970 (deletion)	Remove from appendix A as obsolete the REA bulletin describing Agency specification for buried distribution wires on borrowers' telephone systems.
383-4; November 1974 (replacing June 1971)	REA requirements and procedures for postloan engineering design data on construction proposed by REA telephone borrowers.

Dated: March 19, 1975.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc. 75-7868 Filed 3-25-75; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Clarifying Amendment; Adjustments to Crude Oil Costs Under Old Oil Allocation Program

The Federal Energy Administration hereby amends, effective immediately, the provisions of the Mandatory Petroleum Allocation Regulations which prescribe how revenues from sales of entitlements under the old oil allocation program are to be reflected in adjustments to crude oil costs (10 CFR 211.67(1)). This amendment is to clarify and make explicit an alternative method for reflecting sales revenues from entitlements, when entitlements have been issued for crude oil processed by a refiner for the account of a person who is not a refiner.

Under the old oil allocation program, refiners are issued entitlements on the basis of the total volume of their crude oil runs to stills, including any crude oil processed for the account of a person other than a refiner (a "non-refiner"). Thus, a refiner is required to include in its crude oil receipts all crude oil processed for the account of a non-refiner, whether it is imported crude oil or domestic "old" crude oil, and is issued entitlements or required to purchase entitlements accordingly. Under § 211.67(k), non-refiners are required to certify to the refiner, within 20 days following the month in which the crude oil was delivered for processing, the volume of old crude oil so delivered. Thus, for example, where no old crude oil is included in the crude oil supplied by a non-refiner to a refiner for processing, the refiner would be issued and able to sell entitlements with respect to such crude oil so processed. In its formulation of the entitlements program, FEA did not intend to foreclose the possibility of refiners passing on the benefits of such entitlements to non-refiners, thereby allowing non-refiners indirectly to participate in the benefits of the old oil allocation program.

However, the regulations do not expressly permit this to take place. The current § 211.67(d)(1)(ii), which provides for the application of entitlement sales revenues by refiners to reduce their crude oil costs, does not distinguish as to whether the entitlements were issued with respect to crude oil runs for the refiner's own account or for the account of a non-refiner, and does not expressly permit entitlement sales revenues related to crude oil refined for non-refiners to be passed on to such non-refiners.

Thus, refiners may be constrained by the present language of § 211.67(d)(1)(ii) from passing on to non-refiners entitlement revenues related to crude oil refined under processing agreements with those non-refiners. Accordingly, in keeping with the basic aim of the program generally to assist in maintaining the competitive viability of all domestic refiners and marketers, the language of § 211.67(d)(1)(ii) is being modified, so

as not to require a crude oil cost reduction for entitlement revenues accruing to a refiner, to the extent these revenues result from entitlements issued for crude oil refined under a processing agreement and are passed on to a non-refiner.

Section 211.67(d)(1)(ii) is therefore amended to make explicit that, to the extent such sales revenues (net of the value of any entitlements required for any old oil processed for the account of a non-refiner) are passed on to the non-refiner, they do not also have to be subtracted from the refiner's total cost of crude petroleum purchased or landed in a month. It should be noted in this regard that under the Mandatory Petroleum Price Regulations, 10 CFR Part 212, a firm which owns crude oil that is refined for that firm under a processing agreement is a "refiner," as defined in § 212.31, and any entitlement sales revenues passed on to such a firm under this modification of § 211.67(d)(1)(ii) would constitute a reduction in its crude oil costs.

FEA has concluded that this clarifying amendment must be made effective immediately and prior to opportunity for comment, because of the need to prevent an inadvertent provision of the regulations from unduly restricting the application of benefits from the sales of entitlements. The immediate effectiveness of this clarification is necessary so that sales revenues from March entitlement transactions may be passed on to non-refiners, in order to assist in the effective functioning of the program to allocate old oil and its objective of reducing crude oil cost disparities.

Accordingly, the provisions of section 7(d)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), with respect to prior notice and opportunity for comment, are hereby waived upon a finding that strict compliance therewith would cause serious harm and injury to the public welfare.

The review provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation, which requires immediate action. FEA is submitting the text of this clarifying amendment concurrently with its issuance to the Environmental Protection Agency for its review.

Comments will be received on this amendment and a public hearing will be held, however. Although comments regarding any aspect of the amendment issued today will be accepted, comments are particularly solicited on the following issues:

Should the provision permitting a refiner to use the sale revenues from entitlements issued for crude oil processed for a person other than a refiner to reduce the obligation of the non-refiner under a processing agreement be made mandatory?

Should a provision be adopted which would require a person other than a refiner to absorb part or all of the cost of any entitlements required to be purchased by the refiner for old crude oil

processed by the refiner for the non-refiner?

Because this amendment is being issued to be effective immediately, an opportunity for oral presentation of views is not possible prior to the implementation of this amendment. A public hearing, however, will be held beginning at 9:30 a.m., on Thursday, April 10, 1975 at 2000 M Street NW., Room 2105, Washington, D.C., to receive comments from interested persons. The hearing will be continued through Friday, April 11, 1975, if necessary. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., Friday, April 4, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of the group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Thursday, April 10, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., Monday, April 7, 1975 and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 2214, 2000 M Street NW., Washington, D.C., 20461, before 4:30 p.m., e.d.t., Wednesday, April 9, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.d.t., Wednesday, April 9, 1975. Any person who makes an oral statement and who wishes to ask a ques-

tion at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to this clarifying amendment to Executive Communications, Federal Energy Administration, Box CC, Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Adjustments to Product Costs for Old Oil Allocation." Fifteen copies should be submitted. All comments received by Tuesday, April 8, 1975, and all relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, as amended, P.L. 93-159, as amended by P.L. 93-511; Federal Energy Administration Act of 1974, P.L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., March 21, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.67 is amended in paragraphs (d)(1)(ii) to read as follows:

§ 211.67 Allocation of old oil.

(i) *Adjustments to crude oil costs.* (1) *Computations.* * * *

(ii) *Entitlements sold.* The sales revenues from entitlements sold in a particular month pursuant to this section by refiners shall be subtracted from the cost of crude oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of

calculating the increased costs to be applied to all product prices in the following month under the "A" factor of the general formulae of § 212.83(c)(2) of this chapter): *Provided*, That, to the extent that the sales revenues from entitlements which are issued for volumes of crude oil processed by a refiner for a firm other than that refiner pursuant to a processing agreement are used to reduce the processing fee otherwise payable by that firm under the processing agreement, or are otherwise passed on to that firm, such sales revenues shall not be subtracted by that refiner from its cost of crude petroleum purchased or landed in that month, but shall be subtracted from the cost of crude oil purchased or landed in that month by the firm to which the entitlement sales revenues are passed on pursuant to this paragraph.

[FR Doc.75-7886 Filed 3-25-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities of Bank Holding Companies; Correction

FR Doc. 74-7017, appearing on page 11255 of the issue for Wednesday, March 27, 1974 incorrectly stated that the amendments to § 225.4(a) superseded 12 CFR 225.123. The amendments superseded only paragraph (d) of § 225.123.

By order of the Board of Governors, March 20, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-7990 Filed 3-25-75;8:45 am]

Title 19—Customs Duties

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

[T.D. 75-64]

PART 1—GENERAL PROVISIONS

Wilkes-Barre/Scranton, Pennsylvania; Port of Entry

On December 18, 1974, a notice of a proposal to designate Wilkes-Barre/Scranton, Pennsylvania, as a Customs port of entry in the Philadelphia, Pennsylvania, Customs district (Region III) was published in the FEDERAL REGISTER (39 FR 43727). One comment endorsing the proposal was received from the public. No unfavorable comments were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Depart-

ment Order No. 190, Rev. 10 (40 FR 2216), Wilkes-Barre/Scranton, Pennsylvania, is hereby designated a Customs port of entry in the Philadelphia, Pennsylvania, Customs district (Region III).

The geographical limits of the Wilkes-Barre/Scranton port of entry shall include all of the area which is within the counties of Lackawanna, Luzerne, and Monroe in the State of Pennsylvania.

To reflect this change, the table in § 1.2(c) of the Customs regulations (19 CFR 1.2(c)) is amended by inserting "Wilkes-Barre/Scranton, Pa. (including the territory described in T.D. 75-64)" directly below "Pittsburgh, Pa." in the column headed "Ports of entry" in the Philadelphia, Pennsylvania, Customs district (Region III).

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

Dated: March 14, 1975.

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

[FR Doc.75-7856 Filed 3-25-75;8:45 am]

[T.D. 75-65]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Package Seals on Airline Liquor Kits

On August 27, 1974, there was published in the FEDERAL REGISTER (39 FR 30934), a notice of a proposed amendment to paragraphs (b), (c), and (d) of § 24.13 of the Customs Regulations (19 CFR 24.13 (b), (c), (d)) to allow seals for use on airline liquor kits to be ordered for use at more than one port, and to exempt such seals from the general requirement that they be imprinted with the name of the port for which they were ordered.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposed amendment to the regulations. One favorable comment was received, and no changes in the proposed amendment were deemed necessary.

Accordingly, § 24.13 of the Customs Regulations (19 CFR 24.13) is amended as set forth below.

Effective date. This amendment shall become effective April 25, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: March 14, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

The sixth sentence of paragraph (b), and paragraphs (c) and (d) of § 24.13 are amended to read as follows:

§ 24.13 Car, compartment, and package seals; kind, procurement.

(b) * * *. All seals (except uncolored in-transit seals on containers of commercial traveler's samples and seals for

use on airline liquor kits) shall be stamped with the name of the port for which they are ordered. * * *

(c) Carriers of merchandise or their commercial associations or comparable representatives approved by the district director of Customs (see paragraph (f) of this section) shall purchase quantity supplies of in-bond and in-transit seals from approved manufacturers of seals (see § 24.13a of this chapter). The order shall be prepared by the purchaser and, except as hereinafter noted, shall be confined to seals for use at one port and shall specify the kind and quantity of seals desired, the name of the port at which they are to be used, and the name and address of the consignee to whom they are to be shipped. Seals for use on airline liquor kits need not specify the name of the port at which they are to be used, and orders for such seals need not be confined to seals for use at one port. Carriers may purchase small emergency supplies of in-bond and in-transit seals from district directors, who will keep a supply of such seals for this purpose. An order for green or uncolored in-transit seals shall be submitted to the office of the Director of Customs-Excise Inspection, Ottawa, Canada, for approval and forwarding to the manufacturer. An order for green strap in-bond seals for use on railroad cars must stipulate that the seals are to be consigned to the collector of customs and excise in Canada at the port indicated on the seals for entry purposes and storage under customs lock and key.

(d) The manufacturer shall ship the seals to the consignee named in the order and shall advise the district director for the Customs district to which the seals are shipped as to the kind and quantity of seals shipped, the name of the port (where required), serial numbers, and symbol number (where required) stamped thereon, the name and address of the consignee, and the date of shipment.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 501, 65 Stat. 290 (19 U.S.C. 66, 1624, 31 U.S.C. 483a))

[FR Doc.75-7857 Filed 3-25-75;8:45 am]

Title 25—Indians

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

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Irrigation Project

On page 6360 of the FEDERAL REGISTER of Tuesday, February 11, 1975, there was published a notice of intention to amend § 221.16 and § 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1975 and thereafter until further notice.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of \$4.87 per acre, for the season of 1975 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and twelve cents (\$3.12) per acre foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Division.

(a) (1) An annual minimum charge of \$4.57 per acre, for the season of 1975 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of pro rata per acre share of the available water up to one and one-tenth acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and six cents (\$3.06) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of \$6.00 per acre, for the season of 1975 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of four dollars (\$4.00) per acre foot or fraction thereof.

GEORGE L. MOON,
Project Engineer.

[FR Doc.75-7841 Filed 3-25-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Uintah Indian Irrigation Project, Utah; Basic Water Charges

On page 43727 of the FEDERAL REGISTER of December 18, 1974, there was pub-

lished a notice of intention to modify § 221.77 of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against lands of the Uintah Indian Irrigation Project, Utah.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. As a result of comments received public hearings were held in the area affected. After consideration of all factors the proposed rate increase has been reduced from \$1.49 per acre per year to \$0.50 per acre per year and the revision so providing is hereby adopted and is set forth below.

Section 221.77 is revised to read as follows:

§ 221.77 Basic water charges.

Pursuant to the provisions of the Acts of June 21, 1906 (34 Stat. 375), and March 7, 1928 (45 Stat. 210, 25 U.S.C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per-acre basis against the irrigable lands of all units of the project, and for the calendar year 1975 and each succeeding year unless changed by further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of \$4.50 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than \$5.00.

Under authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230-DM-1 and redelegated by the Commissioner to the area Directors in 10-BIAM-3. The authority to issue regulations is vested in the Secretary of the Interior by the sections 161.463 and 465 of the revised statute (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Effective: March 26, 1975.

JOHN ARTICHOKE,
Area Director.

[FR Doc.75-6902 Filed 3-14-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DELETION OF OBSOLETE PROVISIONS

The Administrator of Veterans' Affairs amends § 3.261 of Title 38, Code of Federal Regulations, to delete obsolete provisions relating to computation of income in determining eligibility for benefits administered by the Veterans Administration.

Prior to this amendment § 3.261(a) (20) provided that payments of death gratuity under Pub. L. 89-214 (79 Stat. 880) will be included in computing income of claimants for parents' dependency and indemnity compensation and current law pension but excluded in computing income of dependent parents and claimants for old law pension.

The time limit for filing claims for the death gratuity under Pub. L. 89-214 expired on November 2, 1967. The filing of a valid claim for this benefit is now precluded and no further benefits are payable under this Act. Therefore, the provisions in § 3.261 relating to the death gratuity are obsolete.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose since the amendment is editorial in nature and does not effect any change in benefits.

In § 3.261, paragraph (a) (20) is revised to read as follows:

§ 3.261 Character of income; exclusions and estates.

• • • • •

	Dependency and Indemnity compensation (parents)	Dependency and Indemnity compensation (parents)	Pension: protected (veterans, widows, and children)	Pension: Public Law 86-211 (veterans, widows, and children)	See—
(a) Income:	•••	•••	•••	•••	•••
(20) Veterans' Administration payments:					
Pension.....	Excluded	Excluded	Excluded	Excluded	
Compensation and dependency and indemnity compensation.....	do	do	do	do	
World War I adjusted compensation.....	do	Included	do	Included	
U.S. Government life insurance or National Service life insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends.....	do	Excluded	do	Excluded	
Servicemen's group life insurance.....	do	do	do	do	
Servicemen's indemnity.....	do	do	do	do	
Subsistence allowance (35 U.S.C. ch. 31).....	Included	Included	Included	Included	

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows, and children)	Pension; Public Law 86-211 (veterans, widows, and children)	See—
(a) Veterans educational assistance in excess of amounts expended for training (38 U.S.C. ch. 34).	do	do	do	do	
Educational assistance (38 U.S.C. ch. 35).			Excluded	Excluded	
Special allowance under 38 U.S.C. 412(a).	Excluded	Included	do	Included	
Statutory burial allowance.	do	Excluded	do	Excluded	
Accrued.	do	Included, except accrued as reimbursement.	do	Included, except accrued as reimbursement.	
***	***	***	***	***	***

Effective date. This VA Regulation is effective March 19, 1975.

Approved: March 19, 1975.

By direction of the Administrator.

[SEAL]

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-7731 Filed 3-25-75; 8:45 am]

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY
SUBCHAPTER C—AIR PROGRAMS
[FRL 329-9]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Nevada Indirect Source Regulations

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420 regulations for the preparation, adoption, and submittal of state implementation plans under section 110 of the Clean Air Act, as amended. These regulations were republished on November 25, 1971 (36 FR 22369), as 40 CFR Part 51.

On April 18, 1973 (38 FR 9599), the Administrator proposed amendments to the November 25, 1971 regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations. The amended regulations were to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources (consideration of which was already required by 40 CFR Part 51), but also of pollution arising from mobile source activity associated with buildings, facilities, and installations.

On June 18, 1973 (38 FR 15834), the Administrator promulgated regulations as a part of 40 CFR Part 51 which required that the states adopt, submit, and implement legally enforceable regulations and administrative procedures for the review of indirect sources (sources which affect air quality because of emissions arising from associated mobile source activity).

On October 30, 1973 (38 FR 29893), the Administrator proposed regulations for the review of indirect sources for those states which did not submit regulations

or whose regulations should not be approved.

On February 25, 1974 (39 FR 7270), the Administrator promulgated regulations for the federal review of indirect sources (40 CFR 52.22, Maintenance of National Standards) and also stated that the requirements of § 51.18 had not been met for the State of Nevada since the State failed to submit a plan for review of new or modified indirect sources (40 CFR 52.1478(c)). The Administrator incorporated the provisions of § 52.22(b) by reference and made them a part of the applicable implementation plan for the State of Nevada (§ 52.1478(d)).

On April 1, 1974 Governor O'Callaghan of the State of Nevada submitted to the Administrator regulations for the review of indirect sources (called complex sources by the State of Nevada). These regulations had been adopted by the Nevada State Environmental Commission on February 25, 1974 and were made effective on March 27, 1974.

On August 1, 1974 (39 FR 27811), the Administrator acknowledged receipt of the revised State of Nevada Air Quality Regulations as an implementation plan revision and requested public comment on the portions pertaining to the review of indirect sources.

On September 12, 1974 the Environmental Protection Agency, Region IX Office provided the State of Nevada with its evaluation of the plan revision concerning indirect source review. The evaluation suggested several minor changes to the State complex source regulations and administrative procedures and also suggested that a new public hearing would not be necessary because the deficiencies identified were of a non-substantive and procedural nature. The same evaluation was incorporated into the record of the Nevada State Environmental Commission public hearing held on September 20, 1974. All of the deficiencies in the regulations were corrected by Commission adoption at the hearing.

On November 5, 1974 Governor O'Callaghan submitted a letter to the Administrator which served to transmit an implementation plan revision with the quarterly report submitted by the State Department of Human Resources on November 12, 1974. The revision contained the revised provisions of the State's complex source regulations as indicated by the Governor's letter.

On December 11, 1974 the Governor's representative submitted to the Administrator supplemental information on the administrative procedures for notifying responsible agencies of the State's intent to approve or disapprove each complex source application.

The Administrator of EPA acknowledged receipt of the Nevada regulation and asked for public comment on it in the August 1, 1974 FEDERAL REGISTER. EPA has received no comments to date in response to this request. The non-substantive and procedural changes submitted to the Administrator on November 12, 1974 (under the cover letter dated November 5, 1974) and on December 11, 1974 are acknowledged in this FEDERAL REGISTER. Because of the minor nature of the November and December submittals and the fact that no comments were received on the substantive portion of the State regulations (submitted on April 1, 1974), the Administrator finds good cause exists not to subject the minor changes to public comment. Avoiding duplication of effort between the Federal and State reviews, resulting in conservation of public resources, and avoiding delays resulting from confusion on the part of the applicant are also held as good cause for the Administrator's immediate action on this regulation. Thus, the Administrator, (1) finds that the Nevada Air Quality Regulations and administrative procedures comply with the federal requirements, (2) approves the Nevada complex source review regulations and (3) revokes the previous disapproval and Federal promulgation without further delay. This approval is effective on March 26, 1975.

The Administrator finds good cause to make this rulemaking effective immediately as the indirect source regulations are already in effect under Nevada State law and EPA's approval imposes no additional regulatory burdens.

(Sec. 110(a)(2)(B), Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(b))

Dated: March 19, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972, January 19, 1973, April

1, 1974 (Article 13 of the State of Nevada Air Quality Regulations for the review of complex sources, as amended and resubmitted on November 12, 1974. Administrative procedure submitted December 11, 1974), and June 14, 1974 (revisions to "Article 4—Visible Emissions from Stationary Sources").

§ 52.1478 [Amended]

2. In § 52.1478; paragraphs (c) and (d) are revoked.

[FR Doc.75-7742 Filed 3-25-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 2, Amdt. 7-9]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Urban Mass Transportation Administration

The purpose of this amendment is to correct § 7.5 of Part 7 by adding the Urban Mass Transportation Administration to the definition of the Department. This Administration was inadvertently omitted from the definition as first published.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure therein are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 7 of title 49, Code of Federal Regulations, is amended as follows:

Section 7.5 is amended to include paragraph (f) after (e) in the definition of "Department", to read as follows:

§ 7.5 Definitions.

(f) The Urban Mass Transportation Administration.

(Sec. 9, Department of Transportation Act, (49 U.S.C. 1657); § 1.59(m) of the Regulations of the Office of the Secretary of Transportation, (49 CFR 1.59(m)))

Effective date. This amendment is effective March 26, 1975.

Issued in Washington, D.C., on March 20, 1975.

RODNEY E. EYSTER,
General Counsel.

[FR Doc.75-7763 Filed 3-25-75;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 THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Substantially Disproportionate Redemption of Stock

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 28, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by April 28, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 302 of the Internal Revenue Code of 1954 relating to substantially disproportionate redemption of stock.

The purpose of the proposed amendment is to make it clear that treasury stock or unissued stock, if subject to an option and considered as owned under section 318(a)(4) of the Internal Revenue Code, is taken into account under section 302(b)(2) of the Internal Revenue Code.

enue Code, is taken into account under section 302(b)(2) of the Internal Revenue Code.

Proposed amendments to the regulations. Section 1.302-3(a) of the Income Tax Regulations (26 CFR Part 1) is amended by adding, immediately after the second sentence of that portion which follows subparagraph (3), the following new sentence:

§ 1.302-3 Substantially disproportionate redemption.

(a) * * *

* * * However, the requirements under section 302(b)(2) shall be applied with respect to treasury stock or unissued stock if such stock is considered as owned under section 318(a)(4) (relating to options). * * *

[FR Doc.75-7887 Filed 3-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Indian Affairs Bureau

[43 CFR Part 4]

ALASKA NATIVE CLAIMS BOARD

Hearings and Appeals Procedures

The Department of the Interior is considering an amendment to § 4.1 of Part 4 of 43 CFR that would establish the Alaska Native Claims Appeal Board as a board within the Office of Hearings and Appeals.

Under present organization the Alaska Native Claims Appeal Board is not part of any office. Under the proposed organization the Alaska Native Claims Appeal Board will be an appeal board within the Office of Hearings and Appeals. With two exceptions, the Board will decide finally for the Department appeals to the Secretary of Departmental decisions under the Alaska Native Claims Settlement Act. The Board shall not consider appeals relating to the enrollment of Alaska Natives, which are the subject of separate regulations. Village eligibility hearings were completed under the present regulations which provided that the Board decision would not be final until personally approved by the Secretary. If additional proceedings to determine village eligibility are required, the existing procedure of requiring personal approval by the Secretary would be retained.

It is hereby determined that the publication of this rule making is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), is required. This conclusion has been reached on the

basis that these regulations merely establish internal organization and procedures for the orderly assertion and protection of existing rights and relationships, and do not attempt to alter existing relationships between men and their environment.

Interested persons are invited to submit comments on these proposed regulations on or before April 25, 1975. All comments should be addressed to the Office of the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240.

In consideration of the foregoing, it is proposed to amend Subtitle A of Title 43 Code of Federal Regulations, Part 4, as follows:

Section 4.1 of Title 43 CFR is amended by redesignating subparagraph (5) as subparagraph (6). Section 4.1 is further amended by adding a new subparagraph (5), reading as follows:

§ 4.1 Scope of authority; applicable regulations.

(5) *Alaska Native Claims Appeal Board.* The Board considers and decides finally for the Department appeals to the head of the Department from findings of fact or decisions rendered by Departmental officials on matters arising under the Alaska Native Claims Settlement Act (85 Stat. 688), and orders and conducts hearings as necessary; except, the Board shall not consider appeals relating to enrollment of Alaska Natives; and with respect to appeals from Departmental decisions on village eligibility under section 11(b) of the Act, decisions of the Board shall be submitted to the Secretary for his personal approval before becoming final. Special regulations applicable to proceedings before the Board are contained in Subpart 2655 of this title.

(R.S. 2478, as amended, 43 U.S.C. sec. 1201, unless otherwise noted)

Dated: March 20, 1975.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.75-7846 Filed 3-25-75;8:45 am]

[43 CFR Part 2650]

ALASKA NATIVE SELECTIONS

Procedures for Consideration of Appeals

These regulations are proposed for the purpose of amending certain sections of the existing regulations in 43 CFR Part 2650 relating to Alaska Native Selections, and for the purpose of adding a new

Subpart 2655 thereto, providing procedures for the consideration of appeals to the Secretary of the Interior under the authority of the Alaska Native Claims Settlement Act, 43 U.S.C. 1601-1624 (Supp. II, 1972).

The proposed amendments to §§ 2650.8 and 2651.2 delete the reference to the "ad hoc Board" to be appointed by the Secretary, since the Board has now been appointed by the Secretary, has adopted the name "Alaska Native Claims Appeal Board" and has established an office in the State of Alaska. Other amendments to these sections revise the reference to governing procedures by referring to the new Subpart 2655 in lieu of reference to Part 4 of Subpart G of Title 43, and revise other references to procedures which are covered in the new Subpart 2655.

The proposed Subpart 2655, which is to be added to Part 2650, provides procedures for the filing, consideration, and final decision by the Alaska Native Claims Appeal Board on behalf of the Secretary of the Interior, of appeals to the Secretary from decisions of other officers of the Department under the Alaska Native Claims Settlement Act.

It is hereby determined that the publication of this rule making is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), is required. This conclusion has been reached on the basis that these regulations merely establish procedures for the orderly assertion and protection of existing rights and relationships, and do not attempt to alter existing relationships between men and their environment.

Interested persons are invited to submit comments on these proposed regulations on or before April 25, 1975. All comments should be addressed to the Office of the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240.

In consideration of the foregoing, it is proposed to amend Part 2650 of Chapter II, Title 43 of the Code of Federal Regulations, as follows:

1. Section 2650.0-7(d) is revised to read:

§ 2650.0-7 References.

(d) Appeals procedures are contained in Subpart 2655 of this chapter.

2. Section 2650.3-1 is amended by adding paragraph (d) as follows:

§ 2650.3-1 Lawful entries and lawful settlements.

(d) For purposes of land selection, and the requirement that all conveyance under the Act be subject to lawful entries and settlements, it shall be assumed that any entry or settlement is lawful until either the Bureau of Land Management determines it to be invalid and the decli-

sion is not appealed or the Interior Board of Land Appeals determines it to be invalid.

3. Section 2650.3-2(a) is revised to read as follows:

§ 2650.3-2 Mining claims.

(a) *Possessory rights.* Pursuant to section 22(c) of the act, on any lands to be conveyed to village or regional corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location, including millsites, under the general mining laws and recorded notice thereof with the appropriate State or local office, shall not be challenged by the United States as to his possessory rights, if all requirements of the general mining laws are met. However, the validity of any unpatented mining claim may be contested by the United States, the grantee of the United States or its successor in interest, or by any person who may initiate a private contest. Contest proceedings and appeals therefrom shall be to the Interior Board of Land Appeals.

4. Section 2650.8 is revised to read as follows:

§ 2650.8 Appeals.

Any decision relating to a land selection shall become final unless appealed to the Alaska Native Claims Appeal Board by a person entitled to appeal, under, and in accordance with, Part 2655 of this chapter.

5. Section 2651.2(a) is amended by revising the last sentence of subparagraph (4) and the entire subparagraph (5) to read as follows:

§ 2651.2 Eligibility requirements.

(4) * * * Such decision shall become final unless appealed to the Secretary by notice filed with the Alaska Native Claims Appeals Board within 30 days of its publication in the FEDERAL REGISTER.

(5) *Action on appeals.* Appeals shall be made to the Alaska Native Claims Appeal Board in accordance with Subpart 2655 of this chapter. Decisions of the Board on village eligibility appeals are not final until personally approved by the Secretary.

6. In Chapter II of Title 43 of the Code of Federal Regulations, Part 2650 is amended by adding a new Subpart 2655 as follows:

Subpart 2655—Procedures for Appeals to the Alaska Native Claims Appeal Board

Sec.	References.
2655.0-7	References.
2655.1	Appeals; general.
2655.2	Who may appeal.
2655.3	Appeals; how taken.
2655.4	Answers.
2655.5	Summary dismissal.
2655.6	Transmittal of administrative record.
2655.7	Pleadings.
2655.8	Service.
2655.9	Amicus curiae; intervenors; joinder.

Sec.	Appearances; practice.
2655.10	Appearances; practice.
2655.11	Proceedings.
2655.12	Formal settlement conference.
2655.13	Witnesses.

Subpart 2655—Procedures for Appeals to the Alaska Native Claims Appeal Board

§ 2655.0-7 References.

General appeals procedures are contained in Part 4 of this title.

§ 2655.1 Appeals; general.

(a) Unless otherwise provided, appeals to the Secretary under the Act shall be to the Alaska Native Claims Appeal Board. The Alaska Native Claims Appeal Board shall be personally appointed by the Secretary. At least one member of the Board shall be familiar with Native village life. Among those otherwise qualified to serve on the Board, preference will be given to those familiar with Native village life. The Board is authorized to decide finally for the Secretary appeals under the Act, except appeals from decisions on village eligibility shall be personally approved by the Secretary.

(b) All hearings held in connection with appeals to the Alaska Native Claims Appeal Board shall be conducted within the State of Alaska. The Alaska Native Claims Appeal Board has its headquarters within the State of Alaska. The mailing address of the Board is: U.S. Department of the Interior, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510.

(c) Where the Alaska Native Claims Appeal Board determines that one or more issues raised on an appeal fall within the jurisdiction of another Appeals Board of the Department, it shall certify the record or a part thereof to the Board having jurisdiction, or to the Secretary, for determination. When the Alaska Native Claims Appeal Board certifies the record to another Board of the Department, or to the Secretary, the appeal to such other board or the Secretary shall be deemed timely filed if the appeal was properly filed in accordance with the Act and this subpart. Upon completion of consideration of the questions referred from the Alaska Native Claims Appeal Board, the record and determination of such other Board or the Secretary shall be certified to the Alaska Native Claims Appeal Board.

§ 2655.2 Who may appeal.

Any party with a property interest in land affected by a determination from which an appeal to the Alaska Native Claims Appeal Board is allowed, or the Federal Government, may appeal as provided in this subpart. However, a regional corporation shall have the right of appeal in any case involving land selections.

§ 2655.3 Appeals; how taken.

(a) *Notice of appeal.* Appellant shall file a written notice of appeal, signed by him or his authorized representative, with the Alaska Native Claims Appeal Board within 30 days after the date of receipt of the decision by appellant, or if

publication of the decision in the FEDERAL REGISTER is made, within 30 days after publication of the decision in the FEDERAL REGISTER, whichever shall occur first: *Provided*, That, with respect to any decision on an application for conveyance of a primary place of residence which was received by the applicant or published in the FEDERAL REGISTER prior to the effective date of this subpart, appellant shall have 45 days from the effective date of this subpart in which to file a notice of appeal.

(1) *Contents of notice of appeal.* The notice of appeal shall indicate that an appeal is thereby intended, and identify the decision being appealed; the notice of appeal should indicate the decision being appealed by the serial number and date of the decision.

(2) *Service of notice of appeal.* Copies of the notice of appeal and any accompanying documents shall be served upon the Alaska Native Claims Appeal Board, the Departmental officer whose action or decision is being appealed, all persons named as parties in the decision being appealed, and such other persons as the Board may order.

(3) *Certificate of service.* A certificate stating the names and addresses of all persons served with a copy of the notice of appeal shall be filed with the Board within 15 days after the notice of appeal is filed, or within such other time as the Board may order.

(b) *Statement of reasons and interest affected.* (1) If the notice of appeal did not include a statement of the reasons for the appeal, such a statement shall be filed with the Board within 30 days after the notice of appeal was filed. In any case, the appellant will be permitted to file with the Board additional statements of reasons and written arguments or briefs within the 30-day period after filing the notice of appeal.

(2) Within 30 days after filing of the notice of appeal, the appellant shall file with the Board, a statement of facts upon which the appellant relies for standing under § 2655.2. The statement of the appellant's standing may be filed as a separate document, or may be included with the statement of reasons, written arguments or briefs filed pursuant to paragraph (b) (1) of this section.

§ 2655.4 Answers.

If any party served with a notice of appeal wishes to participate in the proceedings on appeal, he must file an answer within 30 days after service on him of the notice of appeal or statement of reasons where such statement was not included in the notice of appeal. If additional reasons, written arguments or briefs are filed by the appellant, the adverse party shall have 30 days after service thereof within which to answer. The answer must state the reasons the adverse party opposes the appeal.

§ 2655.5 Summary dismissal.

An appeal may, in the discretion of the Board, be dismissed for failure to file or serve, upon all persons required to be served, a notice of appeal, statement of

reasons or of standing as required by § 2655.3.

§ 2655.6 Transmittal of administrative record.

Within 10 days after receipt of a copy of the notice of appeal, the officer whose decision is appealed shall transmit a certified copy of the administrative record to the Alaska Native Claims Appeal Board. Such record will be available for inspection and copying in the Board's office.

§ 2655.7 Pleadings.

(a) In addition to pleadings filed pursuant to §§ 2655.3 and 2655.4, additional briefs may be filed with the consent of the Board, subject to such conditions as the Board may impose. The Board may, upon request and for good cause shown, grant extensions of time for filing briefs.

(b) Briefs shall state clearly and concisely the issues in dispute.

§ 2655.8 Service.

(a) Copies of all briefs, statements of reason for appeal and interest affected, and other documents filed with the Board shall be served upon all parties to the proceeding, and such other persons as the Board may order.

(b) Except as provided in § 2655.3(a) (3), with respect to the notice of appeal, briefs and other documents filed with the Board shall contain a certificate stating the names of all persons served with copies.

(c) Whenever the regulations in this subpart require that a document be served upon a person, service may be made by personal delivery or by mailing the document first-class or by registered or certified mail, return receipt requested, to his address of record.

(d) Service may be proved by an acknowledgment of the person served, or by a certificate of service, stating the time and manner of service, signed by the person making service. No default will be entered without proof of actual service, or satisfactory proof of inability to serve.

(e) When a party is represented by an attorney, such attorney will be recognized as responsible for the case on behalf of his client and service of all briefs and other documents filed with the Board shall be made upon the attorney. The requirement of service of any document relating to the proceeding on such party may be fully satisfied by making service upon such attorney, unless otherwise specifically required by law, rule, order, or regulation of the Alaska Native Claims Appeal Board. When a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(f) Whenever a time period commences after service is made, for purposes of computing the time period, service shall be deemed to have been made on the date personal service was made, or, if service was made by first-class mail, on the date of posting, or if service was made by registered mail, on the date of receipt at the address of record.

§ 2655.9 Amicus curiae; intervenors; joinder.

(a) A brief of an amicus curiae may be filed with the Board. Copies of amicus curiae briefs shall be served upon all parties to the proceeding and a certificate of service must be filed in accordance with § 2655.8. Any person filing an amicus brief shall not be considered a party to the proceeding for purposes of this subpart.

(b) Any person may petition the Board to intervene in an appeal. Upon a proper showing of interest under § 2655.2, such person may be recognized as an intervenor in the appeal.

(c) The Board may require the joinder of any person whose participation is deemed essential to the final determination of an appeal.

(d) Any motion seeking intervention or joinder shall be served on all parties to the proceeding, and a certificate of service must be filed in accordance with § 2655.8.

§ 2655.10 Appearances; practice.

(a) *Representation; generally.* Appearance and representation before the Board shall be governed generally by the applicable provisions in Part 1 of Subtitle A of this title, which regulates practice before the Department of the Interior.

(b) *Practice and procedure.* When not in conflict with this subpart, the provisions in Part 4, Subparts A and B of this title shall be applicable.

§ 2655.11 Proceedings.

(a) *Consolidation and separation.* Under appropriate circumstances, the Board may consolidate several appeals, or separate a single appeal into component parts, each of which may be processed as a separate appeal.

(b) *Conferences.* When orderly and equitable processing of the appeal will be furthered, the Board may hold conferences with the parties.

(c) *Hearings.* Any hearing on an appeal may be conducted by the Board or a member or members thereof, or may be conducted by an Administrative Law Judge of the Office of Hearings and Appeals, pursuant to an order by the Board.

(d) *Copy requirements.* Unless otherwise provided in this subpart or by order of the Board, an original and one copy of all documents should be filed with the Board. All documents must be legible.

(e) *Official file.* The Board shall maintain one official file constituting the entire record of each appeal before the Board. No document shall be removed from the official file. The official file shall be available in the Board's office for inspection and copying.

§ 2655.12 Formal settlement conferences.

(a) Upon motion of a party or upon its own motion, the Board may, in its discretion, order a formal settlement conference. A formal settlement conference shall be attended by all parties to the appeal, or by authorized representatives of the parties. The formal settlement conference may be conducted by a moderator, who may be a member of the Board.

(b) When the formal settlement conference is conducted by a moderator, the moderator shall file a written report with the Board at the conclusion of the conference. The moderator's report shall identify the parties and representatives of parties who attended the formal settlement conference, the agreements reached, and other matters concluded at the conference. All parties shall be served with a copy of the moderator's report. Parties shall have 30 days from the date of service in which to file with the moderator exceptions to the moderator's report. The moderator's report, with exceptions noted, shall be included in the hearing record and shall be binding upon all parties to the appeal, when accepted by the Board.

(c) The Board shall rule on exceptions and accept or reject the moderator's report by notice thereof to all parties, together with any orders appropriate for implementation of such report, which may include (1) an order entering the default of any party not in attendance, or represented, at the formal settlement conference, and (2) a final decision or other order disposing of the appeal, in whole or in part.

(d) This section does not preclude or prohibit informal settlement conferences between the parties.

(e) A summary of this section shall accompany or be included in any order setting a formal settlement conference.
§ 2655.13 Witnesses.

(a) It is the responsibility of the parties to produce those persons whose testimony will support their respective positions at the times and places established for evidentiary hearings, and to keep such witnesses available so long as may be necessary for the reception of their testimony. All employees of the Department of Interior requested by the Board or any Administrative Law Judge to testify before or furnish relevant information to the Board or the Administrative Law Judge shall comply with such request.

(b) If a witness fails to appear in spite of every reasonable effort to assure his appearance, the Board may allow secondary evidence to be submitted in lieu of the testimony of such witness; the weight to be attributed to such secondary evidence shall be within the discretion of the Board.

(Sec. 25, Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601-1634 (Supp. II, 1972); Administrative Procedure Act, 5 U.S.C. et seq)

Dated: March 20, 1975.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.75-7847 Filed 3-25-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 911, 915]

[Dockets Nos. AO-267-A8, AO-254-A7]

HANDLING OF LIMES AND AVOCADOS GROWN IN FLORIDA

Hearings Regarding Proposed Amendments of Marketing Agreements, as Amended, and Orders, as Amended

Correction

In FR Doc. 75-6753 appearing at page 11876 in the issue of Friday, March 14, 1975, in the fourth line of § 911.22(b) (2) on page 11877 the word "handler" should read "grower".

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-60]

AFFECTED CLASS AND BACK PAY GUIDELINES

Identification

The Department of Labor hereby proposes the following addition to 41 CFR 60-60 known as Revised Order No. 14, in order to clarify the means of identifying an affected class, methods of resolving affected class problems, and the principles applicable in awarding back-pay relief to identifiable victims of discrimination including affected class individuals.

The policies set forth in this proposal have been in effect for several years, but they previously have not been codified and spelled out with specificity. Interested persons are invited to comment upon the proposed amendment by submitting written data, views or arguments to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance, Room 5408, U.S. Department of Labor, Washington, D.C. 20210, on or before April 25, 1975.

In consideration of the foregoing, it is proposed to amend Part 60-60 of Title 41 of the Code of Federal Regulations, by adding a new Affected Class and Back Pay Guidelines as follows:

§ 60-60.9 Attachments.

The following formats are set out in full as they give detailed information as to procedures and requirements of value to contractors and compliance agencies.

AFFECTED CLASS AND BACK PAY GUIDELINES GUIDELINES FOR IDENTIFICATION AND RESOLUTION OF AFFECTED CLASS DISCRIMINATION AND FOR AWARDED BACK-PAY RELIEF

Purpose. Revised Order No. 4 at 41 CFR 60-21 requires that relief for members of an "affected class" shall be provided in the Conciliation Agreement entered into in the course of a compliance review under Revised Order No. 14 (see 41 CFR 60-60.6). The pur-

pose of these Guidelines is to provide guidance to contractors and compliance agencies as to OFCC policies regarding such relief for members of any affected class at supply and service contractor establishments.

These guidelines and the examples which follow in the Appendix are not intended to exhaust the subject of affected class problems and their resolution. Further guidance will be forthcoming on this subject as other problems are brought to the attention of OFCC. Agencies in need of additional guidance and assistance for individual cases should consult OFCC. The concepts contained herein constitute acceptable remedial relief; but because of the varying equal employment opportunity problems and employment structures of different employers and industries, the contents of the specific examples herein are illustrative only and should not preclude modifications or other alternatives, where appropriate.

I. Nature of the affected class problem—
A. Definition. An "Affected class" consists of persons who continue to suffer the present effects of past discrimination. An employee or group of employees may be members of an affected class when, because of discrimination based on race, religion, sex, or national origin, such employees, for example, were assigned initially to less desirable or lower paying jobs, were denied equal opportunity to advance to better paying or more desirable jobs, or were subject to layoff or displacement from their jobs. The discrimination which gives rise to the affected class may have taken place at any time in the past and may have pre-dated the effective date of Executive Orders 11246 and 11375. An employee remains a member of an affected class even though the employee may have transferred to other positions or advanced in the contractor's employment structure if the continuing effects of past discrimination have not been remedied. A remedy for affected class members who have not attained their "rightful place" in the contractor's employment structure shall be provided in any conciliation agreement or other disposition concluded with the contractor pursuant to Executive Order 11246, as amended.

B. Seniority provisions in collective bargaining agreements. The Office of Federal Contract Compliance, in determining affected classes and providing relief for affected class members, will follow the decisions rendered by the courts which treat affected class problems pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) to the extent that such decisions are not inconsistent with these guidelines. Seniority provisions in some collective bargaining agreements impede affected class movement as, for example, when the agreements require a transferee to lose job security or promotion rights as a condition of transfer. When a company is organized around job, unit, or departmental seniority for purposes of promotion, the long term employee who has transferred must use seniority acquired solely in the new job or department for purposes of advancement and demotion, and loses the advantage of long term seniority earned in the previous department. Where an affected class has been identified, it shall be appropriate to permit affected class employees the right to carry total plant seniority with them into the new department, irrespective of collective bargaining agreements, and to use such seniority in competition with others, for purposes of advancement and demotion.

Red circling of wages may also be appropriate where affected class members would otherwise suffer a reduction in pay upon transfer to a new department or line of progression. (Red circling is discussed in more detail below.)

C. White collar jobs. Affected classes also may exist among employees in white collar non-unionized positions. Usually in these categories advancement is based upon ability or informal training rather than seniority or progression lines. Often some employees are relegated to less desirable jobs in the same manner as they are in production departments. (See illustration No. 2 in the appendix.)

As in blue collar jobs, white collar affected class members must be afforded, as a minimum, the opportunity to transfer to vacancies in the more preferred jobs from which they have been excluded, subject to their qualification to perform those jobs. All such transfers must be made without loss of income, and red-circled rates apply just as they do in production departments.

Often white collar affected class members may not be immediately qualified for jobs at their "rightful place". Special training programs and other steps should be taken to assist them in acquiring those qualifications, such as opening up entrance to management intern programs from which they have been excluded. Intermediate jobs should be evaluated carefully so that the affected class members may bypass those not clearly in the learning process between current occupancy and rightful place.

Job security of transferring employees may be no less than it was prior to transfer where transfer is used as an affected class remedy.

D. Qualifications. The right of an affected class employee to transfer to a new job depends upon his or her ability to perform that job in a satisfactory manner. Minority or female affected class members should be permitted to transfer to formerly predominantly white or male departments if they meet employment standards used for white or male employees at the time the affected class member was hired. Some jobs to which affected class members seek to be promoted or to be transferred may require minimum legitimate qualifications in addition to seniority. Such minimum qualifications should be no higher with respect to members of the affected class than those required of the least acceptable qualified employee.

II. Other issues and refinements involving affected class—A. Seniority in transfer. Collective bargaining agreements frequently use seniority to determine successful applicants for transfer into entry level jobs of another department or unit. Jobs are often posted, and first filled from within the department, and if no qualified candidate is selected, then from the plant generally. When members of the affected class are seeking transfer, selections must be from among all qualified candidates based upon total length of service in the facility as distinguished from department or unit seniority. This rule shall be the minimal acceptable relief governing transferring employees where affected class considerations are in the picture.

In addition, there may be times when affected class employees should receive priority transfer rights ahead of all other employees regardless of relative seniority. Such priority treatment for affected class members may be appropriate when anticipated turnover is slow or few opportunities for transfer, in relation to the size of the affected class, will occur. In such cases, undue delay may result if the class members must compete for transfers with others. Consequently, separate seniority rosters may be established for affected class employees requiring them to compete only with each other for transfer.

B. Red-circling of wages (rate retention). Nearly all court cases and conciliation agreements dealing with affected class have provided that the employee, upon transfer, should not suffer loss of income. When an affected class member transfers to a job which pay less than his or her current earnings, he must be paid at his or her previous rate (red-circled rate) until, through advancement or longevity increases, his or her earnings in his or her new job exceed his or her red-circled rate. The red-circled rate shall be computed based upon the employee's average earnings, including incentive payments, if any. An acceptable model for rate retention is as follows:

Each member of the affected class shall be paid for each pay period either (1) at a rate equal to his or her average hourly earnings (including incentive pay but exclusive of shift differentials, Sunday, and overtime premiums) in the job or jobs he or she worked during the six pay periods immediately prior to his or her assignment to his or her new job (his or her red-circled rate), plus the shift differentials, Sunday, and overtime premiums, if any, earned on his or her new job; or (2) his or her average hourly earnings at the established wage rate for his or her new job, including the incentive pay, shift differentials, Sunday, and overtime premiums earned on such new job, whichever is higher. Subsequent general increases in the standard wage rate of the job or jobs upon which an employee's red-circle rate is based, which occur after a transfer, shall be reflected by a corresponding increase in that employee's red-circle rate.

(1) Limitation of red circle rate. If no job in the line of promotion or seniority unit which a member of the affected class enters has average earnings as high as his or her red-circle rate as calculated above, it is then permissible to limit the red-circle rate to the highest average earnings of any of the jobs in the new line of promotion or seniority unit.

(2) Termination of red-circle rate. If a member of the affected class has been in a new line of promotion or seniority unit for more than 30 days and refuses a permanent promotion or fails twice to qualify for a permanent promotion to a higher job in his or her new permanent line of promotion or seniority unit, his or her red-circle rate may be revoked and he or she may be paid at the standard hourly rate of the job he or she is working, plus the incentive pay, etc. However, an affected class member who does not accept an opportunity for permanent promotion within 30 days of his or her last permanent promotion shall not lose his or her red-circle rate. Two or more failures to qualify within one 30 day period shall count as only one failure for the purposes of this section.

(3) Transfer to original job. A member of the affected class who fails twice to qualify for a permanent promotion in an available higher rated job within one year after entering his or her new line of promotion or seniority unit and who loses his or her red-circled rate as a result of his or her failure may request, within 30 days, to return to his or her former line of promotion or seniority unit or shall be offered the first available vacancy in his or her former line of promotion or seniority unit without loss of any seniority or other rights provided in these guidelines.

C. Collective bargaining agreements. The kinds of remedies described above for affected class situations frequently may be inconsistent with the contractor's existing collective bargaining agreements. Collective bargaining agreements which violate the Executive Order will not be accepted as a

defense to employment practices involving affected classes. When conflicts do occur, the OFCC's policy is to encourage contractors and unions to amend their agreements so that they are consistent with Executive Order 11246, as amended, and to encourage the unions to participate with the contractors and the Government in the resolution of affected class problems.

D. Promotion to and from temporary positions. Affected class employees must be allowed the right to advance, using plant or other appropriate seniority, to both permanent and temporary vacancies. In addition persons eligible for such promotions include employees either permanently or temporarily assigned to their current jobs. Since unreasonable confusion may occur if very short-term temporary vacancies are filled by affected class members across shift assignments, the following rules will be applied:

1. Total plant seniority alone shall determine the senior employee for purposes of permanent or temporary promotions to jobs anticipated to be in excess of three weeks duration (or other similar length of time specified in collective bargaining agreements wherein temporary vacancies are defined) in all circumstances in which one or more of the competing employees is an affected class member;

2. For jobs which operate only one shift a day, promotions or assignments to fill casual or vacation vacancies should be made on the same basis as permanent and three week promotions;

3. For jobs which operate two or more shifts a day, promotions or assignments because of casual or vacation vacancies may be awarded to the senior (as determined in (1) above) qualified person on the shift where the vacancy exists, except in those cases where specific understandings have been reached between the employer and the bargaining agent to provide for movement across shift lines in other situations;

4. When the permanent employee returns to a position held on a temporary basis by an affected class employee, the affected class employee shall return to his last held permanent or temporary position.

E. Advance level entry and job skipping. In both production and white collar transfers, affected class members may be qualified for positions above the entry level. In addition, there may be jobs through a promotional sequence which are redundant or otherwise unnecessary in the training of the individual for later advancement. The contractor should allow residence in one of two or more such jobs to satisfy training requirements for advancement to those above for affected class employees.

Similarly, when lower levels of the promotional sequence have several unskilled positions, they can often be "pooled", with advancement to the next skilled position coming from the combined job pool.

III. Back-pay principles.

Section 202 of the Executive Order, setting forth the provisions of the equal opportunity clause, obligates government contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin." The clause further provides, "[I]n the event of the contractor's non-compliance . . . [he] may be declared ineligible for further Government contracts . . . and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law." The Office of Federal Contract Compliance interprets the provisions and objectives of

the Executive Order to authorize back pay as a necessary means of achieving the objectives of the Executive Order and as an element of affirmative action to remedy the effects of the contractor's prior discrimination. Accordingly, back-pay awards are an appropriate remedy which may be imposed under Executive Order 11246 as a condition of continued contracting with the Federal Government. A contractor's failure to reimburse its employees who have been subjected to discriminatory employment practices may perpetuate the discrimination against them and may constitute a continuing violation of the equal employment opportunity clause. Accordingly, compliance agencies shall, where appropriate, obtain meaningful back-pay settlements for identifiable victims of discrimination, including "affected class" employees as defined above and in 41 CFR 60-2.1.

1. Back pay may be an appropriate remedy in sanction proceedings under 41 CFR 60-1.26, and a contractor's failure to provide the required back-pay relief prior to hearing is itself grounds for the imposition of sanctions, including contract cancellation, termination, suspension, withholding progress payments, and debarment. Where a contractor contests the Government's determination that the contractor's discriminatory practices result in back pay liability, the number of employees entitled to back pay, or the amount of back pay, he shall be provided an opportunity for a hearing in accordance with 41 CFR 60-1.26.

In accordance with the Federal equal employment opportunity policy set forth in section 715 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-15) as amended (for the elimination of conflict, competition, duplication, and inconsistency among the operations, functions, and jurisdictions of the various Federal EEO enforcement agencies), back-pay shall be computed consistent with the Equal Pay Act of 1963 (29 U.S.C. 206(d)) and Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e) as amended, to the extent that such computations can be made consistent with the regulations contained in this Part 60-60.

2. Back-pay requirements shall apply to, but not be limited to retroactive wage-adjustments, back-pay payments to former employees, and back-pay payments to former applicants denied employment. The purpose of back-pay requirements generally is to make whole identifiable victims of illegal discrimination.

3. Back-pay remedies are not exclusive, and do not affect other remedies under the Executive Order such as transfer, reinstatement, promotion, and seniority modification.

4. The Federal Statute of Limitations (28 U.S.C. 2415) governing actions founded on contract which are brought by the Federal Government provides for a 6-year limitation period. Consistent with the policy of section 715 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-15), as amended, favoring consistent standards among Federal EEO agencies, the Department of Labor's policy is that back-pay liability shall not accrue from a date more than two years prior to the agency's notification to the contractor of the finding of the violation, after a compliance review, except where the violation which gave rise to the back-pay liability is willful, the limitation period shall be three years. In no event, however, shall back-pay liability for affected class discrimination accrue from a date before the contractor first became subject to Executive Order 11246, as amended.

5. The method of compensation will be determined by the complexity of the case. Where employment opportunities have been illegally denied to a single individual or a

relatively small number of individuals, for example, the formula should reflect the actual amount the individual would have earned but for the discrimination. In affected class situations, however, it may be necessary to yield to less precise and more complicated formulations. In such situations, it may be necessary to approximate the back-pay award or base it upon a comparison between the affected class and a group of employees comparable in size, ability, and length of employment but not injured by the discrimination.

6. Back-pay relief shall include, where appropriate, interest, overtime, shift differentials, and fringe benefits such as vacation pay and pension adjustments.

IV. Agency implementation of back-pay principles.

1. Agencies shall implement these back-pay principles in all compliance and enforcement activities. Agencies contemplating enforcement proceedings on back-pay issues shall first make appropriate inquiries of the EEOC, the Department of Justice, and the Office of the Solicitor of Labor to determine whether governmental or private court actions for back-pay relief under Title VII of the Civil Rights Act of 1964, as amended, and/or the Equal Pay Act are in progress against the contractor facility at issue. Agencies will, of course, abstain from engaging in matters in which the court has retained jurisdiction or matters currently in litigation with the EEOC, Department of Justice, or Department of Labor.

2. Agencies shall consult with OFCC on a case-by-case basis regarding the existence and parameters of potential back-pay liability: (1) Prior to instituting show-cause notices asserting such deficiencies; and (2) prior to entering conciliation agreements containing back-pay relief. Such coordination is intended to ensure that agency action, both prior to and subsequent to the issuance of the show-cause notice, will reflect OFCC participation in the negotiation and enforcement process, when appropriate.

3. Further inquiries concerning back-pay principles and methodologies should be submitted to the Director, Office of Federal Contract Compliance.

APPENDIX—EXAMPLES OF AFFECTED CLASS PROBLEMS

Here are two typical affected class problems, simplified for the purpose of clarity:

1. **Factory jobs.** All production employees of the XYZ Company are assigned to one of three departments, A, B, and C. Within each department, jobs are organized into a single line of progression. A line of progression is a family of interrelated jobs, wherein experience gained at a particular level is prerequisite to performing the next higher job in the line. The employees are distributed among jobs as shown in Table A.

Rules governing transfer from one department to another, and promotion through the line of progression are set forth in the collective bargaining agreement, as follows:

1. In every line of progression, the bottom job in the line is the only level of entry.

2. Any employee may compete for transfer to an entry level vacancy in any department; basis of competition shall be total length of service in the plant, or plant seniority. (In most cases, free transfer was not allowed prior to the late 50's or 60's when employers began to remove racial restrictions.)

3. Competition for promotion from one job level to the next in line of progression is based upon the total length of service in the job, or job seniority.

4. When reduction in force occurs, employees bump down through the line in reverse

order of job seniority. Thus, assuming a full complement at each job level, a reduction of one person at the top job in the line results in a bumping down throughout the line, with the person with the least job seniority at the entry level suffering lay-off.

The following observations may readily be made from the data in Table A:

1. Blacks are concentrated in Department A; whites are concentrated in Departments B and C. There are token numbers of blacks in Departments B and C, their low level in the progression indicates the likelihood that they were placed into their departments relatively recently.

2. Department A is less desirable line than Department B and C in that the wage range is \$1.80 to \$3.10, compared to \$1.80 to \$4.05 for Department B, and \$2.00 to \$4.25 for Department C. Other characteristics of less desirable jobs may be:

1. Lesser opportunity for acquisition of skills and advancement; or

2. Poorer working conditions; i.e., dirtier, hotter, more dangerous.

3. Qualifications required of whites in Departments B and C at the time they entered the departments (at the time of hire) were minimal. Since a line of progression is, in effect, an on-the-job training structure, the qualification looked for at hire is trainability. Previous experience in similar kinds of work is of little or no importance.

Job level	Wage rate	Number of whites	Number of blacks
Department A:			
1	3.10	8	8
2	3.05	12	12
3	2.85	13	13
4	2.70	12	12
5	2.55	16	16
6	2.40	16	16
7	2.25	1	16
8	2.10	3	20
9	1.85	4	23
10	1.80		
Department B:			
1	4.05	8	8
2	3.75	12	12
3	3.50	12	12
4	3.25	12	12
5	3.00	12	12
6	2.75	12	12
7	2.50	16	16
8	2.25	16	4
9	2.00	15	3
10	1.80	14	1
Department C:			
1	4.25	20	20
2	4.00	20	20
3	3.75	20	20
4	3.50	24	24
5	3.25	24	24
6	3.00	28	28
7	2.75	28	4
8	2.50	28	4
9	2.25	24	8
10	2.00	21	10

The following facts constitute proof that the blacks are an affected class:

1. Blacks, for a long period of time, have been excluded through placement practices from Departments B and C. Only recently has racial placement ceased to be a consistent practice; even now, most newly hired blacks go into Department A, and most newly hired whites into Departments B and C.

2. The collective bargaining provisions with respect to promotion results in the denial of equal opportunity. Although blacks may use their plant seniority to compete for transfer to the predominantly white departments, once transferred they must start at the bottom of their new line of progression; they must lose their seniority in their old unit; and they must begin in the new department as new employees. They will compete with employees already in Departments B and C on the basis of job seniority, placing them initially at a disadvantage. They

will be the first to be laid off in case of reduction in force. Such a situation inhibits the affected class member from advancing towards his rightful place on the same basis as other employees initially placed in the same line of progression. He is continuing to suffer effects of past discrimination. The seniority system in such cases violates the Executive Order.

2. *White collar jobs.* Women in the XYZ Company have traditionally been hired into the Loan Department. Those with college degrees were employed initially as management trainees, and later promoted to Loan Officers. Entry salary as a trainee is \$7,500 per year, and the top Loan Officer position pays \$15,000.

Men on the other hand have traditionally been hired into the Trust Department. Also starting as trainees with an initial salary of \$7,500 per year, they are eventually promoted to Trust Officers with a top salary of \$27,000.

The relative qualifications at time of hire in both cases is the same.

Clearly this is an affected class situation. Women, because of their sex, are assigned to less desirable jobs with less opportunity for advancement.

However, it can be demonstrated that the women in the Loan Department are not qualified to become Trust Officers without spending at least some period of time in that department's management training program.

The minimum relief in these circumstances is as follows:

1. Qualified women desiring transfer into the Trust Department management training program should be given the opportunity on a priority basis as vacancies occur. Such opportunities should be afforded in order of the women's total length of service;

2. Women upon transfer, should carry with them their current salary, if that salary is now above \$7,500;

3. The company must institute a specialized training program to assure that qualified women are trained and promoted in the shortest time possible. Special attention to training and promotion shall continue until the employee has reached a level comparable to that attained by the average male employee hired concurrently to the women's original date of employment.

(5 U.S.C. 553(a)(3); 29 CFR 2.7; section 301, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303)

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

RICHARD F. SCHUBERT,
Acting Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

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

[FR Doc. 75-7855 Filed 3-25-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-533]

BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the

Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Brookhaven.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Source of flooding	Location	Elevation feet above mean sea level	Width from bank of stream to 100-year flood boundary facing downstream	
			Left	Right
Chester Creek	Duttons Mill Road	47	230 ft.	Corporate limit.
	Lincoln Drive (Extended)	44	280 ft.	Do.
Ridley Creek	Bridgewater Road	40	160 ft.	Do.
	Brookhaven Road	48	Corporate limit.	80 ft.

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

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

MARCH 14, 1975.

[FR Doc. 75-7815 Filed 3-27-75; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-536]

CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Brookhaven Municipal Building, Brookhaven.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mrs. Joan Arnold, Town Clerk, Brookhaven Road and Edgemont Avenue, Brookhaven, Pennsylvania 19015. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

(a), hereby gives notice of his proposed determinations of flood elevations for the City of Coffeyville, Kansas.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Coffeyville must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Post Office Box 498, Coffeyville, Kansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William R. Kettermen, City Hall, Post Office Box 498, Coffeyville, Kansas 67337.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-Year flood boundary (feet)	
			Right	Left
Verdigris River	U.S. 166 and 169	723	0	To corporate limits.
Sycamore Creek	Overlook Dr.	740	50	550.
	First St.	738	300	100.
	Fourth St.	735	150	300.
	Eighth St.	728	200	150.
	U.S. 169	725	100	200.

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

17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

J. ROBERT HUNTER,
*Acting Federal
Insurance Administrator.*

MARCH 10, 1975.

[FR Doc.75-7815 Filed 3-25-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-539]

**CITY OF EL DORADO, BUTLER COUNTY,
KANSAS**

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of El Dorado, Kansas.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of El Dorado must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at AMA Electric, 2011 West 6th Street, El Dorado, Kansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Max G. Main, AMA Electric, 2011 West 6th Street, El Dorado, Kansas 67042.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-Year flood boundary (feet)	
			Right	Left
Walnut River	U.S. Highway 54 and 77	1,278	NA	NA
	U.S. Highway 54	1,286	NA	NA
	Confluence with West Branch	1,286	NA	NA
	Confluence with Walnut River	1,286	NA	NA
West Branch	A.T. and S.F. R.R.	1,286	NA	NA
	U.S. Highway 77	1,287	450	1,575
	Ninth Ave.	1,289	750	1,500
	A.T. and S.F. R.R.	1,293	1,825	1,575

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's Delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

J. ROBERT HUNTER,
*Acting Federal
Insurance Administrator.*

MARCH 10, 1975.

[FR Doc.75-7819 Filed 3-25-75;8:45 am]

[Docket No. FI-535]

[24 CFR Part 1917]

**CITY OF JEFFERSONTOWN, JEFFERSON
COUNTY, KENTUCKY**

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, and Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4

(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Jeffersontown, Kentucky.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Jeffersontown must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 10416 Watterson Trail, Jeffersontown, Kentucky.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Herbert S. Meyer, Jr., City Hall, 10416 Watterson Trail, Jeffersontown, Kentucky 40299.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-Year flood boundary (feet)	
			Right	Left
Chenoweth Run	Plantside Drive	653	100	300
	Bunsen Way	652	300	100
	I-64	674	350	250

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

MARCH 10, 1975.

[FR Doc.75-7816 Filed 3-25-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-538]

CITY OF SATELLITE BEACH, BREVARD
COUNTY, FLORIDA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4

(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Satellite Beach, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Satellite Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 510 Cinemon Drive, Satellite Beach, Florida.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the City Manager, Richard H. Shinn, City Hall, 510 Cinemon Drive, Satellite Beach, Florida 32937.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation feet above mean sea level
Atlantic Ocean	Up to approximately 50' east from the coast line, extending from the northern to the southern boundaries of the corporate limits.	7
Indian River	From the western corporate limits to a line between the northern and southern corporate limits, described by the following points:	7
	550' east of intersection of Jackson Ave. and Palmetto St.	7
	700' east of intersection of Roosevelt Ave. and Palmetto St.	7
	400' east of intersection of Glenwood Ave. and Kale St.	7
	450' east of intersection of Cassia Blvd. and Kale St.	7
	900' east of intersection of De Sota Parkway and Kale St.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

MARCH 10, 1975.

[FR Doc.75-7818 Filed 3-25-75;8:45 am]

DEPARTMENT OF
TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 178]

[HM Docket No. 124; Notice No. 75-2]

BOTTOM OUTLET VALVES ON MC-312
CARGO TANKS

Proposed Rulemaking

The Hazardous Materials Regulations Board (the Board) is considering amending § 178.343-5(b) of the Hazardous Materials Regulations which specifies that outlet valves must be protected by a shear section.

The Board was petitioned by the Truck Trailer Manufacturer's Association to provide alternative means of protecting outlet valves on motor vehicles to assure

against the accidental escape of liquid cargoes. They suggested the change for two reasons: (1) The change would provide for an alternative protection of the valve equivalent to the protection offered by the presently required valve shear section, and (2) this change will allow the use of valves unavailable with shear section.

After reviewing the data submitted in support of the petition, the Board has concluded that the petitioner's contention may have merit.

In consideration of the foregoing 49 CFR Part 178 would be revised as follows:

(A) In § 178.343-5(b) subparagraph (1) (i) would be revised and (ii) would be added as follows:

§ 178.343-5 Outlets.

(b)

(1) Product piping must be protected in such a manner as to reasonably assure against the accidental escape of contents. Such protection may be provided by:

(i) A shear section located out-board of each emergency valve seat and within 4 inches of the vessel which will break under strain and leave the emergency valve seat and its attachment to the vessel and the valve head intact and capable of retaining product. The shear section shall be machined in such a manner

as to abruptly reduce the wall thickness of the adjacent piping (or valve) material by at least 20 percent; or

(ii) By suitable guards capable of successfully absorbing a concentrated horizontal force of at least 8,000 pounds applied from any horizontal direction, without damage to the discharge piping which will adversely affect the product retention integrity of the discharge valve.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, U.S. Department of Transportation, Washington, D.C. 20590. Communications received on or before June 24, 1975, will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Trans Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831-835), sec. 6, Department of Transportation Act, (49 U.S.C. 1655), delegation of authority by the Secretary of Transportation at 49 CFR 170.1.)

Issued in Washington, D.C., on March 17, 1975.

ROBERT A. KAYE,
Board Member for the
Federal Highway Administration.

[FR Doc.75-7743 Filed 3-25-75;8:45 am]

National Highway Traffic Safety
Administration

[49 CFR Part 571]

[Docket No. 75-5; Notice 01]

AIR BRAKE SYSTEMS

Requirements for Agricultural Commodity Trailers

This notice proposes an amendment of Standard No. 121, *Air brake systems*, that would exclude from its emergency and parking brake requirements until January 1, 1976, trailers designed to transport bulk agricultural commodities from the field to processing or storage locations. This notice responds to the February 6, 1975, petition of Utility Trailer Manufacturing Company.

Standard No. 121 became effective January 1, 1975, for air-braked trailers. It regulates the performance of the service, emergency, and parking brake systems on these vehicles. Section S5.6.3 specifies that the parking brake shall be applied by an energy source that is not affected by loss of air pressure and be held in the applied position solely by mechanical means. Component manufacturers have designed, and most vehicle manufacturers are utilizing, "spring" brakes that utilize the stored energy of a depressed spring to apply and maintain the required braking force

that is "not affected by loss of air pressure." This design also satisfies the emergency brake requirements for trailers (S5.8) by using a separate air pressure supply to control the spring. In the event of a rupture or leak in the trailer supply line, the spring is released and the emergency braking capability is automatically applied as required by S5.8.

This arrangement can interfere with easy handling of trailers in marshalling yards, because disconnection of the truck-tractor from the trailer depletes the air in the trailer supply line and causes automatic application of the spring brake. The standard does require an "isolated" air reservoir (S5.2.1.1) to supply pressure to control the spring in the event all service air pressure is lost but the pressure is controlled from the towing vehicle. A railroad company sought confirmation that a manual valve could be installed on the isolated reservoir to permit easy release of the spring brake, and the NHTSA agreed that this valve conforms to the standard, as long as the system reverts to normal operation when the service air supply is reconnected for highway travel.

Utility Trailer Manufacturing Company, a manufacturer of specialized bulk agricultural commodity transport trailers, has indicated that the manual valve arrangement is not adequate for marshalling of its vehicles, because they stand idle for periods of a week and the air supply of the isolated reservoir leaks down, leaving the spring applied with no energy source for release. Unlike railroad terminal operations, the farm tractor which tows the trailer to the field is not equipped with air brakes to recharge the isolated reservoir. For these reasons, Utility has requested a year's exclusion from the parking brake requirements for its trailers.

The trailer parking braking requirements, which specify application and holding by a means other than air, are an important advance in air brake systems, which are susceptible to rupture and leakage. As an engineering matter, NHTSA recognizes that solutions exist for the particular problem faced in use of Utility's trailers.

At the same time, it is arguable that the standard does not now provide adequately for the problem faced by these vehicles. Utility has indicated that it did not seek a solution for the problem because the company believes in good faith that the trailers are excluded from the requirements of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) as agricultural machinery. Utility appears to have made early and conscientious efforts to comply with the standard in the case of those vehicles which it believed to be motor vehicles.

The NHTSA has determined that a relatively small number of vehicles are involved in the proposed exclusion, and that the loss of safety benefit would be correspondingly small. It is noted that these vehicles would be required to meet any applicable Bureau of Motor Carrier Safety regulations for secondary braking

systems, to the degree that Standard No. 121 would not cover this aspect of performance. The NHTSA therefore tentatively concludes that the Utility petition should be granted for a period of one year.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

§ 571.121 [Amended]

1. S5.6 would be amended to read:
S5.6 *Parking brake system.* Each vehicle other than a trailer converter dolly, or a trailer manufactured before January 1, 1976, that is designed to transport bulk agricultural commodities from the field to a processing plant or storage location, shall have a parking brake system that under the conditions of S6.1 meets the requirements of S5.6.1 or S5.6.2, at the manufacturer's option, and the requirements of S5.6.3 and S5.6.4.

2. The first sentence of S5.8 would be amended to read:

S5.8 *Emergency braking capability—trailers.* Each trailer other than a trailer converter dolly, or a trailer manufactured before January 1, 1976, that is designed to transport bulk agricultural commodities from the field to a processing plant or storage location, shall have a parking brake system that conforms to S5.6 and that applies with the force specified in S5.6.1 or S5.6.2 when the air pressure in the supply line is at atmospheric pressure.

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

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

Comment closing date: April 21, 1975.

Proposed effective date: Date of publication in the FEDERAL REGISTER of the final rule.

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

Issued on March 20, 1975.

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

[FR Doc.75-7844 Filed 3-25-75;8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice No. 75-1; Docket No. OPS-82]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Emergency Plans

The Office of Pipeline Safety (OPS) proposes to revise § 192.615 to clarify and delineate the existing requirement that an operator prepare and execute an emergency plan. An emergency plan is necessary to provide for a timely and appropriate response by an operator in an emergency involving or likely to involve a gas pipeline facility.

The existing requirements in § 192.615 have been in effect since November 12, 1970 (35 FR 13248). They are based in part on the recommended standards in section 850.8 of the 1968 edition of the United States of America Standards Institute B31.8 Code.

OPS analyzes the pipeline failure reports submitted by operators under 49 CFR Part 191 and the pipeline accident investigations which it conducts as well as those of State agencies participating under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674). These analyses show that, in many cases, timely or appropriate action is not taken by operators to minimize the hazards or damage due to gas pipeline emergencies. The analyses further indicate that many operators have inadequate emergency plans or do not properly carry out their plans. In addition, OPS believes that many operators do not understand what must be included in an emergency plan to limit the adverse effects of a gas pipeline emergency.

The National Transportation Safety Board (NTSB) has pointed out in various pipeline accident reports that an operator's failure to properly prepare and execute an emergency plan contributed to the occurrence of the accident or resultant damage. The NTSB has made several recommendations to change § 192.615 to improve the effectiveness of the emergency plans. These recommendations have been considered by OPS in developing the rule changes being proposed. They concern:

1. A program to educate customers, the public, government organizations, and persons conducting excavation activities to recognize and report gas pipeline emergencies (Recommendation Nos. No. 70-P-29 and P-74-11).

2. Handling emergency calls, and having an alternative method of communication available when the method normally used is interrupted or overloaded (Recommendation Nos. 70-P-32, P-72-42, and P-72-43).

3. Notifying fire and police officials and other appropriate public officials of gas pipeline emergencies, and coordinating planned and actual activities with them (Recommendation Nos. P-72-35 and P-72-44).

4. Timeliness of an operator's investigation to determine the probable cause of an accident (Recommendation Nos. 68-P-1 and 70-P-29).

5. Availability of equipment and tools to employees likely to be first at the scene, including means for locating and operating emergency valves (Recommendation No. P-73-4).

6. Plans to rapidly shut down any part of the system to minimize the effect of a hazardous situation (Recommendation Nos. 71-P-1, P-72-41, P-73-2, P-73-4, and P-74-18).

7. Acting at the scene of an emergency to protect people first and then property, and to find and eliminate any hazard (Recommendation No. P-74-20).

In addition to the NTSB recommendations, OPS considered drafts of an Addendum 10 to the American Society of Mechanical Engineers' "Guide for Gas Transmission and Distribution Piping Systems" in developing the proposed amendment. Addendum 10 provides extensive guidelines to assist in preparing, maintaining, and conducting proper emergency plans under § 192.615. Although prepared for the existing rule, OPS believes the guidelines are compatible with the amendment being proposed.

OPS realized when § 192.615 was adopted, that more detailed requirements might be necessary for emergency plans. However, at that time, OPS did not have enough pipeline safety data to develop Federal standards appreciably different from those developed by the industry. OPS also felt that development of a more comprehensive standard should be based on experience in administering the existing requirement. OPS now has that experience and has obtained additional safety data through its pipeline failure and annual reporting system in Part 191, communications with pipeline operators, inspection activities, cosponsoring seminars for industry personnel, and developing and conducting training programs for Federal and State agency personnel at the Department's Transportation Safety Institute. The information gained indicates the objectives an operator can reasonably be expected to accomplish in developing and carrying out an emergency plan.

OPS proposes to clarify each of the present paragraphs (a) through (d), in § 192.615 by listing specific topics or measures which must be covered in each plan. This proposed listing is intended to give operators more specific guidance as to what is necessary for an adequate emergency plan under § 192.615.

The proposal is, nonetheless, written in performance terms, just as the existing rule, rather than in detailed specifications. Consequently, if the proposal is adopted, an operator would remain free to develop a plan that is best suited to its particular operation within the outline provided by § 192.615.

Section 192.615(a) now requires that an operator have procedures to respond to a gas pipeline emergency, but does not give further details for developing the necessary procedures. OPS realizes that it is impractical to prepare detailed procedures for all types of emergencies. The response required will vary depending on the information an operator initially receives, the type and location of pipe-

line facilities involved, system pressures, gas load requirements, time of day or year, and other operating variables.

Emergency response procedures must be flexible enough to permit variations at the scene to accommodate unexpected events. At the same time, OPS believes the existing requirement does not go far enough to assist operators in preparing useful procedures. Therefore, § 192.615 would be amended to ensure that the procedures, at a minimum, cover certain essential items which are set forth hereinafter.

The proposed listing of items under § 192.615(a) should not be viewed as inclusive of all procedures necessary for emergency responses. In fact, OPS encourages operators to include any additional procedures in their emergency plans which are relevant to their pipeline operating conditions.

Section 192.615(b) now requires each operator to acquaint appropriate personnel with the emergency procedures. This requirement would be broadened to include training and monitoring to ensure that employees' responses to a gas emergency are in accordance with the operator's procedures established under § 192.615(a).

Section 192.615(c) now requires each operator to establish liaison with appropriate public officials respecting the operator's emergency procedures. This requirement would be amended to ensure that the liaison provides advance planning for proper notice to officials of emergencies and for mutual requests for assistance in emergencies.

Section 192.615(d) now requires each operator to establish an educational program to enable customers and the general public to recognize and report a gas pipeline emergency to the appropriate officials. Additional language would be added to this section to make it clear that both the educational program and the media for conveying it must effectively reach all geographical areas in which the operator transports gas. To facilitate full understanding of the program, a further change being proposed would clarify that the program must be in each language spoken by a significant number of persons in the area served by the operator.

In consideration of the foregoing, OPS proposes to amend § 192.615 to read as follows:

§ 192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

- (1) Identifying calls which require immediate response by the operator.
- (2) Establishing and maintaining at least two means of verbal communication with fire and police officials and other appropriate public officials.
- (3) Responding to a notice of each type of emergency, including the following:

- (i) Gas detected inside or near a building.

- (ii) Fire located near or directly involving a pipeline facility.

- (iii) Explosion occurring near or directly involving a pipeline facility.

- (iv) Natural disaster.

- (v) Civil disturbance.

- (4) Ensuring the availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.

- (5) Arranging in advance with other operators and pipeline contractors for mutual assistance.

- (6) Actions directed toward protecting people first and then property.

- (7) Emergency shutdown of any section of the operator's pipeline system necessary to minimize an actual or potential hazard.

- (8) Locating and eliminating any gas leak or other fault causing an actual or potential hazard.

- (9) Notifying fire and police officials and other appropriate public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency.

- (10) Locating and safely restoring any service outage.

- (11) Beginning action under § 192.617, if applicable, as soon after the end of the emergency as possible.

(b) Each operator shall—

- (1) Furnish its operating and maintenance employees a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this section as necessary for compliance with those procedures.

- (2) Train and test those employees to acquaint them with the procedures; and
- (3) Monitor employee activities to ensure that the procedures are followed.

(c) Each operator shall establish liaison with fire and police officials and other appropriate public officials to—

- (1) Learn the responsibility and capability of each government organization that may respond to a gas pipeline emergency;

- (2) Acquaint the officials with the operator's capabilities and procedures respecting a gas pipeline emergency;

- (3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

- (4) Plan how the operator and officials can engage in mutual assistance to minimize a potential or actual hazard arising from a gas pipeline emergency.

(d) Each operator shall establish a continuous educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency and report it to the operator or the appropriate public officials. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in every other language spoken by a significant portion of the population in the operator's area.

Interested persons are invited to participate in this proceeding by submitting such written data, views, or arguments

as they may desire. Comments should identify the notice number and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received by May 9, 1975, will be considered by the Director before taking action based on this notice. Late filed comments will be considered so far as practicable. All written comments received will be placed in the public docket and thereafter will be available for examination by interested persons.

OPS is particularly interested in receiving comments which address the following questions:

1. Are the items listed in this notice appropriate for an operator's emergency plan? If so, could the items be stated differently to improve safety?

2. What additional items, if any, should be included as requirements for an emergency plan under § 192.615? Note: Comments outside the scope of this notice may be the subject of a future notice of proposed rule making.

3. In general, the items listed are broadly stated. Should they be stated in more detail?

This notice of proposed rulemaking is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on March 20, 1975.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 75-744 Filed 3-25-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20395]

FM BROADCAST STATIONS, BRAINERD, MINN.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments, FM Broadcast Stations*. (Brainerd, Minnesota), Docket No. 20395, RM-2384.

1. *Petition, proposal, and comments.* Notice of proposed rulemaking is hereby given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns Brainerd, Minnesota.

(a) A petition for rulemaking was filed on behalf of Greater Minnesota Broadcasting Corporation (GMB), seeking the assignment to Brainerd of a second FM channel. Public Notice of the filing of the petition was issued on June 10, 1974 (Rpt. No. 912). Specifically, GMB proposes the assignment of Class C Channel 294 to Brainerd. In the event such an assign-

ment is not made, GMB requests that a Class A channel be assigned for use in Brainerd and points out that five such channels are available.

(b) In response to a letter from the Commission dated April 10, 1974, GMB filed an "Amendment to Petition" containing information describing the preclusionary impact of the proposed assignments.

2. *Demographic Data*—(a) *Location.* Brainerd, the seat of Crow Wing County, is located in central Minnesota, 108 miles north-northwest of Minneapolis, 55 miles north of St. Cloud, and approximately 125 miles west of Duluth.

(b) *Population.* Brainerd—11,667; Crow Wing County—34,826 (1970 Census).

(c) *Local Radio Service.* Brainerd is served by three radio stations, including KVBR, a Class IV unlimited-time AM station licensed to the petitioner; KLIZ, a Class III unlimited-time AM station; and KLIZ-FM (Channel 239C). The latter two facilities are licensed to Brainerd Broadcasting Company.

(d) *Industry.* Predominantly agricultural though some equipment manufacturing and paper production is also present.

(e) *Economic.* Three banks and two savings and loan institutions serve Brainerd. (No financial information provided.)

3. *Proposed Service.* (a) Petitioner states that an FM station, operating on Class C Channel 294 with 45 kW of power and an antenna height of 320 feet above average terrain, would provide a second FM service to all but the most northern portions of Crow Wing County.

(b) Further consideration of GMB's alternate proposal to assign a Class A channel to Brainerd will not be entertained as (1) Channel 294 is available as an appropriate assignment, and (2) the placing of a Class A channel at Brainerd would create an "intermixture" situation. We have consistently adhered to a policy opposing "intermixture" of FM channels, except in those instances where "intermixture" is the only method available for providing a necessary service. "Tupelo, Miss.", 42 F.C.C. 2d 884 (1973). Compare "Yakima, Wash.", 42 F.C.C. 2d 548 (1973).

(c) Since Brainerd is within 250 miles of the Canada-United States border, Canadian approval of the proposal is required under the Canadian-United States FM Agreement of 1947.

4. *Mileage separations.* (a) Assignment of Channel 294 to Brainerd, if made, would require the transmitting antenna to be located two miles northwest of the community to avoid short-spacing.

5. *Preclusions.* (a) Channels 292A, 293, 294, 295, and 296A would be precluded by the proposed assignment. Channels 291 and 297 are presently precluded by existing assignments. The preclusion occurring on Channels 294 and 296A appears to be significant, while that occurring on the other three affected channels may be dismissed as relatively insignificant.

(b) The preclusion occurring on Channel 294 affects a large area west and north of Brainerd. The communities located within the precluded area do not presently have FM assignments and are not of sufficient size to warrant a Class C channel assignment. A Channel 294 assignment to Brainerd, while precluding the use of Channel 296A in most of the area within 65 miles of Brainerd, would allow the use of Channel 257A in portions of that precluded area.

(c) A rulemaking proceeding involving the communities of Forest Lake, Morris, and Brainerd (RM-2267), Docket No. 20316, may result in the substitution of Channel 298 for Channel 239 at Brainerd. This action, if it occurs, would significantly mitigate the preclusionary impact of the proposed Channel 294 assignment at Brainerd, as the same area would be precluded from the use of Channel 296A by either proposal.

6. *Proposed Amendment to the FM Table of Assignments.* (a) In light of the above, the Commission proposes to amend the FM Table of assignments, § 73.202(b), with regard to Brainerd, Minnesota as follows:

City	Channel No.	
	Present	Proposed
Brainerd, Minn.	290	290, 294

7. *Authority.* (a) The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference.

8. *Comments and replies.* (a) Interested parties may file comments on or before May 15, 1975, and reply comments on or before June 4, 1975.

Adopted: March 17, 1975.

Released: March 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

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

1. Pursuant to authority found in sections 4(d), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making to which this appendix is attached. In initial comments, proponent will be expected to answer whatever questions are presented in the Notice. The proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build

the station promptly. Failure to file may lead to denial of the request.

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

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

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

connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule-making to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply com-

ments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

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

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

[FR Doc.75-7810 Filed 3-25-75;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-5/29]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The Subcommittee on Safety of Life at Sea (SOLAS) of the Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Tuesday, April 15, 1975 in Room 6200 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to discuss the report on the SOLAS 1974 Conference; the report on the 32nd Session of the Intergovernmental Maritime Consultative Organization's Maritime Safety Committee; future interests and direction of the Maritime Safety Committee; and the report of the SOLAS Subcommittee's working group chairmen on future major work areas.

Requests for further information on the meeting should be directed to Captain D. C. Hintze of the United States Coast Guard. He may be reached by telephone on (area code 202) 426-2280.

RICHARD K. BANK,
Chairman,

Shipping Coordinating Committee.

MARCH 19, 1975.

[FR Doc.75-7843 Filed 3-25-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

PORTABLE ELECTRIC TYPEWRITERS FROM JAPAN; ANTIDUMPING

Amended Determination of Sales at Less Than Fair Value

A "Determination of Sales at Less Than Fair Value" with respect to portable electric typewriters from Japan was published in the FEDERAL REGISTER of March 20, 1975 (40 FR 12685, FR Doc: 75-7492).

The second paragraph of that notice is hereby amended to read as follows:

A "Withholding of Appraisalment Notice" issued by the Assistant Secretary of the Treasury was published in the FEDERAL REGISTER of December 20, 1974 (39 FR 44053).

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

MARCH 21, 1975.

[FR Doc. 75-7874 Filed 3-25-75; 8:45 am]

WATER CIRCULATING PUMPS, WET MOTOR TYPE, SUITABLE FOR USE IN RESIDENTIAL AND COMMERCIAL HY- DRONIC HEATING SYSTEMS, FROM SWEDEN

Antidumping Proceeding Notice

On February 25, 1975, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from Sweden are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. This evidence indicates that substantial unit and dollar volume decreases have occurred in the United States industry during the latest three-year period, that there is utilization of less than half the capacity of the U.S. industry, and that imports during the latest three-year period have increased substantially. On the basis of such evidence, it is not deemed necessary to refer the case to the International Trade Commission pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

MARCH 21, 1975.

[FR Doc.75-7873; Filed 3-25-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

US ARMY BALLISTIC RESEARCH LABO- RATORIES SCIENTIFIC ADVISORY COM- MITTEE

Closed Meeting; Correction

FR Doc. 75-6071 appearing at page 11007 in the FEDERAL REGISTER of Monday, March 10, 1975, is corrected to read as follows:

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: U.S. Army Ballistic Research Laboratories Scientific Advisory Committee.

Date of Meeting: April 17, 1975.

Place: U.S. Army Ballistic Research Laboratories, Aberdeen Proving Ground, Maryland 21005.

Time: 1520 Hours.

Proposed Agenda: Review of the reports of the Spring Technical Conference (classified) of the Ballistic Research Laboratories and technical advice on the scientific value of the reported work.

This meeting is closed to the public since the information is classified and is specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy in accordance with section 552, paragraph (4)(b)(1), Title 5 U.S.C., The Freedom of Information Act.

Dated: March 19, 1975.

By authority of the Secretary of the Army.

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

[FR Doc.75-7838; Filed 3-25-75;8:45 am]

DEPARTMENT OF JUSTICE

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 USC Appendix D) that the Sixth meeting of the Federal Advisory Committee on False Identification will be held at 10 a.m., Thursday, April 10, 1975, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenue NW., Washington, D.C.

The Committee was established by the Attorney General to study the criminal

use of false identification at Federal, state, and local levels and to recommend measures to prevent the criminal use of false identification and the obtaining of fraudulent identification documents.

At the Sixth meeting the Committee's five Task Forces will continue to examine the scope of the false identification problem in the following areas: Government payments, commercial transactions, fugitives, Federal identification documents, and state and local identification documents. Each area will be studied with emphasis on: (1) The number of cases in which member agencies or organizations are victimized by false identification; (2) the dollar impact of using false identification; (3) social and other costs of the criminal use of false identification; (4) false identification techniques and (5) user and victim profiles.

Surveys and data collected on the scope of the false identification problem will be reviewed by the Task Forces and further studies will be recommended where appropriate. In addition, Task Force members will report on preliminary recommended solutions to the false identification problem in their respective areas of interest.

The meeting, which will adjourn at approximately 3:30 p.m., is open to the public, and the Committee welcomes a broad spectrum of ideas from the public in its efforts to increase individual privacy in identification systems and to prevent the criminal use of false identification.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 402, Federal Triangle Building, 315 9th Street NW., Washington, D.C. 20530; telephone: area code 202-739-2745. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 402, Federal Triangle Building.

JOHN C. KEENEY,

Acting Assistant Attorney General.

{FR Doc. 75-7888 Filed 3-25-75; 8:45 am}

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MID-ATLANTIC OUTER CONTINENTAL SHELF (TENTATIVE SALE #40)

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1973), nominations are hereby requested for areas in the Mid-Atlantic Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of that part of the following mapped area landward of a line beginning at the SW corner of block 971, found on OCS Official Protraction Diagram NJ 18-6; thence north to the NW corner of block 883; thence east to the SW corner of block 843; thence north to the NW corner

of block 667; thence east to the SW corner of block 628; thence north to the NW corner of block 540; thence east to the SW corner of block 498; thence north to the NW corner of block 366; thence east to the SW corner of block 326; thence north to the NW corner of block 194; thence east to the SW corner of block 152; thence north to the NW corner of block 64; thence east to the SW corner of block 22; thence north to the NW corner of block 990, found on OCS Official Protraction Diagram NJ 18-3; thence east to the SW corner of block 947; thence north to the NW corner of block 859; thence east to the SW corner of block 819; thence north to the NW corner of block 775; thence east to the SW corner of block 734; thence north to the NW corner of block 646 thence east to the SW corner of block 603; thence north to the NW corner of block 471; thence east to the SW corner of block 431; thence north to the NW corner of block 343; thence east to the SW corner of block 276, found on OCS Official Protraction Diagram NJ 19-1; thence north to the NW corner of block 232; thence east to the SW corner of block 190; thence north to the NW corner of block 102; thence east to the SW corner of block 65; thence north to, and ending at the NW corner of block 21; and seaward of a line beginning at the SW corner of block 996, found on OCS Official Protraction Diagram NJ 18-5; thence north to the NW corner of block 820; thence east to the SW corner of block 779; thence north to the NW corner of block 559; thence east to the SW corner of block 518; thence north to the NW corner of block 298; thence east to the SW corner of block 258; thence north to the NW corner of block 962, found on OCS Official Protraction Diagram NJ 18-2; thence east to the SW corner of block 881, found on OCS Official Protraction Diagram NJ 18-3; thence north to the NW corner of block 661; thence east to the SW corner of block 620; thence north to the NW corner of block 400; thence east to the SW corner of block 358; thence north to, and ending at the NW corner of block 6;

OCS OFFICIAL PROTRACTION DIAGRAMS

1. NJ 18-2 Wilmington.
2. NJ 18-3.
3. NJ 19-1.
4. NJ 18-5 Salisbury.
5. NJ 18-6.

This area is located offshore the States of New Jersey, Delaware, Maryland and Virginia (extreme northern part only), and it is at no point closer than 20 miles from the shoreline.

These protraction diagrams may be purchased for \$2.00 each from the Environmental Assessment Team Leader, Atlantic Outer Continental Shelf Office, Bureau of Land Management, 6 World Trade Center, Suite 800D, New York, New York 10048. All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the

Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archaeological, socioeconomic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or portions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)), and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than June 2, 1975, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—Mid-Atlantic" or "Comments on Leasing on the Outer Continental Shelf—Mid-Atlantic," as appropriate. They must be submitted to the Director, Bureau of Land Management, Attention: 720, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Conservation Manager, Geological Survey, Eastern Region, suite 316, 1825 K Street, NW., Washington, D.C. 20006 and to the Environmental Assessment Team Leader, Atlantic Outer Continental Shelf Office, Bureau of Land Management at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the Mid-Atlantic. It is an information gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the

place; date and hour at which bids will be received and opened.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: March 21, 1975.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.75-7748 Filed 3-25-75;8:45 am]

[NM 24827]
NEW MEXICO
Application

MARCH 17, 1975.

Notice is hereby given that, pursuant to section 23 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4 inch and one 6 inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,

Sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across 3.79 miles of national resource lands in Eddy 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 1397, 1717 West Second Street, Roswell, NM 88201.

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

[FR Doc.75-7748 Filed 3-25-75;8:45 am]

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-463, 5 U.S.C. App. I and the Office of Management and Budget Circular No. A-63, Revised.

The Outer Continental Shelf Research Management Advisory Board will meet during the period 9:30 a.m., April 17 to 4 p.m., April 18 in Rooms 7000 A and B, Department of the Interior, Washington, D.C. The meeting will cover the following principal items:

1. Approval of the minutes of the previous meeting.
2. The Department's current OCS leasing schedule.

3. The Southern California OCS bench mark data plan.
4. The Mid-Atlantic OCS bench mark data plan.
5. The Alaskan OCS bench mark data plan.
6. The MAPLA OCS monitoring plan.
7. Plan for open conferences for North and South Atlantic OCS bench mark data collection programs.
8. Literature surveys—Washington-Oregon and Deep Atlantic OCS areas.
9. South Texas environmental data program.
10. Other business.

The meeting is open to the public and written or oral statements concerning the program content are welcome.

Those who expect to attend should make this intention known not later than April 11 to the Board's Chairman:

Frank E. Clarke, Senior Scientist, U.S. Geological Survey, Room 4443, Interior Building, Washington, D.C. 20240.

Written statements also should be submitted to the Chairman not later than April 11.

Minnesota—11 counties

County	Blizzard	Hail	Frost	Excessive rainfall	Cold/wet weather	Drought
Brown	Jan. 10, 11, and 12, 1975.					
Jackson	do					
Lincoln	do					
Lyon	do					
Murray	do	Aug. 18, 1974.	Sept. 3, 1974.			June 10 to Aug. 10, 1974.
Nicollet		June 3, 1974.	Sept. 3 and 22, 1974.			June 1 to Sept. 30, 1974.
Pipestone	Jan. 10, 11, and 12, 1975.					June 10 to Aug. 10, 1974.
Redwood	do					
Rock	do					
St. Louis			Sept. 1, 2, and 3, 1974.	May 1 to June 15, 1974.		July 1 to Aug. 15, 1974.
Swift	Jan. 10, 11, and 12, 1975.					
Waseca		June 1974.	Sept. 3, 1974.		May 5 to 20, 1974.	July 3 to 25, 1974.

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 Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson 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.75-7724 Filed 3-25-75;8:45 am]

Dated: March 20, 1975.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

ROLAND G. ROBINSON, Jr.,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-7842 Filed 3-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A171]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 12 counties in Minnesota as a result of various adverse weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred:

Forest Service

SOLEDUCK PLANNING UNIT; LAND USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a land use plan for the Soleduck Planning Unit, Olympic National Forest, Washington, USDA-FS-R6-FES (ADM) 75-04.

The environmental statement concerns the proposed implementation of a comprehensive land use plan for the Soleduck Planning Unit. The Unit includes three non-selected roadless areas.

This final environmental statement was transmitted to CEQ on March 18, 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
319 S.W. Pine St.
Portland, Oregon 97208
Olympic National Forest
Federal Building
Olympia, Washington 98501
Soleduck Ranger Station
Forks, Washington 98331

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

WYNNE M. MAULE,
Forest Supervisor.

[FR Doc.75-7747 Filed 3-25-75;8:45 am]

VEGETATION MANAGEMENT, MALHEUR, UMATILLA, AND WALLOWA-WHITMAN NATIONAL FORESTS

Availability of Draft Addendum

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 Malheur, Umatilla, and Wallowa-Whitman National Forests, northeastern Oregon and southeastern Washington, for the period July 1, 1975 through July 1, 1976. USDA-FS-R6-DES(Adm)75-12.

The draft addendum concerns a proposed use of herbicides 2,4-D, 2,4,5-T, dicamba and picloram 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 18, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3234
12th & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW. Pine Street
Portland, Oregon 97208

Malheur National Forest
139 NE. Dayton Street
John Day, Oregon 97845

Umatilla National Forest
2517 SW. Halley Avenue
Pendleton, Oregon 97801

Wallowa-Whitman National Forest
Box 907, Federal Building
Baker, Oregon 97814

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 18, 1975 in order to be considered in the preparation of the final addendum.

Dated: March 19, 1975.

CURTIS L. SWANSON,
Regional Environmental
Coordinator, Region 6.

[FR Doc.75-7836 Filed 3-25-75;8:45 am]

Office of the Secretary

HOPÍ INDIAN LANDS IN ARIZONA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Hopi Indian Lands in Arizona has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These lands are reservations or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain as products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on February 28, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-7806 Filed 3-25-75;8:45 am]

**Rural Electrification Administration
PONDEROSA TELEPHONE CO.,
O'NEALS, CALIF.**

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with

applicable agency policies and procedures as set forth in the REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER September 16, 1974 (39 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$4,490,000 to The Ponderosa Telephone Co., O'Neals, California. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. J. E. Bigelow, President, The Ponderosa Telephone Co., P.O. Box 21, O'Neals, California 93845.

To assure consideration, proposals must be furnished on or before April 25, 1975 to Mr. J. E. Bigelow. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as The Ponderosa Telephone Co., and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 20th day of March 1975.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.75-7809 Filed 3-25-75;8:45 am]

**Soil Conservation Service
BEARDSLEY WATERSHED PROJECT,
CALIF.**

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and Part 650.8(b)(8) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Beardsley Watershed Project in southern Ventura County, California.

The environmental assessment of this federal action indicates that the portion of the project remaining to be installed will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George H. Stone, State Conservationist, Soil Conservation Service, USDA, P.O. Box

1019, Davis, California, 95616, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment measures supplemented by 6.43 miles of rectangular, concrete lined channels, three grade stabilization drop structures, and the enlargement of three existing debris basins.

The environmental assessment file is available for inspection during regular working hours at the Soil Conservation Service office located at:

Soil Conservation Service
3380 Somis Road
Somis, California 93066
Soil Conservation Service
2828 Chiles Road
Davis, California 95616

Requests for the negative declaration should be addressed to one of the above addresses.

No administrative action on implementation of the uncontracted project work will be taken until April 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 18, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-7837 Filed 3-26-75; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

PRESIDENT'S EXPORT COUNCIL

Open Meeting

A meeting of the President's Export Council will be held from 9:30 a.m. to 12:30 p.m. on Tuesday, May 6, 1975, in Conference Room 4832 of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. This meeting was originally scheduled for February 27, 1975 (40 FR 4029).

The Export Council was established by Executive Order 11753 of December 20, 1973 (38 FR 34983) to advise the President, the Council on International Economic Policy (CIEP), and the President's Interagency Committee for Export Expansion (PICEE), through the Secretary of Commerce, on export trade. The Council consists of 22 members who are all chief executive officers of major U.S. firms.

The purpose of this meeting will be to discuss the status of the Council's ongoing studies as well as other topics related to ways and means to increase U.S. export sales.

The public will be permitted to attend the meeting and approximately 20 seats will be available on a first-come, first-served basis. Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive

Secretary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-2373).

Copies of minutes of the meeting will be available on request.

Any member of the public who wishes to file a written statement with the Committee may do so before or after the meeting.

Dated: March 20, 1975.

CHARLES W. HOSTLER,
Deputy Assistant Secretary
for International Commerce.

[FR Doc.75-7751 Filed 3-25-75; 8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at \$.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545.

Patent application 491,088: Method and Apparatus for Sampling Atmospheric Mercury; filed July 23, 1974; PC \$3.25/MF \$2.25.

Patent application 501,726: Method for Utilizing Decay Heat from Radioactive Nuclear Wastes; filed August 29, 1974; PC \$3.25/MF \$2.25.

Patent 3,581,090: Utilizing Penetrating Radiation; filed October 20, 1966; patented May 25, 1971; not available NTIS.

Patent 3,822,185: Fuel Element for a Compact Power Reactor; filed March 28, 1961; patented July 2, 1974; not available NTIS.

Patent 3,825,418: Alloys for Isolation of Hydrogen; filed January 30, 1973; patented July 23, 1974; not available NTIS.

Patent 3,825,499: Fueled Moderator Composition; filed July 7, 1950; patented July 23, 1974; not available NTIS.

Patent 3,825,649: Process for Separation of Protactinium, Thorium and Uranium from Neutron-Irradiated Thorium; filed August 7, 1956; patented July 23, 1974; not available NTIS.

Patent 3,825,850: Decontaminating Uranium by Reaction with CIF₃ and HF and Volatilizing the UF₆ Product; filed June 18, 1954; patented July 23, 1974; not available NTIS.

Patent 3,826,678: Method for Preparation of Biocompatible and Biofunctional Materials and Product Thereof; filed June 6, 1972; patented July 30, 1974; not available NTIS.

Patent 3,826,753: Stabilized Uranyl Nitrate Compositions and Uranium Impregnation Method; filed October 24, 1958; patented July 30, 1974; not available NTIS.

Patent 3,827,989: Impregnated Chemical Separation Particles; filed November 13, 1972; patented August 6, 1974; not available NTIS.

Patent 3,829,223: Mixing Rotor for Fast Analyzer of Rotary Curvette Type with Means for Enhancing the Mixing of Sample and Reagent Liquids; filed July 20, 1973; patented August 13, 1974; not available NTIS.

Patent 3,829,551: Atmosphere Purification of Xenon, Radon and Radon Daughter Elements; filed March 27, 1973; patented August 13, 1974; not available NTIS.

Patent 3,829,793: Metal Atom Oxidation Laser; filed November 7, 1972; patented August 13, 1974; not available NTIS.

Patent 3,831,028: Radiation Detector Using Electro-Optics; filed June 26, 1973; patented August 20, 1974; not available NTIS.

Patent 3,831,203: Implantable Blood Pumping System; filed September 28, 1973; patented August 27, 1974; not available NTIS.

Patent 3,832,222: Chemical Vapor Deposition of Uranium and Plutonium; filed December 27, 1972; patented August 27, 1974; not available NTIS.

Patent 3,833,581: Vapor Phase Substitution Fluorination of Aromatics with Xenon Difluoride; filed July 23, 1971; patented September 3, 1974; not available NTIS.

Patent 3,835,008: Automatic Controlled-Current Coulometric Environmental Monitor; filed December 6, 1972; patented September 10, 1974; not available NTIS.

Patent 3,835,044: Process for Separating Neptunium from Thorium; filed October 16, 1972; patented September 10, 1974; not available NTIS.

Patent 3,835,122: Novel Polystyrene Product Having Rapid-Post-Irradiation Decay of Conductivity and Process of Making Same; filed April 25, 1973; patented September 10, 1974; not available NTIS.

Patent 3,835,214: Oxidative Stripping Process for the Recovery of Uranium from Wet-Process Phosphoric Acid; filed August 15, 1972; patented September 10, 1974; not available NTIS.

Patent 3,835,329: Method of Measuring Fast Neutron Flux Using Thermoluminescent Dosimeter; filed August 23, 1973; patented September 10, 1974; not available NTIS.

Patent 3,836,865: Pyrotechnically Excited Laser System; filed January 10, 1973; patented September 17, 1974; not available NTIS.

Patent 3,837,397: Tube Bundle Assembly; filed February 14, 1972; patented September 24, 1974; not available NTIS.

DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, D.C. 20230.

Patent application 546,968: Ambient Pressure Probe; filed February 4, 1975; PC \$3.25/MF \$2.25.

Patent application 503,129: Method and Apparatus for Fire Testing Gypsum Boards and the Like; filed September 4, 1974; PC \$3.25/MF \$2.25.

Patent 3,796,812: Sulfur Dioxide Pollution Monitor; filed November 27, 1973; patented March 5, 1974; not available NTIS.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, CHIEF, PATENT BRANCH, BETHESDA, MD.

Patent application 498,280: Adjustable Microvascular U-Clamp; filed August 10, 1974; PC \$3.25/MF \$2.25.

Patent 3,856,669: Elution Centrifuge-Apparatus and Method; filed July 2, 1973; patented December 24, 1974; not available NTIS.

Patent 3,856,959: Inhibition of Leukemia Utilizing 5-Methyltetrahydrofolate; filed July 24, 1972; patented December 24, 1974; not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Arlington, Va. 22217.

Patent 3,778,814: Waveform Synthesizer; filed August 7, 1972; patented December 11, 1973; not available NTIS.

Patent 3,778,830: Vibration Compensation for Range Direction Finder; filed August 24, 1972; patented December 11, 1973; not available NTIS.

Patent 3,778,833: Magnetic-Electronic Position Encoder; filed July 29, 1971; patented December 11, 1973; not available NTIS.

Patent 3,779,195: Lift Cable Transfer Apparatus; filed January 12, 1970; patented December 18, 1973; not available NTIS.

Patent 3,779,489: Controllable Gliding Parachute; filed July 31, 1972; patented December 18, 1973; not available NTIS.

Patent 3,779,708: Method and Means for Determining Oxyhemoglobin Association and Dissociation Curves of Whole Blood or Other Liquids; filed January 31, 1972; patented December 18, 1973; not available NTIS.

Patent 3,779,939: Liquid Laser Solution Formed with a Neodymium Salt in Phosphorus Oxide; filed January 29, 1971; patented December 18, 1973; not available NTIS.

Patent 3,780,220: Remote Control Underwater Observation Vehicle; filed August 14, 1972; patented December 18, 1973; not available NTIS.

Patent 3,780,465: Wear Resistant Gun Barrel and Method of Making the Same; filed June 1, 1972; patented December 25, 1973; not available NTIS.

Patent 3,780,722: Fiber Optical Solar Collector; filed April 26, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,536: Illuminated Diver's Slate; filed January 15, 1973; patented December 25, 1973; not available NTIS.

Patent 3,781,588: Backward Wave Prevention for a TWT Helix; filed January 24, 1973; patented December 25, 1973; not available NTIS.

Patent 3,781,706: Incremental Phase Shift Frequency Synthesizer; filed August 4, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,748: Chalcogenide Glass Bolometer; filed May 28, 1971; patented December 25, 1973; not available NTIS.

Patent 3,781,775: Rotating Stereo Sonar Mapping and Positioning System; filed May 1, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,780: Neutrally Buoyant Instrument Suspension; filed July 17, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,781: Piezoelectric Transducer; filed July 21, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,786: Coded Track Marker Light; filed September 5, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,911: Apparatus for Monitoring Thickness of Evaporated Film; filed March 22, 1973; patented December 25, 1973; not available NTIS.

Patent 3,782,112: Hybrid Generator; filed February 24, 1972; patented January 1, 1974; not available NTIS.

Patent 3,783,402: Josephson Junction Amplifier; filed June 28, 1972; patented January 1, 1974; not available NTIS.

Patent 3,783,447: Three Dimensional Radar Transponder System; filed September 21, 1972; patented January 1, 1974; not available NTIS.

Patent 3,783,505: Method for Electrically Insulating Magnetostrictive Material; filed March 29, 1972; patented January 8, 1974; not available NTIS.

Patent 3,783,524: Underwater Angle Measuring Device; filed December 7, 1971; patented January 8, 1974; not available NTIS.

Patent 3,784,312: Flotation Beam for Matting Construction; filed June 12, 1972; patented January 8, 1974; not available NTIS.

Patent 3,784,357: Protective Surfaces or Liners for Subaqueous Structures; filed January 13, 1972; patented January 8, 1974; not available NTIS.

Patent 3,784,805: Sinar Image Converter; filed October 4, 1972; patented January 8, 1974; not available NTIS.

Patent 3,789,128: Multipath Sonar Simulator; filed February 22, 1971; patented January 29, 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, WASHINGTON, D.C. 20546.

Patent application 505,819: Fine Frequency Measurement by Coincidence Detection; filed September 13, 1974; PC \$3.25/MF \$2.25.

Patent application 521,619: Water Purification Process; filed November 6, 1974; PC \$3.25/MF \$2.25.

Patent application 521,816: Fluid Mass Sensor; filed November 7, 1974; PC \$3.25/MF \$2.25.

Patent application 522,971: Self-Contained Breathing Apparatus; filed November 11, 1974; PC \$3.25/MF \$2.25.

Patent application 525,449: Automatic Bio-waste Sampling; filed November 22, 1974; PC \$3.25/MF \$2.25.

Patent application 531,565: Fiber Distributed Feedback Laser; filed December 11, 1974; PC \$3.25/MF \$2.25.

Patent application 531,572: Traffic Survey System; filed December 11, 1974; PC \$3.25/MF \$2.25.

Patent application 531,647: Magnetic Heading Reference; filed December 11, 1974; PC \$3.25/MF \$2.25.

Patent application 531,648: A Device Responsive to Applied Torque for Grasping an Elongated, Externally Threaded Body as the Body is Extracted from an Internally Threaded Opening; filed December 11, 1974; PC \$3.25/MF \$2.25.

Patent application 533,608: Filtering Device; filed December 17, 1974; PC \$3.25/MF \$2.25.

Patent application 534,266: High Temperature Strain Gage, Calibration Fixture; filed December 19, 1974; PC \$3.25/MF \$2.25.

Patent application 535,410: A Remotely Operable Articulated Manipulator; filed December 23, 1974; PC \$3.25/MF \$2.25.

Patent 3,849,865: Method of Protecting the Surface of a Substrate; patented November 26, 1974; not available NTIS.

Patent 3,849,877: Method for Making Conductors for Ferrite Memory Arrays; patented November 26, 1974; not available NTIS.

Patent 3,850,169: Circuit for Detecting Initial Systole and Diastolic Notch; patented November 26, 1974; not available NTIS.

Patent 3,850,389: Integrated Lift/Drag Controller for Aircraft; November 26, 1974; not available NTIS.

Patent 3,850,567: Evacuated, Displacement Compression Mold; patented November 26, 1974; not available NTIS.

Patent 3,850,754: Automatic Inoculating Apparatus; patented November 26, 1974; not available NTIS.

Patent 3,851,238: Phase-Locked Servo System; patented November 26, 1974; not available NTIS.

Patent 3,853,003: Wind Tunnel Flow Generation Section; filed December 10, 1974; not available NTIS.

Patent 3,853,075: Automatically Operable Self-Leveling Load Table; patented December 10, 1974; not available NTIS.

Patent 3,854,097: Self-Energized Plasma Compressor; patented December 10, 1974; not available NTIS.

Patent 3,854,113: Variable Resistance Constant Tension and Lubrication Device; patented December 10, 1974; not available NTIS.

Patent 3,855,873: Geneva Mechanism; patented December 24, 1974; not available NTIS.

[FR Doc.75-7621 Filed 3-25-75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at \$50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 493,006: Whole Blood Analysis Rotor Assembly Having Removable Cellular Sedimentation Bowl; filed July 30, 1974; PC \$3.25/MF \$2.25.

Patent application 501,899: Ultrasonic-Acoustic Grinding Wheel Setting Station for Automatic Numerically-Controlled Machines; filed August 30, 1974; PC \$3.25/MP \$2.25.

Patent 3,823,029: Method for Coating Graphite Filaments with Refractory Metal Carbides; filed August 1, 1972; patented July 9, 1974; not available NTIS.

Patent 3,823,037: Implantable Battery; filed July 20, 1972; patented July 9, 1974; not available NTIS.

Patent 3,824,402: Dual Parameter Flow Photometric Apparatus and Method; filed June 4, 1973; patented July 16, 1974; not available NTIS.

Patent 3,825,653: Process for Preparing Sinterable Aluminum Titanate Powder; filed September 11, 1972; patented July 23, 1974; not available NTIS.

Patent 3,827,946: Method for the Disposal of Combustible and Dilute Aqueous Wastes; filed June 5, 1972; patented August 6, 1974; not available NTIS.

Patent 3,829,552: Method of Massively Hydriding Zirconium-Uranium Alloy; filed October 12, 1962; patented August 13, 1974; not available NTIS.

Patent 3,830,292: Flow Distribution for Heat Exchangers; filed May 1, 1972; patented August 20, 1974; not available NTIS.

Patent 3,832,426: Syntactic Carbon Foam; filed December 19, 1972; patented August 27, 1974; not available NTIS.

Patent 3,832,801: Fertile Interspecific Hybridization Cell Fusion for Higher Plants; filed May 8, 1973; patented September 3, 1974; not available NTIS.

Patent 3,832,873: Multiple Code Coded Mechanism; filed August 6, 1973; patented September 3, 1974; not available NTIS.

Patent 3,836,404: Method of Fabricating Composite Superconductive Electrical Conductors; filed June 28, 1972; patented September 17, 1974; not available NTIS.

Patent 3,836,407: High Strength and High Toughness Alloy; filed May 2, 1972; patented September 17, 1974; not available NTIS.

Patent 3,837,066: Method of Extruding Aluminum Coated NB-TI; filed February 14, 1973; patented September 24, 1974; not available NTIS.

DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, MD 20782.

Patent application 510,976: Method and Apparatus for Spraying Wood Chips with Preservative; filed October 1, 1974; PC \$3.25/MP \$2.25.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, CHIEF, PATENT BRANCH, WESTWOOD BLDG., BETHESDA, MD 20014

Patent 3,852,482: Diagnostic Device and Method of Treatment; filed August 21, 1972; patented December 3, 1974; not available NTIS.

Patent 3,854,050: High Precision Fluorometer for Measuring Enzymatic Substrates in Tissue; filed September 11, 1973; patented December 10, 1974; not available NTIS.

Patent 3,854,561: Unidirectional Slip Clutch; filed May 9, 1973; patented December 17, 1974; not available NTIS.

DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, CODE 302, ARLINGTON, VA 22217

Patent 3,789,844: Solid State Acceleration Counter; filed April 29, 1972; patented November 6, 1973; not available NTIS.

Patent 3,770,353: Electro-Optical Sensor; filed August 25, 1971; patented November 6, 1973; not available NTIS.

Patent 3,770,565: Plastic Mounting of Epitaxially Grown IV-VI Compound Semiconducting Films; filed January 5, 1972; patented November 6, 1973; not available NTIS.

Patent 3,770,894: Luminance Control Circuit for Multi-Color Periscope View Simulator; filed May 4, 1972; patented November 6, 1973; not available NTIS.

Patent 3,770,895: Color Electronic Periscope View Simulator; filed October 21, 1971; patented November 6, 1973; not available NTIS.

Patent 3,770,887: Color Stereo Television; filed January 31, 1972; patented November 6, 1973; not available NTIS.

Patent 3,770,949: Acoustic Surface Wave Correlators and Convolvers; filed April 21, 1972; patented November 6, 1973; not available NTIS.

Patent 3,771,010: Liquid Cooled Band Edge Oscillation Prevention for a TWT; filed November 22, 1972; patented November 6, 1973.

Patent 3,777,274: Electronic Interaction Guide Structure for Acoustic Surface Waves; filed January 18, 1972; patented December 4, 1973; not available NTIS.

Patent 3,776,093: Muzzle Blast Suppressor; filed November 13, 1969; patented December 4, 1973; not available NTIS.

Patent 3,776,361: Acoustic Lens; filed April 6, 1972; patented December 4, 1973; not available NTIS.

Patent 3,776,493: Parachute Decoupling Apparatus; filed September 11, 1972; patented December 4, 1973; not available NTIS.

Patent 3,776,641: Optical Divider Point Assembly for Harmonic Spectrum Analysis; filed January 27, 1972; patented December 4, 1973; not available NTIS.

Patent 3,777,064: Voice Privacy System; filed June 1, 1972; patented December 4, 1973; not available NTIS.

Patent 3,777,276: Phase Lock Loop with Automatic Step by Step Search Sweep Followed by Linear Search Sweep; filed January 24, 1973; patented December 4, 1973; not available NTIS.

Patent 3,777,277: Discrete Step Frequency Sweep; filed February 23, 1973; patented December 4, 1973; not available NTIS.

Patent 3,777,282: Metal Vapor Laser Tube; filed February 3, 1972; patented December 4, 1973; not available NTIS.

Patent 3,777,284: Directional Phase-Shifting Coupler; filed March 27, 1972; patented December 4, 1973; not available NTIS.

Patent 3,777,555: Cumulative Fatigue Life Indicator; filed May 3, 1972; patented December 11, 1973; not available NTIS.

Patent 3,777,564: Electrogasdynamic Spectral Anemometer; filed December 27, 1971; patented December 11, 1973; not available NTIS.

Patent 3,777,643: Area Source of Collimated Light and Scanning Mechanism; filed April 24, 1972; patented December 11, 1973; not available NTIS.

Patent 3,777,698: Method and Apparatus for Emplacement of Long Beams in Rugged Sea Bottom Areas; filed June 25, 1970; patented December 11, 1973; not available NTIS.

Patent 3,778,354: Use of Cobalt in a Non-granular Copper Sulfate Electroplating Bath; filed September 13, 1972; patented December 11, 1973; not available NTIS.

Patent 3,778,635: Liquid Parametric Optical Mixing Device; filed June 8, 1972; patented December 11, 1973; not available NTIS.

Patent 3,778,758: Transducers; filed September 25, 1972; patented December 11, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 521,601: Multi-Computer Multiple Data Path Hardware Exchange System; filed November 6, 1974; PC \$3.75/MP \$2.25.

Patent application 522,567: A Self-Lubricating Bearing; filed November 11, 1974; PC \$3.25/MP \$2.25.

Patent application 526,438: Nulling Device for Detection of Trace Gases by Ndir Absorption; filed November 22, 1974; PC \$3.25/MP \$2.25.

Patent application 526,448: Thermostatically Controlled Nontracking Type Solar Energy Concentrator; filed November 22, 1974; PC \$3.25/MP \$2.25.

Patent application 526,450: Thermocouple Installation; filed November 22, 1974; PC \$3.25/MP \$2.25.

Patent application 527,727: Deploy/Release System; filed November 27, 1974; PC \$3.25/MP \$2.25.

Patent 3,841,973: Apparatus for Microbiological Sampling; patented October 15, 1974; not available NTIS.

Patent 3,842,485: Method of Making an Explosively Welded Scarf Joint; patented October 22, 1974; not available NTIS.

Patent 3,842,509: Strain Gauge Ambiguity Sensor for Segmented Mirror Active Optical System; patented October 22, 1974; not available NTIS.

Patent 3,842,656: Determining Particle Density Using Known Material Hugoniot Curves; patented October 22, 1974; not available NTIS.

Patent 3,846,243: Automated Analysis of Oxidative Metabolites; patented November 5, 1974; not available NTIS.

Patent 3,847,115: System for Depositing Thin Films; patented November 12, 1974; not available NTIS.

Patent 3,847,141: Ultrasonic Bone Densitometer; patented November 12, 1974; not available NTIS.

Patent 3,847,689: Method of Forming Aperture Plate for Electron Microscope; patented November 12, 1974; not available NTIS.

Patent 3,848,190: Signal Conditioner Test Set; patented November 12, 1974; not available NTIS.

Patent 3,849,668: Orthotic ARM Joint; patented November 19, 1974; not available NTIS.

[FR Doc.75-7622 Filed 3-25-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health AGING REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute of Child Health and Human Development on May 8-9, 1975, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9 a.m. to 10 a.m. on May 8 to discuss administrative and current status reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on

May 8 from 10 a.m. to adjournment on May 9 for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1756, will provide a summary of the meeting and a roster of committee members. Dr. Walter Spieth, Executive Secretary of the Aging Review Committee, NICHD, Landow Building, Room A-710, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1033, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: March 19, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-7761 Filed 3-25-75; 8:45 am]

EXPERIMENTAL PSYCHOLOGY STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the following National Institutes of Health Study Section which was published in the FEDERAL REGISTER on March 7, 1975 (40 FR 10704).

The Experimental Psychology Study Section was to have met April 23-26, 1975, but will meet April 24-27, 1975 at 9:30 a.m. at the Shoreham-Americana Hotel, Washington, D.C., the same location for which it was originally scheduled. The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: March 19, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-7758 Filed 3-25-75; 8:45 am]

HEART AND LUNG PROGRAM PROJECT COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart and Lung Program Project Committee, National Heart and Lung Institute, May 2-3, 1975, National Institutes of Health, Building 31, Conference Room 9. This

meeting will be open to the public on May 2, 1975, from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear a report concerning the current status of the National Heart and Lung Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Heart and Lung Program Project Committee will be closed to the public on May 2, 1975, from 9:30 a.m. until the adjournment on May 3, 1975, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A21, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLI, NIH, Westwood Building, Room 655, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839 National Institutes of Health)

Dated: March 19, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-7760 Filed 3-25-75; 8:45 am]

MENTAL RETARDATION RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on May 12-14, 1975, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public on May 12 from 1 p.m. to 3 p.m. to discuss items relative to the committee's activities including announcements by the Head of the Mental Retardation Branch and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 12 from 3 p.m. to adjournment on May 14 for the review, discussion and

evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1756, will provide a summary of the meeting and a roster of committee members. Dr. Lyle Lloyd, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room C-704, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1383, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: March 19, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-7759 Filed 3-25-75; 8:45 am]

NATIONAL COMMISSION ON DIABETES Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Diabetes, April 21, 22, and 23, 1975 (times below), in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 8:30 a.m. to 5 p.m. on April 21 and 22, and 9 a.m. to 5 p.m. on April 23. On April 21 and 22 the Committee of the Commission on Etiology and Pathology of Diabetes will report. From 9 a.m. to 12:30 p.m. on April 23 the Commission will hear public testimony; from 1:30 p.m. to 5 p.m. the Commission will meet in a planning session.

Any member of the public who wishes to appear before the Commission between 9 a.m. and 12:30 p.m. on April 23 shall file a written statement or detailed summary of his remarks with the Commission before 5 p.m. on April 17. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: March 19, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 75-7757 Filed 3-25-75; 8:45 am]

REPRODUCTIVE BIOLOGY STUDY SECTION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Reproductive Biology Section, Division of Research Grants, at 9 a.m., May 9, 1975, Holiday Inn, Bethesda, Maryland 20014.

This meeting will be open to the public on May 9, 1975 from 9 a.m. to 9:30 a.m. to discuss administrative detail relating to Study Section business. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10d of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. to adjournment for the review, discussion and evaluation of applications for National Research Service Awards and Research Career Development Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detail research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meeting and rosters of committee members. Dr. Robert T. Hill, Executive Secretary, Room 307, Westwood Building, Bethesda, Maryland 20014, telephone number 301-496-7318, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health, DHEW)

Dated: March 20, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 75-7756 Filed 3-25-75; 8:45 am]

THIRD WORLD CONFERENCE ON SMOKING AND HEALTH

Meeting

Notice is hereby given of the Third World Conference on Smoking and Health which was organized by the American Cancer Society, and sponsored with the National Cancer Institute and with the cooperation of the American Heart Association; American Lung Association; Health Education Council; International Union Against Cancer; National Cancer Institute of Canada; National Clearinghouse for Smoking and Health; National Heart and Lung Institute; National Interagency Council on Smoking and Health; Pan American Health Organization; World Health Organization; June 2-5, 1975, Waldorf Astoria Hotel, New York City, New York.

Official participation is by invitation. The conference will consist of five separate sections: (a) Health consequences of smoking; (b) Modifying the risk; (c) Education; (d) Cessation activities; (e) Governmental and social action.

For additional information and for those members of the public wishing to attend, please contact Mr. Harry Milt, Conference Coordinator, American Cancer Society, 219 E. 42nd Street, New York, New York 10017, (212) 867-3700 or Robert L. Woolridge, D.Sc., Blair Building, Room 614, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 427-7993.

Dated: March 14, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 75-7762 Filed 3-25-75; 8:45 am]

Office of Education EDUCATIONAL GRANTS Proposed Funding Criteria Correction

In the Friday, March 14, 1975 FEDERAL REGISTER, the funding criteria for the following programs were erroneously highlighted on the cover page as for Fiscal Year 1976. The highlights for these documents are corrected to detail funding criteria for Fiscal Year 1975. The affected documents are:

Career Education Program; page 11928; FR Doc. 75-6756.

Foreign Language and Area Studies Research Program; page 11931; FR Doc. 75-6784.

Supplementary Educational Centers and Services Special Programs and Projects; page 11885; FR Doc. 75-6758.

EXECUTIVE COMMITTEE OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the Executive Committee of the National Advisory Council on Adult Education will meet on April 19, 1975, from 10 a.m. to 4 p.m., Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C.

The National Advisory Council on Adult Education is established under section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

Develop the Council's FY-77 budget,
Establish the Council's FY-76 operational budget,
Finalize the Council's FY-75 budget adjustments.

Records shall be kept of the Executive Committee's proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004).

Signed at Washington, D.C., on March 20, 1975.

GARY A. EYRE,
Executive Director, National
Advisory Council on Adult
Education.

[FR Doc. 75-7840 Filed 3-25-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-253; FDAA-3009-EM]

KENTUCKY

Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 19, 1975, the President declared an emergency as follows:

I have determined that the impact of high winds on the State of Kentucky, beginning about March 7, 1975, is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Kentucky. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary

of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket D-74-285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following area in the State of Kentucky to have been adversely affected by this declared emergency:

The County of: Ohio.

Dated: March 19, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM E. CROCKETT,
Acting Administrator, Federal
Disaster Assistance Administration.

[FR Doc.75-7511 Filed 3-25-75;8:45 am]

**Assistant Secretary for Community
Planning and Development**

[Docket No. D-75-212]

**RELOCATION POLICIES AND
REQUIREMENTS**

Redelegation of Authority

The redelegation of authority with respect to Relocation Policies and Requirements published February 12, 1974 (39 FR 5352) is amended to empower Regional Administrators, Deputy Regional Administrators, Area Directors, and Deputy Area Directors to approve the use of project or program funds for the provision of replacement housing in accordance with section 206(a) as prescribed in 24 CFR Part 43. This authority has heretofore been withheld under section D.4.d., of that redelegation.

Accordingly, the redelegation of authority 39 FR 5352 (February 12, 1974), is amended by changing section D.4. as follows:

1. In section D.4., paragraph d is deleted.

2. Paragraph e is redesignated d.

Effective date. This amendment is effective on March 26, 1975.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community
Planning and Development.

[FR Doc.75-7768 Filed 3-25-75;8:45 am]

**Office of Interstate Land Sales
Registration**

[Docket No. N-75-268]

DALE HOLLOW SHORES

Hearing

In the matter of Dale Hollow Shores Subdivision, Docket No. 74-166.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d)

Notice is hereby given that:

1. Dale Hollow Shores Corporation, Salvatore J. Farina, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the

provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued January 8, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Dale Hollow Shores, located in Clay County, Tennessee, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received January 24, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered.* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on March 27, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before March 20, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: March 18, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-7767 Filed 3-25-75;8:45 am]

[Docket No. N-75-267]

WOODRUN SUBDIVISION

Hearing

In the matter of Woodrun Subdivision, Docket No. 74-145.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Woodrun, Inc., Michael A. Carr, Vice President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the

Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued December 3, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Woodrun Subdivision, located in Hardeman County, Tennessee, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received December 17, 1974, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered.* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on March 24, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before March 17, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: March 18, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-7766 Filed 3-25-75;8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

**National Highway Traffic Safety
Administration**

OCCUPANT CRASH PROTECTION

Meeting

This notice announces that the National Highway Traffic Safety Administration will hold a public meeting to permit interested persons to present oral and written views on requirements for

crash protection under Standard No. 208, *Occupant crash protection*, that is "passive," i.e., requires no action by vehicle occupants such as fastening a seat belt.

The requirements of Standard No. 208, 49 CFR 571.208, for passenger cars have been imposed in sequential phases, with the current phase that offers three crash protection options ending August 14, 1975. On December 5, 1972, the U.S. Court of Appeals for the Sixth Circuit in "Chrysler v. DOT," 472 F.2d 659 (6th Cir. 1972), upheld the basic validity of Standard No. 208, but required the agency to issue more specific dummy specifications, and suspended the mandatory passive requirements that were to come into effect on August 15, 1975. New dummy specifications were published on August 1, 1973 (38 FR 20449). NHTSA has also proposed a delay of the effective date for "passive" restraints, as ordered by the Chrysler court (39 FR 10271, March 19, 1974).

Since the March 1974 proposal, NHTSA has issued a detailed cost-benefit analysis (in August and December 1974) and engaged in an extensive dialogue with interested persons on the desirability of mandatory passive restraints in the United States vehicle population. A large amount of information and argument has been reviewed in the past 6 months by the NHTSA.

To collect and consolidate as much information as possible in the public docket the NHTSA has determined that a public meeting is desirable to discuss the status of passive restraint technology, vehicle manufacturer experience with passive restraints in their vehicle models, and the expected environmental and economic impact of mandatory passive restraint requirements. The views of all interested parties, and in particular, component suppliers, vehicle manufacturers, and researchers or other specialists in passive restraints, are invited.

To assist in the exchange of substantive data at this meeting, an outline is set out in paragraphs 1 through 4 below, listing those subject areas of particular interest to NHTSA. NHTSA expects to indicate subject areas with more particularity in invitations to individual companies and persons to address this meeting. With regard to the detail of this outline, it is noted that the submission of written data may supplement an oral summary presented at the meeting. The general topics are:

1. Status and plans.
 - a. Chronology of passive restraint development.
 - b. Current passive systems under consideration by vehicle line.
 - c. Current readiness by vehicle line.
 - d. Future passive systems under consideration.
 - e. Plans for use of future passive systems by vehicle line.
 - f. Minimum lead time to install passive restraint systems in each vehicle line.
2. Passive restraint technology/experience.
 - a. Passive restraint experience by vehicle line, including problems associated with small vehicles.

- b. High speed crash protection capabilities.
 - (1) Current FMVSS 208—30 mph.
 - (2) Future FMVSS 208—45-50 mph.
- c. Sled and vehicle test experience.
- d. Reliability and longevity.
 - (1) Active versus passive.
3. Weight implications and environmental impact.
 4. Costs, benefits and economic impact.
 - a. Costs—detailed breakdown.
 - (1) Piece costs, vehicle modification costs, markups.
 - (2) System and hardware development costs, capital expenditures, volume and amortization considerations.
 - (3) Original and operating costs.
 - (4) Possible insurance premium reductions, reflecting passive restraints in the insured vehicle, and reflecting passive restraints in the entire vehicle population.
 - b. Benefits and economic impact—short and long term.
 - (1) System effectiveness.
 - (2) Costs and social consequences of automobile death and injury.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Robert Nelson, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (telephone 202-426-2802), before April 30, 1975, so that limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C., approximately 5 days after the meeting.

The meeting will be held at the U.S. Department of Commerce Auditorium, 14th Street and Constitution Avenue, NW., Washington, D.C. The meeting will be in session from 9 a.m. to 5 p.m. on May 19, 1975, and, depending on the request for time, during the same hours on May 20 and 21, 1975.

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

Issued on March 20, 1975.

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

MARCH 20, 1975.

[FR Doc.75-7845 Filed 3-28-75; 8:45 am]

Office of the Secretary

[Docket No. FE-01; Notice No. 75-3]

TRUCK AND BUS VOLUNTARY FUEL ECONOMY IMPROVEMENT PROGRAM

Request for Information and Public Comment

At the direction of the Energy Resources Council, the Department of

Transportation, in conjunction with the Federal Energy Administration and the Environmental Protection Agency, is developing a joint industry-Government voluntary truck and bus fuel economy improvement program. The program will parallel and supplement the automobile fuel economy program already under way.

The report to the Congress entitled, "Potential for Motor Vehicle Fuel Economy Improvement," prepared by the Department of Transportation and the Environmental Protection Agency pursuant to the Energy Supply and Environmental Coordination Act of 1974, highlighted potential fuel economy improvements for 1980 production motor vehicles. The Report of the panel on trucks and buses went into greater detail concerning this segment of the automotive industry. The Truck and Bus Panel Report has now been published separately and is available for general public evaluation and comment. Single copies can be obtained from the Department of Transportation, Office of the Secretary, Office of Public Affairs, 400 Seventh Street, SW., Washington, DC 20590, Telephone (AC 202) 426-4321. That Report evaluates the fuel economy potential of 1980 medium and heavy-duty trucks and buses and concludes that, considering cost/benefit trade offs to the purchaser and production capacity available by 1980, the potential fuel economy improvement for the new 1980 commercial vehicles is 18 percent. These savings can be achieved through technological improvements alone.

In the Report, the subjects of improved operating efficiencies and decreased regulatory constraints are discussed, but estimates of likely fuel economy improvements by 1980, based upon such changes, are not made. The idea of retrofitting existing vehicles with devices to obtain additional fuel conservation is also mentioned without estimating potential savings.

A program for voluntary truck and bus fuel conservation must involve considerations of the following:

1. Technological improvements—turbo-charged diesel engines, improved vehicle aerodynamics, improved cooling systems, low rolling resistance tires.
2. Operating efficiencies—Improved driving habits, elimination of unnecessary vehicle idling, adherence to 55 mph speed limits, lower engine operating speeds, better utilization of available vehicles.
3. Decreased regulatory constraints—universal adoption of 80,000± limit, universal allowance of double trailer, reevaluation of state and Federal economic restrictions.

With the cooperation of the affected industries, the Department of Transportation is gathering information to guide the development of a voluntary commercial vehicle fuel economy program. Such a program will need the full support of suppliers, manufacturers and operators of commercial vehicles. All concerned must be able to determine the effectiveness of their efforts to decrease fuel consumption, but at present there are no universally accepted units for measuring

commercial vehicle productivity as it relates to fuel usage. Productivity/fuel-efficiency measures must be adopted by which component suppliers, motor vehicle manufacturers and motor carriers can quantitatively report their steps toward increased productivity and lessened fuel consumption.

The public and individuals in industries and organizations which will be directly affected by the planned voluntary truck and bus fuel economy program are invited to submit information and comments on the truck and bus fuel economy improvement report and any or all facets of the proposed voluntary program. Information on the following topics is especially solicited:

1. The accuracy of the reported technology and likely fuel saving potential reported in the Truck and Bus Panel Report.

2. Methods of categorization of vehicles over 10,000# GVWR which will lead to reasonable and accurate methods of measuring and reporting fuel economy and fuel economy improvements.

3. Driving cycles or other methods which may be used to evaluate representative vehicles to determine fuel economy and fuel economy improvements. Methods of selecting representative vehicles for test by manufacturer or others.

4. Formats for reporting to potential users and the Government likely fuel economy of individual vehicles and overall improvements in fuel economy of the sales-weighted mix of vehicles sold or likely to be sold. Recommendations as to the format a Government monitoring program should take.

5. Methods of encouraging the purchase of fuel-efficient vehicle configurations and retrofit technology.

6. Methods of objectively testing devices or concepts which purport to improve fuel economy and of bringing the results of such tests to potential users.

7. The roles of the component supplier, vehicle manufacturer, motor carrier and Federal Government in a voluntary truck and bus fuel economy program and commitments to the program which can be expected from suppliers, manufacturers and carriers.

8. The present-use rate, availability and cost of various technological improvements in fuel consumption up to and beyond 1980, e.g.: a. Diesel engines, especially for medium-duty vehicles, b. Turbochargers for retrofit or for use with new engines, c. Demand-actuated cooling fans, d. Radial and wide-base single tires, e. Aerodynamic improvement devices, f. Technology to reduce vehicle tare weight.

9. The anticipated change in vehicle type/mix in 5 and 10 years from both a manufacturer and a user viewpoint.

10. The effect of current and proposed safety, noise and emissions standards on fuel economy.

11. Other regulatory restrictions to improved fuel economy or vehicle productivity.

12. Unit(s) of motor vehicle productivity which can accurately be used to measure the success of a fuel economy program. At the present time the Department is inclined to consider the ton-mile or the passenger-mile as, a priori, valid productivity units. Methods of factoring into the equation cases where loads are volume rather than weight-limited and cases where operating circumstances are likely to change such as to make these units inaccurate should be considered.

13. Methods of motivating carriers and drivers toward improved operating efficiencies.

The Department of Transportation invites all interested persons to submit comments to this Docket. These comments and other inputs will be used in formulating the full voluntary program. Comments should refer to Docket Number FE-01 and be submitted to: Docket Section, National Highway Traffic Safety Administration, U.S. Department of Transportation, Room 5108, 400 Seventh Street, SW, Washington, DC 20590. Submissions in 10 copies are requested.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the Docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered.

Comment closing date: June 24, 1975.

Issued in Washington, D.C., on March 18, 1975.

JOHN W. BARNUM,
Deputy Secretary
of Transportation.

[FR Doc.75-7764 Filed 3-25-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27557; Order 75-3-86]

SEABOARD WORLD AIRLINES, INC. AND DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT

Order of Investigation Regarding Transatlantic Container Rates

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

By tariff revisions filed February 4, 1975 for effect March 6, 1975, Seaboard World Airlines, Inc. (Seaboard) and Deutsche Lufthansa Aktiengesellschaft (Lufthansa) proposed to establish new general commodity rates from the United States to the Federal Republic of Germany. The rates would apply to shipments of 75,000 pounds and 90,000 pounds¹ with a minimum density of 10 pounds per cubic foot, tendered to the carrier in containers or pallets.

Complaints requesting suspension and investigation of the Seaboard tariff were filed by Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA). The Flying Tiger Line Inc. (Tiger) submitted an answer in support of the complaints. Seaboard submitted a consolidated answer to the complaints.

Upon consideration of the complaints and answer filed by Seaboard, the Board adopted an order suspending the tariff.² As required by the provisions of section 801(b) of the Federal Aviation Act of 1958, this order was submitted to the President of the United States. Thereafter by letter dated March 8, 1975, the

¹ 34,000 kilograms and 42,500 kilograms, respectively.

² A copy of the order of suspension submitted to the President is attached as Appendix A, filed as part of the original document.

President disapproved the Board's proposed order of suspension.³

The Board has determined to proceed with an investigation of the rates. The complaints, except to the extent granted herein, will be dismissed. We will also require the U.S. carriers providing transatlantic cargo service to report monthly, in the format prescribed in Appendix C hereto,⁴ traffic data relating to shipments carried under these rates, as well as traffic carried under other (specific commodity) high weight-break rates and charter rates. Foreign-flag carriers are also encouraged to submit similar data.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly section 204(a), 404, 801 and 1002(j) thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the rates and provisions in Tariff C.A.B. No. 52, Air Tariffs Corporation, Agent, on 4th Revised Page 82 and rules, regulations and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions or rules, regulations, or practices;

2. Except to the extent granted herein, the complaints in Dockets 27481 and 27492 be and hereby are dismissed;

3. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. Copies of this order be served upon Seaboard World Airlines, Inc., Deutsche Lufthansa Aktiengesellschaft, The Flying Tiger Line Inc., Pan American World Airways, Inc. and Trans World Airlines, Inc., which are hereby made parties to this proceeding; and

5. All United States air carriers providing transatlantic cargo service shall report, by month, market and direction, the traffic data in the format prescribed in Appendix C hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWARD Z. HOLLAND,
Secretary.

[FR Doc.75-7889 Filed 3-25-75;8:45 am]

COMMISSION ON CIVIL RIGHTS MARYLAND 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 Maryland State Advisory Committee (SAC) to this Commission will convene at 3 p.m.

³ The President's letter is attached as Appendix B, filed as part of the original document.

⁴ Filed as part of the original document.

on April 11, 1975, at the Towson Unitarian Church, 1710 Dulaney Valley Road, Lutherville, Maryland 21093.

Persons wishing to attend this meeting should contact the Commission Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

This is a meeting of the Housing Subcommittee of the Maryland Advisory Committee to discuss housing problems in the state of Maryland.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 21, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.75-7859 Filed 3-25-75; 8:45 am]

**CIVIL SERVICE COMMISSION
COMMUNITY SERVICES ADMINISTRATION
Grant of Authority To Make Noncareer
Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Community Services Administration to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of General Counsel.

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

[FR Doc.75-7852 Filed 3-25-75; 8:45 am]

**DEPARTMENT OF THE INTERIOR
Revocation of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Coal Research, Office of Assistant Secretary—Mineral Resources.

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

[FR Doc.75-7850 Filed 3-25-75; 8:45 am]

**DEPARTMENT OF THE TREASURY
Revocation of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Enforcement, Office of Assistant Secretary (En-

forcement Operations), Office of the Secretary.

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

[FR Doc.75-7851 Filed 3-25-75; 8:45 am]

**FEDERAL ENERGY ADMINISTRATION
Grant of Authority To Make Noncareer
Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Assistant Administrator for Building Programs, Office of Energy Conservation and Environment.

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

[FR Doc. 75-7853 Filed 3-25-75; 8:45 am]

**FEDERAL ENERGY ADMINISTRATION
Revocation of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Energy Data and Analysis, Office of the Assistant Secretary—Energy and Minerals.

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

[FR Doc.75-7849 Filed 3-25-75; 8:45 am]

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENT
CERTAIN MAN-MADE FIBER TEXTILE
PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA
Entry or withdrawal from Warehouse for
Consumption**

MARCH 25, 1975.

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35838) a letter of September 26, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, which establish export limitations for wool and man-made fiber textile products in certain categories, produced or manufactured in the Republic of China, for the agreement year which began on October 1, 1974.

Pursuant to paragraph 12(a) of the bilateral agreement, the Government of the United States has agreed to increase the sublimit for men's suits (T.S.U.S.A. Nos. 380.0420 and 380.8143) within man-made fiber textile Category 224 from 200,000 pounds to 330,000 pounds for the twelve-month period which began on October 1, 1974.

Accordingly, there is published below a letter dated March 25, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of September 26, 1974, effective on March 26, 1975, to increase the level of restraint applicable to men's suits (T.S.U.S.A. Nos. 380.0420 and 380.8143), produced or manufactured in the Republic of China and exported to the United States during the twelve-month period which began on October 1, 1974.

ALAN POLANSKY,
Acting Chairman, Committee
for the Implementation of
Textile Agreements, and Acting
Deputy Assistant Secretary for Resources and Trade
Assistance, U.S. Department of
Commerce.

**COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS**

MARCH 25, 1975.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on September 26, 1974 by the Chairman, Committee for the Implementation of Textile Agreements, regarding imports into the United States of wool and man made fiber textile products in certain categories, produced or manufactured in the Republic of China, and exported to the United States during the twelve-month period which began on October 1, 1974.

Under the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to amend, effective on March 26, 1975, the level of restraint established within Category 224 for T.S.U.S.A. Numbers 380.0420 and 380.8143 in the directive of September 26, 1974, as set forth below:

Category	Amended 12-month level of restraint ¹
224....	8,589,744 pounds (of which not more than 330,000 pounds shall be in T.S.U.S.A. Numbers 380.0420 and 380.8143 and not more than 600,000 pounds shall be in T.S.U.S.A. Numbers 380.0402 and 380.8103).

¹ The levels of restraint have not been adjusted to reflect any entries made on or after Oct. 1, 1974.

The actions taken with respect to the Government of the Republic of China and with respect to imports of wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs,

being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the
Implementation of Textile Agree-
ments, and Acting Deputy Assis-
tant Secretary for Resources and
Trade Assistance U.S. Depart-
ment of Commerce.

[FR Doc.75-8056 Filed 3-25-75;10:19 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARCHITECTURAL GLASS

Extension of Time for Publishing a Pro- posed Rule or Withdrawing Notice of Proceeding and Announcement of Public Meeting

The purpose of this notice is to extend by 60 days the period in which the Consumer Product Safety Commission must publish a rule proposing a consumer product safety standard for architectural glass or a notice withdrawing the notice of proceeding; and to announce that a Commission meeting open to the public will be held concerning the recommended standard for architectural glass submitted by the Consumer Safety Glazing Committee. (CSGC)

By notice in the FEDERAL REGISTER of May 28, 1974 (39 FR 18502), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to architectural glass. On August 15, 1974, the Commission accepted the offer of the Consumer Safety Glazing Committee to develop a recommended standard and published a notice in the FEDERAL REGISTER on August 21, 1974 (39 FR 30191) announcing the acceptance. On November 1, 1974, the Commission announced by notice in the FEDERAL REGISTER (39 FR 38175) that for good cause shown it had granted the CSGC's request for an extension of time for the development of a safety standard for architectural glass from October 25, 1974 until January 24, 1975. Subsequently, the Commission, under authority of section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)), extended, by notice in the FEDERAL REGISTER of March 5, 1975 (40 FR 10227), the period within which the Commission was required to publish a rule proposing a consumer product safety standard or a notice withdrawing the notice of proceeding until March 25, 1975. This extension reflected the fact that the development period for the standard had previously been extended.

In Briefing Packages dated February 13, and February 18, 1975, the staff of the Consumer Product Safety Commission provided the Commission with an evaluation of the responsiveness of

the recommended standard on Architectural Glass submitted by the Consumer Safety Glazing Committee to the notice of proceeding published in the Federal Register of May 28, 1974, and an analysis of the adequacy of the recommended standard to eliminate or reduce the unreasonable risks of injury presented by architectural glass. A discussion of the options available to the Commission was also presented in these packages. The Briefing Packages illustrate the fact that the analysis of the recommended standard and the options available to the Commission are complex and numerous. The material submitted by the CSGC is voluminous and requires further review by the Commission. In addition, laboratory tests by the Commission to analyze the tests required by the recommended standard will not be completed until approximately mid-April. Therefore, the Commission is extending the period in which it must either propose a standard or withdraw the notice of proceeding by 60 days or until May 24, 1975.

Further, the Commission wishes to announce that it will have a public briefing by its staff on April 9, 1975 in order to allow the staff to discuss its analysis of the recommended standard and to discuss options available to the Commission. The meeting will be held at 9 a.m. in the Sixth Floor Hearing Room, 1750 K Street, NW., Washington, D.C. and is open to the public, however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20297, (202-634-7700).

Dated March 20, 1975.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc.75-7860 Filed 3-25-75;8:45 am]

ARCHITECTURAL GLASS

Extension of Time for Publishing a Pro- posed Rule or Withdrawing Notice of Proceeding; Corrections

In FR Doc. 75-5771 appearing at page 10227 in the issue for Wednesday, March 5, 1975, make the following changes:

1. In the third paragraph, in the tenth line in the third column, change "120 days, or for 270 days" to read "91 days or for 241 days".
2. In the fourth paragraph, in the fourth line, change "120 days" to read "91 days".
3. In the fourth paragraph, in the seventh line, change "March 21, 1975" to read "March 25, 1975".

Dated: March 21, 1975.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc.75-7861 Filed 3-25-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 350-4]

CIBA-GEIGY CORP.

Establishment of Temporary Tolerances

CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, submitted a petition (PP 5G1553) requesting establishment of temporary tolerances for the combined residues of the herbicide 2-chloro - N - (2 - ethyl-6-methylphenyl) - N - (2 - methoxy - 1 - methylethyl) acetamide and its metabolites converted to 2 - (12 - ethyl - 6 - methylphenylamino) propano) calculated as the herbicide in or on the raw agricultural commodities corn fodder and forage at 0.75 part per million; corn grain and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.05 part per million (negligible residue); eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 part per million (negligible residue).

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the CIBA-GEIGY Corp. name.

These temporary tolerances expire March 20, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: March 20, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Admin-
istrator for Pesticide Pro-
grams.

[FR Doc.75-7739 Filed 3-25-75;8:45 am]

[FRL 350-2]

E. I. DU PONT DE NEMOURS & CO., INC.

Establishment of Temporary Tolerances

E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, submitted two petitions (PPs 3G1316 and 3G1349) requesting establishment of temporary tolerances for residues of the insecticide oxamyl (methyl N',N'-dimethyl-N-[(methylcarbamoyl)oxy] - 1-thioxamimidate) in or on the raw agricultural

commodities citrus fruits at 3 parts per million and apples at 2 parts per million (PP 3G1349); peanut hulls at 0.2 part per million, peanuts and potatoes at 0.1 part per million (negligible residue) (PP 3G1316).

It has been determined that these temporary tolerances will protect the public health. They are therefore established as requested on condition that the insecticide be used in accordance with the temporary permits being issued concurrently and which provide for distribution under the E. I. du Pont de Nemours & Co., Inc., name.

These temporary tolerances expire March 20, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permits/tolerances.

This action is taken pursuant to provision of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: March 20, 1975.

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

[FR Doc. 75-7740 Filed 3-25-75; 8:45 am]

[FRL 350-3]

SHELL CHEMICAL COMPANY
Renewal of Temporary Tolerances

Shell Chemical Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036, was granted temporary tolerances for residues of the insecticide hexakis (beta, beta-dimethylphenethyl) distannoxane in or on the raw agricultural commodities apples and pears at 4 parts per million and oranges and grapefruit at 3 parts per million on February 12, 1974, in connection with Pesticide Petition No. 3G1354 (notice was published in the Federal Register of February 15, 1974 (39 FR 5815)). These temporary tolerances expired February 12, 1975.

The company has requested a one-year renewal of these temporary tolerances for residues of the insecticide in or on apples and pears at 4 parts per million and oranges and grapefruit at 3 parts per million to obtain additional experimental data.

It is concluded that such renewal of the temporary tolerances will protect the public health. A condition under which these temporary tolerances are renewed is that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Shell Chemical Co. name.

These temporary tolerances expire March 20, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: March 20, 1975.

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

[FR Doc. 75-7741 Filed 3-25-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 745]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

MARCH 17, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

² The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

**APPLICATIONS ACCEPTED FOR FILING
DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE
MARCH 17, 1975.**

- 21249-CD-P-75, The Medical Dental Bureau, Inc. (new). C.P. for a new 1-way station to operate 35.22 MHz. to be located at Mable Street, Youngstown, Ohio.
- 21250-CD-P-75, Mobilefone Northwest (KFL 918). C.P. for additional facilities to operate on 152.06 MHz. located at 107 North 2nd Avenue, Walla Walla, Washington.
- 21251-CD-P-75, Two-Way Radio of Carolina, Inc. (new). C.P. for a new station to operate on 152.12 MHz. to be located on Hwy. I-95, ¼ mile N. intersection with Hwy. 211, 1.5 miles N. of Lumberton, North Carolina.
- 21252-CD-P-(4)-75, Rockford Communications Company, Inc. (KSJ610). C.P. to change antenna system and relocate facilities operating on 152.09 and 152.18 MHz. and additional facilities to operate on 152.03 and 152.15 MHz. to be located ¼ mile east of Route 173 on Nimitz Road and ½ mile east of Loves Park near Rockford, Illinois.
- 21253-CD-P-75, Mobilfone Communications (new). C.P. for a new station to operate on 152.15 MHz. to be located 116 South Clay, Magnolia, Arkansas.
- 21254-CD-P-75, Two-Way Radio of Carolina, Inc. (new). C.P. for a new station to operate on 158.70 MHz. to be located on Hwy. I-95, ¼ mile North of intersection with Hwy. 211, 1.5 miles North of Lumberton, North Carolina.
- 21255-CD-P-75, Munising Telephone Company (new). C.P. for a new station to operate on 152.78 MHz. to be located on Cemetery Hill Road, Two miles southeast of Munising, Michigan.
- 21256-CD-P-75, Same as above (new). C.P. for a new station to operate on 152.54 MHz. to be located on Highway #13, 0.5 mile south of Hidden Lake, Hiawatha Forest, Michigan.
- 21257-CD-P-75, Same as above (new). C.P. for a new station to operate on 152.66 MHz. to be located 1.4 miles south of Eckerman on Highway 28, Nr. Eckerman, Michigan.
- 21258-CD-P-(4)-75, New Dawn Communications, Inc. (KCB892). C.P. for additional facilities to operate on 152.18 MHz. located at 35 Hardy Road, Palmouth, Maine.
- 21259-CD-P-75, Mobilfone Communications (new). C.P. for a new station to operate on 152.09 MHz. to be located 2 miles Northwest of Camden, Arkansas.
- 21260-CD-P-3-75, Santa Cruz Telephone Answering and Radio Service (KMD683). C.P. for additional facilities to operate on 454.200 MHz. located at Lot 3, Summit Park near Empire Grade, 2 miles southwest of Boulder Creek, California.
- 21261-CD-P-3-75, Electronic Engineering Company (new). C.P. for a new 1-way station to operate on 35.58 MHz. to be located at 1100 Keosauqua Way, Des Moines, Iowa.

- 21262-CD-P-(2)-75, Mobilphone Paging Radio Corporation (new). C.P. for a new station to operate on 454.050 MHz. to be located 300 Yards from Ashby, Johnston, Rhode Island.
- 21263-CD-P-75, Mobilphone Northwest (new). C.P. for a new station to operate on 152.24 MHz. to be located at 107 North 2nd Avenue, Walla Walla, Washington.
- 21264-CD-P-75, Pioneer Telephone Cooperative, Inc. (new). C.P. for a new station to operate on 454.625 MHz. to be located at 115 W. Madison, Crescent, Oklahoma.
- 21265-CD-AL-75, Yankee Microwave Corp., Inc. Consent to Assignment of License from Yankee Microwave Corp., Assignor to Elkton Communications, Inc., Assignee. Station: KCA752, Lewiston, Maine.
- 21266-CD-P-75, Ram Broadcasting of Connecticut, Inc. (KLF531). C.P. to relocate facilities operating on 152.21 MHz. located at End of Cook Drive, Montville, Connecticut.
- 21267-CD-P-75, Mobile Radio Message Service, Inc. (KEA260). C.P. to change antenna system and replace transmitter operating on 162.09 MHz. located at Williamsburg State Bank Bldg., 1 Hanson Pl., Brooklyn, New York.
- 21268-CD-AL-75, Ram Broadcasting of Connecticut, Inc. Consent to Assignment of License from Ram Broadcasting of Connecticut, Inc., Assignor to Henry M. Zachs, d.b.a. Mass.-Conn. Mobile Telephone Co. Station: KLF531, New York, New York.
- 21269-CD-TC-75, Radio Relay Corp., New Jersey. Consent to Transfer of Control from Radio Relay Corp., Transferor to Radio Relay Corp., Delaware, Transferee. Station: KEC935, Hicksville, New York.
- 21270-CD-TC-75, Radio Relay Corp. Consent to Transfer of Control from Mayer Zuckerman, Sol S. Zuckerman, Joseph L. Morrison, Audrey McGovern, and Allen F. Barnes, Transferors to Radio Relay Corp., Delaware, Transferee. Station: KEC745, Hicksville, New York.
- 21271-CD-TC-75, Pocket Phone Broadcast Service, Inc. Consent to Transfer of Control from Radio Relay Corp., Transferor to Radio Relay Corp., Delaware, Transferee. Station: KEA777, Hicksville, New York.
- 21272-CD-AL-75, Radio Relay Corp. Consent to Assignment of License from Radio Relay Corp., Assignor to Radio Relay Corp., Missouri, Assignee. Station: KAA893, St. Louis, Missouri.
- 21273-CD-TC-75, Radio Relay Corp. Consent to Transfer of Control from Mayer Zuckerman, Sol S. Zuckerman, Joseph L. Morrison, Audrey McGovern, and Allen F. Barnes, Transferors to Radio Relay Corp., Delaware, Transferee. Station: KAA893, Hicksville, New York.
- 21274-CD-AL-75, Radio Relay Corp. Consent to Assignment of License from Radio Relay Corp., Assignor to Radio Relay Corp., Michigan, Assignee. Station: KQC884, Detroit, Michigan.
- 21275-CD-TC-75, Radio Relay Corp. Consent to Transfer of Control from Mayer Zuckerman, Sol S. Zuckerman, Joseph L. Morrison, Audrey McGovern, and Allen F. Barnes, Transferors, to Radio Relay Corp., Delaware, Transferee. Station: KQC884, Hicksville, New York.
- 21276-CD-AL-75, Radio Relay Corp. Consent to Assignment of License from Radio Relay Corp., Assignor to Radio Relay Corp., Illinois, Assignee. Station: KSC645, Chicago, Illinois.
- 21279-CD-TC-75, Radio Relay Corp., California. Consent to Transfer of Control from Radio Relay Corp., Transferor to Radio Relay Corp., Delaware, Transferee. Station: KSV975, Hicksville, New York.
- 21278-CD-TC-75, Radio Relay Corp., California. Consent to Transfer of Control from Radio Relay Corp., Delaware, Transferee. Station: KME438, Hicksville, New York.
- 21277-CD-TC-75, Radio Relay Corp. Consent to Transfer of Control from Mayer Zuckerman, Sol S. Zuckerman, Joseph L. Morrison, Audrey McGovern, and Allen F. Barnes, Transferors, to Radio Relay Corp., Delaware, Transferee. Station: KSC645, Hicksville, New York.
- 21280-CD-AL-75, Radio Relay Corp. Consent to Assignment of License from Radio Relay Corp., Assignor to Radio Relay Corp., Ohio, Assignee. Station: KQC877, Cincinnati, Ohio.
- 21281-CD-TC-75, Radio Relay Corp. Consent to Transfer of Control from Mayer Zuckerman, Sol S. Zuckerman, Joseph L. Morrison, Audrey McGovern, and Allen F. Barnes, Transferors, to Radio Relay Corp., Delaware, Transferee. Station: KQC877, Hicksville, New York.

RURAL RADIO SERVICE:

- 60296-CR-P-75, The Mountain States Telephone and Telegraph Company (new). C.P. for a new rural subscriber station to operate on 158.04 MHz to be located 7.8 miles West of Bairoil, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

- 2875-CF-P-75, American Telephone and Telegraph Company (KGF63). 2.7 Miles SSE of North East, Maryland. Lat 39°33'41" N., Long. 75°55'48" W. C.P. to add 3910H toward Garney, Maryland on azimuth 249°46'.
- 2876-CF-P-75, Same (KIB27). 5301 22nd Street, Garden City, Virginia. Lat. 38°53'45" N., Long. 77°08'07" W. C.P. to add 3910V MHz toward Washington, D.C. on azimuth 87°40'.
- 2877-CF-P-75, Same (KGF64). 900 Race Street, Philadelphia, Pennsylvania. Lat. 39°57'17" N., Long. 75°09'18" W. C.P. to add 3910H MHz toward Swedesboro, New Jersey on azimuth 212°39'.
- 2878-CF-P-75, Same (KEB38). Swedesboro, 1.3 Miles NE. of Auburn, New Jersey. Lat. 39°43'32" N., Long. 75°20'42" W. C.P. to add 3870H MHz toward North East, Maryland on azimuth 250°15'.
- 2879-CF-P-75, Same (KGF62). 0.3 Mile East of Carney, Maryland. Lat. 39°23'29" N., Long. 76°31'10" W. C.P. to add 3870V MHz toward Randallstown, Maryland on azimuth 259°30'.
- 2882-CF-MP-75, New Jersey Bell Telephone Company (KEL61). 170 Sylvan Avenue, Englewood Cliffs, New Jersey. Lat. 40°52'14" N., Long. 73°57'23" W. C.P. to replace transmitter on 5945.2V MHz toward New York, New York on azimuth 190°29'.
- 2986-CF-P-75, Microwave Service Company of Florida, Inc. (new). 10.8 Miles SW. of Mobile, Alabama. Lat. 30°36'22" N., Long. 88°11'28" W. C.P. for a new station on 11685V MHz toward Pine Grove, Alabama, on azimuth 28°31'.
- 2948-CF-P-75, Cablecom-General, Inc. (KLM98). 4.7 Miles SE. for Selling, Oklahoma. Lat. 36°06'00" N., Long. 98°51'30" W. C.P. to add 6123.1H toward Woodward, Oklahoma and 6123.1V MHz toward Mooreland, Oklahoma on azimuths 308°00' and 321°33', respectively.
- 2880-CF-P-75, Penn Service Microwave Company (KGO20). Bears Head Mtn., 1 mile N. of Delano, Pennsylvania. Lat. 40°51'00" N., Long. 76°04'48" W. C.P. to add new point of communication at Bald Eagle Mtn., Pennsylvania on 5960.0V MHz and 6360.3V MHz on azimuth 299°00'.
- 2865-CF-P-75, Midwestern Relay Company (WOF71). 1.1 Miles SSE of Dexter, Minnesota. Lat. 43°42'33" N., Long. 92°41'15" W. C.P. to change point of communication to Austin (KAAL-TV), Minnesota on 6034.2V MHz and 6152.8V MHz.
- 2871-CF-P-75, West Texas Microwave Company (KLR75). 3.8 Miles N. of Abilene, Texas. Lat. 32°30'32" N., Long. 99°45'58" W. C.P. to add 11055.0V MHz toward new point of communication located at Abilene South, Texas, on azimuth 174°17'.
- 2866-CF-ML-75, American Telephone and Telegraph Company (KMJ87). Padua Hills, 3 Miles North of Claremont, California, Lat. 34°06'33" N., Long. 117°43'17" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4110 and 4190 MHz; from Horizontal to Vertical on 3970, 4050, and 4130 MHz toward Los Angeles, California on azimuth 258°23'.
- 2867-CF-ML-75, Same (KNK24). 2 Miles North of Arcadia, California. Lat. 34°10'46" N., Long. 118°01'31" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Los Angeles, California on azimuth 235°44'.
- 2868-CF-ML-75, Same (KMJ88). Strawberry Peak, 9 Miles North of San Bernardino, California. Lat. 34°13'55" N., Long. 117°14'04" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, 4150, and 4198 MHz; from Horizontal to Vertical on 4010, 4090, and 4170 MHz toward Padua Hills, California on azimuth 257°40'.
- 2869-CF-ML-75, Same (KAR70). 1.8 Miles East of Mineola, Iowa. Lat. 41°08'43" N., Long. 95°39'13" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110; from Horizontal to Vertical on 3730, 3810, 3890, 4050, and 4130 MHz toward Omaha, Nebraska on azimuth 297°43'.
- 2881-CF-ML-75, Same (KAB21). 5.0 Miles SSE. of Minden, Iowa. Lat. 41°24'10" N., Long. 95°31'31" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 3710, 3870, 3950, 4030, and 4110 MHz; from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Omaha, Nebraska on azimuth 67°42'.
- 2872-CF-P-75, Same (WGI26). 5.0 Miles NW. of Monticello, Georgia. Lat. 33°20'16" N., Long. 83°45'59" W. C.P. to add frequencies 3870H, 3950H MHz toward Rutledge, Georgia on azimuth 30°57'.
- 2873-CF-P-75, Same (WIV54). 6.0 Miles NE. of Rutledge, Georgia. Lat. 33°40'52" N., Long. 83°31'12" W. C.P. to add frequencies 3910V and 3990V MHz toward Statham, Georgia on azimuth 349°06'; add 3910H and 3990H MHz toward Monticello, Georgia on azimuth 211°05'.
- 2874-CF-P-75 Same (KRT22). 1.2 Miles North of Statham, Georgia. Lat. 33°59'15" N., Long. 83°35'27" W. C.P. to add frequencies 3870V and 3950V MHz toward Rutledge, Georgia on azimuth 169°04'.
- 2868-CF-ML-75, Southern Bell Telephone and Telegraph Company (KJM43). Approx. 13 Miles NNW. of Andytown, Florida. Lat. 26°18'09" N., Long. 80°30'58" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 6019.4 and 6138.0 MHz toward Okeelanta, Florida on azimuth 325°30'; from Vertical to Horizontal on 5989.6 and 6108.3 MHz toward Andytown South, Florida on azimuth 165°13'.

2899-CF-ML-75, Southern Bell Telephone and Telegraph Company (KJM44). Approx. 8.7 Miles South of Andytown, Florida. Lat. 28°00'51" N., Long. 80°25'55" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 6241.7 and 6360.3 MHz toward Andytown North, Florida on azimuth 345°16'.

2957-CF-P/L-75, Michigan Bell Telephone Company (new). Location within the state of Michigan. C.P. and License for a new temporary fixed station on frequencies 3700-4200 MHz.

2961-CF-P/L-75, General Telephone Company of Kentucky (new). Location within the territory served by the General Telephone Company of Kentucky. C.P. and License for a new temporary fixed developmental station on frequencies 2110-2130, 2160-2180, 3700-4200, 5925-6425, and 10700-11700 MHz.

2959-CF-P-75, Indiana Bell Telephone Company (KTQ47). 0.6 Mile West of Monroe City, Indiana. Lat. 38°36'57" N., Long. 87°22'06" W. C.P. to replace transmitters, change azimuth to read 136°48' on frequency 2179H MHz toward Petersburg, Indiana.

2960-CF-P-75, Same (KTQ48). 2.5 Miles NE. of Petersburg, Indiana. Lat. 38°31'23" N., Long. 87°15'27" W. C.P. to change antenna system and location, replace transmitters and change power on frequency 2129 MHz toward Monroe City, Indiana on azimuth 316°52'.

2990-CF-P-75, General Telephone Company of Illinois (KSN45). Between Larch and Fischer Streets, East of Wall Street, Carbondale, Illinois. Lat. 37°44'13" N., Long. 89°12'19" W. C.P. to change alarm center and replace existing transmitters by Lenkurt 778A2 for frequencies 6249.1H and 6397.7H MHz toward Anna, Illinois on azimuth 183°30'.

2991-CF-P-75, Same (KSN71). 1.2 Miles ENE. of Anna, Illinois. Lat. 37°28'07" N., Long. 89°13'33" W. C.P. to change alarm center and replace existing transmitters by Lenkurt 778A2 on frequencies 5997.1H and 6115.7H MHz toward Carbondale, Illinois on azimuth 03°29'.

2982-CF-P-75, Western Tele-Communications, Inc. (new). 136 South Temple St., Salt Lake City, Utah. Lat. 40°46'09" N., Long. 111°53'12" W. C.P. for a new station on frequency 10915V MHz toward Nelson Peak, Utah on azimuth 232°01'.

CORRECTION

2748-CF-P-75, American Satellite Corporation (WSM37). Nuevo, 3.2 Miles SSE. of Lakeview, California. Lat. 33°47'46" N., Long. 117°05'12" W., should read C.P. to change point of communication and frequencies from Elsinore Peak, California 11305V MHz to Gavilan, California 11545V 11665H MHz via passive reflector on azimuth 39°10'.

[FR Doc.75-7813 Filed 3-25-75;8:45 am]

[Docket No. 20250, 20251, FCC 75R-111]

**JAMES D. AND LAWRENCE D. GARVEY
ET AL.**

**Memorandum Opinion and Order
Enlarging Issues**

In regard applications of James D. and Lawrence D. Garvey, d/b/a Radiofone, New Orleans, Louisiana, Docket No. 20250, File No. 5468-C2-P-(2)-70; South Central Bell Telephone Company, New Orleans, Louisiana, Docket No. 20251, File No. 1983-C2-P-70; for construction permits to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service.

1. The above-captioned mutually exclusive applications for construction permits to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service (DPLMRS), in New Orleans, Louisiana, were designated for hearing by Commission Memorandum Opinion and Order, 39 FR 42025, published December 4, 1974, on the following issues:

1. To determine on a comparative basis the nature and extent of services proposed by each applicant.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

Now before the Review Board is a motion to clarify and enlarge issues, filed December 19, 1974, by James D. and Lawrence D. Garvey, d/b/a Radiofone (Radiofone) seeking clarification of the above-designated issues and addition of the following issues:¹

a. To determine the manner in which each applicant proposes to provide for management arrangement at the local level and the effect of such management on the efficiency of the proposed service.

b. To determine the plans of each applicant for the establishment of procedures necessary to permit local aircraft operators to obtain access to the system and its plans to promote an efficient, high quality service to the area.

c. To determine the past performance of South Central Bell Telephone Company in regard to its public service at New Orleans, Louisiana and, in light thereof, whether it possesses the requisite qualifications to be the licensee of its proposed station.

d. To determine, in light of the Government's antitrust action against American Telephone and Telegraph Company and its subsidiaries and the Commission's decision in "Chastain et al. v. AT&T," 43 FCC 2d 1079, 28 RR 2d 1343 (1973), recon. den., 49 FCC 2d 749, 31 RR 2d 1487 (1974), whether South Central Bell should be disqualified from being the licensee of its proposed station.

2. Radiofone first argues that the issues designated in the instant proceeding fail to specify with particularity the matters and facts at issue in violation of section 309(e) of the Communications Act of 1934, as amended (the Act).² Thus, petitioner asks that the scope of the

¹Also before the Review Board are the following related pleadings: (a) Opposition, filed January 2, 1975, by South Central Bell; (b) opposition, filed January 9, 1975, by the Common Carrier Bureau; (c) motion to accept late-filed opposition, filed January 9, 1975, by the Common Carrier Bureau; (d) reply to (a), filed January 13, 1975, by Radiofone; and (e) reply to (b), filed January 21, 1975, by Radiofone. The Bureau's motion to accept late-filed opposition is unopposed and will be granted.

²Section 309(e) provides that the Commission:

... shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally.

issues be clarified and enlarged to include its requested issues (a) and (b), which, states petitioner, will permit inquiry into the applicants' local-level management efforts and their respective procedures for allowing local aircraft operators to obtain access to their proposed air-ground systems. South Central Bell Telephone Company (South Central Bell) does not oppose Radiofone's request, while the Common Carrier Bureau contends that requested issue (a) is irrelevant to the instant proceeding since both applicants are locally managed companies, and that requested issue (b) is unnecessary since its subject matter is clearly encompassed within the already-designated issues.

3. The Review Board also believes that clarification of the designated issues is unnecessary. In this regard, we note that the Commission's Memorandum Opinion and Order in "Vegas Instant Page," FCC 75-21, --- FCC 2d ---, released January 13, 1975, defines the scope of the "general comparative issue," i.e., the first issue designated in the instant proceeding, as including consideration of "significant differences between the applicants as to charges, maintenance, personnel, practices, classifications, regulations and facilities." This definition, in our view, notifies the parties to this proceeding of the matters and things at issue and therefore satisfies the requirements of section 309(e). At the same time, we note that had further clarification of the designated issues been warranted, the presiding Administrative Law Judge, rather than the Review Board, would have been the appropriate authority to take the necessary action. See § 1.248(c); "John M. Spottswood," 32 FCC 2d 487, 23 RR 2d 248 (1971) and cases cited therein.

4. In support of its requested issues (c) and (d), Radiofone alleges that South Central Bell has been guilty of anti-competitive practices in the past and offers as evidence of these practices the allegations contained in Radiofone's petition to deny South Central Bell's application for a construction permit to change its existing authorization, filed with the Commission on October 30, 1974, in which Radiofone charges South Central Bell with intentionally undercutting Radiofone's rates by using earnings from other operations to subsidize unreasonably low rates for its mobile telephone services;³ a civil complaint filed by the United States against the American Telephone and Telegraph Company (AT&T), Western Electric Co., Inc., and the Bell Telephone Laboratories, Inc., on November 20, 1974, in the United States District Court for the District of Columbia,⁴ in which the United

³According to Radiofone, this matter is also pending in an associated proceeding before the Louisiana Public Service Commission.

⁴"United States v. American Telephone and Telegraph Company, Western Electric Company, Inc., and Bell Telephone Laboratories, Inc., Civil No. 74-1698 (D.D.C. November 20, 1974). Petitioner incorporates the complaint by reference.

States charges the above-named defendants with monopolistic and anti-competitive activities in violation of section 2 of the Sherman Act;³ and the Commission's decision in "Chastain et al. v. AT&T," 43 FCC 2d 1079, 28 RR 2d 1343 (1973), recon. den., 49 FCC 2d 749, 31 RR 2d 1487 (1974), wherein it was found that AT&T violated Sections 201(a), 202(a), 203(c), and 214(a) of the Act.⁴ Petitioner further contends that Bell operating companies are directly involved in a substantial number of the air-ground facilities for which frequencies have been allocated and that, as a result, AT&T-controlled companies "could virtually blanket the Continental U.S. in satisfying the demand for air-ground service to the exclusion of all others."

5. The Review Board will not add requested issues (c) or (d) solely on the basis of a pending civil action or a petition to deny in the absence of a demonstration by petitioner of allegations of fact detailing with specificity the allegedly unlawful conduct and relating it directly to South Central Bell's ability to operate in the public interest. See "CBS, Inc. (WCAU-TV)," FCC 75R-59, — FCC 2d —, released February 19, 1975; "National Broadcasting Co., Inc. (KNBC)," 21 FCC 2d 195, 18 RR 2d 74 (1970). Since petitioner has failed to provide such a showing, its allegations concerning AT&T's potential "blanketing" of the United States must be rejected on the grounds that they are based upon surmise and conjecture in contravention of § 1.229(c) of the Commission's Rules; the request for an inquiry into alleged anti-competitive practices by South Central Bell will therefore be denied. We will, however, impose a condition on any grant to South Central Bell, which will permit the Commission to take whatever action, if any, it deems appropriate as a result of the final adjudication of the pending civil action.⁵ At the same time we will add an issue to determine the effect of AT&T's violation of the Communications Act, as adjudicated in Chastain, supra, on the requisite or comparative qualifications of South Central Bell, its wholly-owned subsidiary.⁶ Violations of the Act by South Central Bell's parent are directly related to the applicant's ability to operate the proposed service in the public interest and may indicate

that the applicant cannot be relied on to display a responsible attitude toward its future obligations as a Commission licensee. Thus, AT&T's violations raise a substantial question as to South Central Bell's qualifications sufficient to warrant the addition of an issue.

6. Accordingly, it is ordered, That the motion to accept late-filed opposition, filed January 9, 1975, by the Common Carrier Bureau IS GRANTED; and

7. It is further ordered, That the motion to clarify and enlarge issues, filed December 19, 1974, by James D. and Lawrence D. Garvey, d/b/a Radiofone, is granted to the extent indicated herein, and is denied in all other respects; and

8. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine the effect of the Commission's decision in Chastain, et al. v. AT&T, 43 FCC 2d 1079, 28 RR 2d 1343 (1973), recon. den., 49 FCC 2d 749, 31 RR 2d 1487 (1974), on the basic and/or comparative qualifications of the South Central Bell Telephone Company to be a Commission licensee.

9. It is further ordered, That the burden of proceeding with the introduction of evidence under the issue added herein shall be upon James D. and Lawrence D. Garvey, d/b/a Radiofone and that the burden of proof shall be upon South Central Bell Telephone Company.

10. It is further ordered, That if favorable action is taken on the application of the South Central Bell Telephone Company for construction of an air-ground station in New Orleans, Louisiana, any such grant will be made subject to the following conditions:

This grant is without prejudice to whatever action, if any, the Commission may deem appropriate as a result of the pending civil action entitled "United States v. American Telephone and Telegraph Company, Western Electric Company, Inc., and Bell Telephone Laboratories, Inc." (Civil No. 74-1698), filed November 20, 1974, in the United States District Court for the District of Columbia.

Adopted: March 17, 1975.

Released: March 21, 1975.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 75-7811 Filed 3-25-75; 8:46 am]

[Docket No. 20381; FCC 75-289]

MISSION CABLE TV, INC.

Order To Show Cause and Instituting
Hearing

In regard to Mission Cable TV, Inc.,
Poway, California, Docket No. 20381,

¹ We cannot, however, impose a condition based upon the outcome of the litigation allegedly before the Louisiana Public Service Commission, as petitioner has not provided us with sufficient detail concerning that proceeding.

² We have long held that the illegal activity of a controlling corporation may have a direct bearing on the ability of a licensee to operate its proposed station in the public interest. See, e.g., Mesa Microwave, Inc., 11 FCC 2d 355, 12 RR 2d 20 (1968).

CSC-84 (CA334); petition for order to show cause.

1. Mission Cable TV, Inc. operates a cable television system at Poway, California, an unincorporated area of San Diego County located within the San Diego, California major television market (#51). On February 21, 1974, Midwest Television, Inc., licensee of Station KFMB-TV (CBS, Channel 8) San Diego, California, filed a "Petition for Order to Show Cause" directed against Mission for its allegedly unauthorized carriage of certain Los Angeles commercial television stations¹ in violation of §§ 76.63(a) and 76.65 of the Commission's rules.² Mission has filed an opposition, to which both Midwest and McGraw-Hill Broadcasting Co., Inc., licensee of Station KGTU (NBC, Channel 10) San Diego, California, have responded. In addition, by letter of April 29, 1974, Signal Master, Inc., operator of another cable television system at Poway,³ requested a temporary restraining order against Mission forbidding Mission to extend delivery of the disputed Los Angeles signals to any customer not served on April 29, 1974, or, in the alternative, interim authorization for Signal Master's Poway system to add Los Angeles Television Broadcast Stations KNXT (CBS, Channel 2), KABC-TV (ABC, Channel 7) and KHJ-TV (Ind., Channel 9) pending the outcome of the instant proceeding. In the event that the Commission allows Mission to continue carriage of seven Los Angeles stations on its entire Poway system, Signal Master requests that its competing system be simultaneously authorized to commence immediate carriage of the Los Angeles signals. Midwest, Mission and McGraw-Hill have all responded to Signal Master's request, and Signal Master has replied specifically to Mission's response.

2. Midwest bases its allegations upon a series of the Commission's early cable television decisions which greatly influenced the present signal carriage patterns in the San Diego area. It is Midwest's position that pursuant to the

¹ The cable television system provides its subscribers with, among others, the following Los Angeles signals, all of which place a predicted Grade B signal contour over all or part of Poway:

KABC-TV (ABC, Channel 7), Los Angeles California; KNXT (CBS, Channel 2), Los Angeles, California; KNBC (NBC, Channel 4), Los Angeles, California; KCOP (Ind., Channel 13), Los Angeles, California; KHJ-TV (Ind., Channel 9), Los Angeles, California; KTLA (Ind., Channel 5), Los Angeles, California; KTTV (Ind., Channel 11), Los Angeles, California.

² Section 76.63 contains the signal carriage provisions for cable television systems located in the second fifty major television markets. Section 76.65 sets forth the grandfathering provisions for cable television signal carriage. The instant controversy involves the grandfathered status of three of seven Los Angeles stations in certain areas of Poway.

³ Signal Master was granted a certificate of compliance (CAC-2999) to commence cable television service in Poway by the Commission on December 19, 1973, in Signal Master, Inc., FCC 73-1344, 44 FCC 2d 860 (1973).

³ South Central Bell, a wholly-owned subsidiary of AT&T, is named as a co-conspirator in the complaint.

⁴ Section 201(a) states that a common carrier engaged in interstate communications has a duty to furnish such service upon reasonable request therefore. Section 202(a) makes it unlawful for any common carrier to unreasonably discriminate with respect to its charges, practices, classifications, regulations, facilities, or services. Section 203(c) in pertinent part provides "no carrier . . . shall . . . (3) employ or enforce any practices . . . (for interstate communications), except as specified in . . . (the appropriate) schedule." Section 214(a) provides that no carrier can discontinue, reduce or impair service until it first obtains authorization to do so from the Commission.

Commission's final decision in Docket 16786, "Midwest Television, Inc.," FCC 68-662, 13 FCC 2d 478 (1968), the seven Los Angeles stations presently being distributed to all of Mission's Poway subscribers were actually limited to certain discrete areas of that community to which trunk- and feeder-lines had been extended on August 23, 1966. Thus, contends Midwest, all seven Los Angeles signals are grandfathered only in those discrete areas of Poway. Although petitioner acknowledges that carriage of Los Angeles Television Broadcast Stations KCOB and KNBC, which are listed as significantly viewed for San Diego County, and of two additional bonus independent signals from Los Angeles is consistent with present signal carriage rules,⁴ petitioner maintains that continued carriage of the three remaining Los Angeles stations depends upon their having grandfathered status. Accordingly, Midwest argues that distribution of the three Los Angeles signals in question outside the discrete areas mentioned in "Midwest Television, Inc.," supra, contravenes the Commission's signal carriage rules.

3. Mission Cable TV, Inc. asserts that, contrary to Midwest's interpretation of the Commission's San Diego signal carriage decisions, the expansion of the service in question within the confines of Poway was authorized by the Commission in "Docket 16575, Mission Cable TV, Inc.," FCC 66-548, 4 FCC 2d 236 (1966). That decision, Mission argues, was dispositive, with respect to Poway, of issues raised in a 1966 petition for special relief filed pursuant to former §§ 74.1107 and 74.1109 by Midwest in an attempt to halt further extension of cable carriage of Los Angeles signals in the San Diego area. Mission notes that Midwest had requested an interim limitation on cable distribution of Los Angeles signals to eight discrete areas of San Diego County in which those signals were carried as of February 15, 1966, the grandfathering date of the Commission's 1966 cable television rules. "Second Report and Order in Docket 14895, et al.," FCC 66-220, 2 FCC 2d 725 (1966). However, as Midwest itself had contended in its 1966 request for interim relief, Mission had not yet commenced distribution of television broadcast signals on its Poway system on February 15, 1966. Thus, Mission's Poway system was unaffected by the Commission's grant of

⁴Section 76.61(a)(5), as it relates to § 76.63(a), allows cable television systems located within the second fifty major television markets to carry commercial television broadcast stations that are significantly viewed in the community of the system. Section 76.63(a) allows such cable television systems to carry two (2) additional independent television signals. Midwest notes that pursuant to those provisions, four Los Angeles signals were approved for carriage by Mission systems in certificates of compliance for expansion areas in San Diego County. CAC 17-23, granted April 11, 1973, in Mission Cable TV, Inc., FCC 73-395, 40 FCC 2d 705 (1973).

interim relief in "Docket 16786, Midwest Television, Inc.," FCC 66-683, 4 FCC 2d 612 (1966). During the same period of time, the Commission instituted Docket 16575, a separate proceeding with respect to the Mission Poway system's carriage of Los Angeles signals, and ultimately determined that carriage of the seven signals in question was consistent with the signal carriage rules then in effect.⁵ It is Mission's position that Docket 16575 effectively severed Poway from successive, comprehensive Commission proceedings involving the San Diego area. Mission therefore asserts that, in reliance on the Commission's decision in Docket 16575 and in anticipation of its continued ability to distribute all seven Los Angeles signals to present and future Poway subscribers, it undertook a costly expansion program at Poway.⁶ Mission also claims that in reliance on Docket 16575 and on the grandfathered status of the subject signal carriage at Poway, it did not include Poway in its subsequent application for certificates of compliance for expansion areas of its San Diego County systems.⁷ Although the application requested Commission certification for expansion areas of unincorporated areas of San Diego County, Mission points out that Poway is not identified by name. Additionally, Mission opposes Midwest's petition on the grounds that it would be inequitable to suddenly deprive some Poway cable subscribers of certain signals while their neighbors continued to receive them. Mission cites the Commission's decision in "Buckeye Cablevision, Inc.," FCC 72-1144, 38 FCC 2d 999, 1002 (1972), as recognizing just such an equitable consideration. Mission also submits an affidavit from the system's engineer, purporting to show that it would be both technically and financially infeasible to distribute different sets of signals in different areas of Poway. Accordingly, Mission contrasts its own inability to selectively delete the disputed signals with petitioner's alleged failure to establish that a continuation of the status quo would be harmful to San Diego stations. Mission cites figures from the "Television Factbook" and contends that total broadcast revenues for the three San Diego stations have actually increased from 1967 to 1972.

4. In its reply, Midwest focuses initially on Mission's alleged reliance on Docket 16575. Midwest argues that the Commission's successive order in Docket 16786, a comprehensive San Diego proceeding, superseded its decision in Docket 16575 and limited Mission's carriage of the seven Los Angeles signals to discrete areas of Poway to which trunk- and feeder-lines had been extended as of August 23, 1966. Moreover, Midwest disputes the cable system's avowed belief

⁵Docket 16575, Mission Cable TV, Inc., FCC 66-548, 4 FCC 2d 236 (1966).

⁶An affidavit signed by Mission's present manager, Mr. Donald Williams, states, "\$383,850 has been expended over the past seven years to bring CATV service to the residents of Poway."

⁷See footnote 4, supra.

that Poway was not included in Docket 16786. In support of this contention, Midwest alleges that Mission introduced an exhibit into evidence pertaining to Poway in that proceeding. In addition, Midwest asserts that specific mention of Poway was made in the hearing examiner's initial decision in Docket 16786, which was issued on September 28, 1967. "Midwest Television, Inc.," FCC 67D-52, 13 FCC 2d 514, 518 (1967). In its own engineering statement, petitioner contests Mission's claimed inability to selectively delete unauthorized Los Angeles signals in the expansion areas of Poway and lists several means of accomplishing such deletions. Midwest argues that, in any event, the cable system could solve any alleged problems by providing a uniform complement of four Los Angeles signals to all its Poway subscribers. These signals, Midwest points out, would be available even in the expansion areas upon proper application to the Commission. In conclusion, Midwest emphasizes that the Poway expansion was undertaken at Mission's own risk, and alleges that most of the expansion occurred in 1972 and 1973. Midwest avers that the financial figures which Mission provided may not accurately reflect what was actually spent on the expansion itself vis-a-vis what was spent on grandfathered areas and operating costs. Petitioner also stresses that in its financial claims, Mission has nowhere stated its off-setting revenues.

5. McGraw-Hill Broadcasting Co., Inc., licensee of Station KGTV, San Diego, has also filed comments in response to Mission's opposition petition. McGraw-Hill supports Midwest's position that the Commission's decision in Docket 16786 is dispositive as to Mission's authority to import Los Angeles signals on any of its San Diego County systems, including the system at Poway. McGraw-Hill also emphasizes that since August 23, 1966, Mission's Poway system has increased its subscribership from 776 to 4,584 and has constructed 40 miles of plant. Thus, the expansion areas in which the alleged unlawful carriage is taking place are not insignificant.

6. Although Signal Master, Inc., operator of another cable television system at Poway, expressly took no position on the substantive question involved in the instant controversy, it attempted to intervene in the proceeding on the grounds that its system would be vitally affected by any Commission decision with respect to its alleged competitor. Signal Master contends that Mission's carriage of three Los Angeles signals which Signal Master is not authorized to carry brings about an extremely serious disparity in the respective systems' competitive positions. Thus, while the instant controversy is pending Signal Master requests temporary authority to add three Los Angeles

⁸Midwest refers to Mission's Exhibit 15, a map of cable extension at Poway. Although Mission's present manager, in his affidavit, denies any knowledge of such exhibit, we note that an Exhibit 15, "Map of County CATV System, Poway" was listed in Mission's submission in Docket 16786.

signals or, in the alternative, a restraining order against Mission's distribution of more than four Los Angeles signals to any Poway customer not served on April 29, 1974, the date of Signal Master's filing. Additionally, Signal Master requests that, should the Commission allow Mission to continue its present signal carriage practices, it should simultaneously grant Signal Master permanent authority to add the three Los Angeles signals it cannot now carry. In response to Signal Master's petition Midwest, McGraw-Hill, and Mission all contend that the request presents issues irrelevant to the present controversy. However, Midwest and McGraw-Hill argue that Signal Master's request indicates an even greater need for issuance of a cease and desist order against Mission. It is McGraw-Hill's position that to allow interim carriage of disputed Los Angeles signals by Signal Master would be tantamount to a predetermination that Mission can continue its alleged violation of the Commission's rules. Mission's response claims that Signal Master has not and cannot meet the requirements for obtaining special relief pursuant to § 76.7 of the Commission's rules. With respect to Signal Master's claimed competitive disadvantage, Mission contends that any disparity which exists is due solely to Signal Master's own decision to withdraw the portion of its application for certificate of compliance which proposed carriage of the three disputed Los Angeles signals. In addition, Mission argues that no significant direct competition exists between the two cable television systems. Mission's concluding point is that the public interest would not be served by restraining it from continuing its present service at Poway, absent a ruling that such service is in violation of the Commission's rules.

7. From a careful re-examination of certain decisions which were rendered by the Commission in the course of its lengthy examination of signal carriage issues in the San Diego area, it appears that Mission Cable TV has misconstrued both the Commission's intent in Docket 16575 and that proceeding's relationship to the Commission's ultimate determination in Docket 16786. As the Commission made clear in its final decision in Docket 16575, issued on May 16, 1966, "a proceeding of this nature focuses on a narrow issue—whether respondents,⁹ located as they are within the Grade A contour of a station in the Top 100 television markets, are violating § 74.1107¹⁰ by extending signals beyond their Grade B contours." "Docket 16575, Mission Cable TV, Inc.," FCC 66-548, 4 FCC 2d 236, 243 (1966). Thus, the Commission's final order in that docket held only that carriage of the subject signals was consistent with former § 74.1107. In contrast, Docket 16786 dealt not only with the relationship of the Los Angeles signals Grade B contours to the San Diego stations' Grade A contours,¹¹ but also with a "footnote 69" situation involving the carriage of signals from two different major television markets by cable systems located in the area of overlap of the

respective Grade B signal contours.¹² In its final decision in Docket 16575, the Commission expressly mentioned that there remained a "footnote 69" issue on which it had reached no conclusion and which it would consider in a separate proceeding. See Docket 16575, Mission Cable TV, Inc., FCC 66-548, 4 FCC 2d 236, 244 (1966). It is true that the interim relief granted by the Commission on July 20, 1966 in Docket 16786 did not immediately affect Mission's Poway system, which escaped the limitation placed on carriage of Los Angeles signals by virtue of not having commenced operations by February 15, 1966, the date on which the temporary freeze went into effect. Docket 16786, "Midwest Television, Inc.," FCC 66-683, 4 FCC 2d 612 (1966). However, in that same decision, the Commission also designated certain general questions for hearing. Since the Poway system was in operation when that decision was rendered,¹³ it would clearly be considered in certain of the hearing issues.¹⁴ Indeed, an exhibit submitted by Mission itself, as well as the hearing examiner's initial decision indicate that the Mission Poway

⁹ Respondents in Docket 16575 were Mission Cable TV, Inc. and Trans Video Corp., then the majority stockholder of Mission.

¹⁰ Former § 74.1107 provided in pertinent part:

74.1107(a). No CATV system operating in a community within the predicted Grade A contour of a television broadcast station in the 100 largest television markets shall extend the signal of a television broadcast station beyond the Grade B contour of that station, except on a showing approved by the Commission that such extension would be consistent with the public interest, and specifically the establishment and healthy maintenance of television broadcast service in the area * * *

¹¹ See Docket 16786, Midwest Television, Inc., FCC 66-683, 4 FCC 2d 612, 625 (1966).

¹² In footnote 69 of its Second Report and Order in Docket 14895, et al., the Commission provided that signal carriage in such overlapping market situations might require special Commission consideration. Second Report and Order in Docket 14895, et al., supra, at 786.

¹³ Mission's Poway system commenced operation on February 23, 1966.

¹⁴ Among others, the following issues were designated for hearing:

(1) To determine (a) the locations of trunk- and feeder-lines of cable as of February 15, 1966, March 17, 1966, and July 25, 1966 * * *;

(2) To determine the present penetration of CATV service by CATV systems in the San Diego market area and the potential penetration of CATV service under conditions of limited expansion;

(3) To determine whether any conditions of future import should be placed on the present operations of respondents' CATV systems and, if so the nature thereof; and

(4) To determine, in light of the foregoing, whether respondents' present or planned CATV operations are consistent with the public interest, and what, if any, action should be taken by the Commission. (emphasis added) Docket 16786, Midwest Television, Inc., FCC 66-683, 4 FCC 2d 612, 625 and 626 (1966).

¹⁵ See footnote 8, supra. See also Docket 16786, Midwest Television, Inc., FCC 67D-52, 13 FCC 2d 514, 518 and 535 (1968).

system was so considered.¹⁵ Moreover, as the Commission noted in its final order in Docket 16786, the parties and the public had been on notice that no further expansion of Los Angeles signals, beyond areas where trunk- and feeder-lines had been constructed as of August 23, 1966,¹⁶ might be permitted.¹⁷ There were ample indications, not only in the final order in Docket 16575, but also in the Commission's initial decision in Docket 16786, that permanent limitations on distribution of Los Angeles signals, even in communities where their carriage was consistent with former § 74.1107, might later be imposed.¹⁸ Mission, as a party to both proceedings, should have been aware that restrictions beyond those ordered on an interim basis in 1966, might be permanently imposed on all San Diego area systems in the future. It was the final decision in Docket 16786, adopted on June 26, 1968, which contained the Commission's conclusions with respect to cable carriage of Los Angeles signals in the San Diego area and which limited such carriage to discrete areas to which cable trunk- and feeder-lines had been extended on August 23, 1966. Docket 16786, Midwest Television, Inc., FCC 68-662, 13 FCC 2d 478 (1968). The following policy discussion in that decision illustrates the Commission's intent to give its limiting order a comprehensive effect:

In light of the foregoing and the entire record, we conclude that unlimited CATV expansion carrying Los Angeles signals would probably preclude or substantially impair potential UHF development in San Diego and frustrate the Commission's allocations to the detriment of the public interest. In order to effectuate the goals of the all-channel receiver legislation and to preserve the opportunity for augmented television services to the entire San Diego public, we believe it necessary to prohibit further carriage of Los Angeles signals by CATV systems in the San Diego area, except as indicated below. In

¹⁶ The Commission's original grant of interim relief in Docket 16786 confined Mission's distribution of Los Angeles signals to subscribers in discrete areas where it was operating on February 15, 1966, the grandfathering date of the Second Report and Order in Docket 14895, et al., supra. However, Mission and Southwestern Cable Co., another respondent in Docket 16786, sought review of the Commission's order by the United States Court of Appeals. By order of August 23, 1966, the Court modified the Commission's order to permit distribution of the disputed signals in areas to which trunk- and feeder-lines had been extended on that date. The Court of Appeals subsequently vacated the order on jurisdictional grounds. *Southwestern Cable Co. v. United States*, 378 F.2d 118 (9th Cir. 1967). However, the issuance of its mandate was stayed pending the filing of a petition for certiorari. The Supreme Court granted certiorari and sustained both the Commission's jurisdiction and temporary relief order. *United States v. Southwestern Cable Co.*, 392 U.S. 157 (1968). Thus, August 23, 1966 became the grandfathering date for carriage of Los Angeles signals in the San Diego area.

¹⁷ Docket 16786, Midwest Television, Inc., FCC 68-662, 13 FCC 2d 478, 491 (1968).

¹⁸ See Docket 16786, Midwest Television, Inc., FCC 68-683, 4 FCC 2d 612, 617-619 (1966).

view of the impracticability of withdrawing service to the public and the relatively small existing penetration, we will not require the CATV systems to cease carrying Los Angeles signals in the areas where they are now being provided, i.e., in the discrete geographic areas where trunk lines were operating on August 23, 1966. Further drops can be made from existing trunk and feeder lines, but carriage of Los Angeles signals will not be permitted on any extension of trunk lines.¹⁷

It is undisputed that the Mission Poway system was in operation on the date in question. We note that in responding to the issues designated for hearing in Docket 16786, the pleadings submitted by Mission itself, made continual reference to Mission Poway system.¹⁸ Moreover, while the Commission expressly exempted respondent cable systems at Rancho San Bernardo and Escondido, California from its final limiting order in Docket 16786, it did not treat Mission's Poway system in a similar fashion.¹⁹ All of the foregoing leads to the conclusion that Mission's Poway cable television system fell within the purview of the Commission's permanent limiting order in Docket 16786. Accordingly, absent grandfathering, Mission's distribution, in expansion areas, of Los Angeles signals that are inconsistent with the present signal carriage rules appears to violate §§ 76.63 and 76.65 of the rules.

8. In response to Midwest's petition, Mission has raised certain additional arguments against issuance of a show cause order. These relate principally to alleged practical impediments to achieving compliance and to equitable considerations against requiring compliance in this case. We find on the record now before us insufficient evidence to support Mission's claims of practical and finan-

cial hardship. See, e.g., Highland Cable TV, Inc., FCC 74-98, 45 FCC 2d 148 (1974). However, these are matters which can be explored further in the hearing we are ordering below. We also note that there is a direct contradiction in the respective engineering statements of Mission and Midwest concerning the technical feasibility of deleting the signals in question in expansion areas of Poway. We cannot resolve the controversy at this time. Moreover, we note that certain unique circumstances attended the commencement of the Poway operation, in that it was not immediately subject to the initial temporary freeze ordered in Docket 16786, Midwest Television, Inc., FCC 66-683, 4 FCC 2d 612 (1966). As a result of these circumstances, a question arises as to whether equitable arguments not pertinent to Mission's expansion in Poway following the Commission's final order in Docket 16786, Midwest Television, Inc., FCC 68-662, 13 FCC 2d 478 (1968) may nevertheless have some persuasive force regarding Mission's expansion between the relevant dates in 1966 to 1968. We believe this is an appropriate issue for consideration by the presiding Administrative Law Judge.

9. With respect to Signal Master's letter of April 29, 1974, we do not find that sufficient support has been presented to warrant a grant of either of the alternative forms of temporary relief requested. Because Signal Master's claims of competitive disadvantage have not gone beyond the realm of mere allegation, we will not upset the status quo pending the outcome of this matter. However, it is clear that because of derivative grandfathering rights pursuant to § 76.65, Signal Master will be affected by the outcome of this proceeding. Hence, Signal Master is made a party to future matters in this docket.

Accordingly, it is ordered, That the "Request for Temporary Relief" filed April 29, 1974, by Signal Master, Inc., is denied and the responses to Signal Master's letter of April 29, 1974, filed by Mission Cable TV, Midwest Television, Inc. and McGraw-Hill Broadcasting Company, are granted to the extent reflected herein.

It is further ordered, That pursuant to sections 312 (b) and (c) and 409(a), of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c) and 409(a), Mission Cable TV, Inc., is directed to show cause why it should not be ordered to cease and desist from further violation of §§ 76.63(a) and 76.65 of the Commission's rules and regulations on its cable television system at Poway, California.

It is further ordered, That Mission Cable TV, Inc., is directed to appear and give evidence with respect to the matters described above at a hearing to be held in Washington, D.C. at a time and place before an Administrative Law Judge to be specified by subsequent order, unless the hearing is waived in which event a written statement may be submitted.

It is further ordered, That Midwest Television, Inc., McGraw-Hill Broadcasting Co., Signal Master, Inc. and Chief,

Cable Television Bureau are made parties to this proceeding.

It is further ordered, That the Secretary of the Commission shall send copies of this order by certified mail to Mission Cable TV, Inc.

Adopted: March 11, 1975.

Released: March 21, 1975.

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

[FR Doc. 75-7812 Filed 3-25-75; 8:45 am]

REGULATORY POLICIES OF COMMON CARRIERS

Order Extending Time for Comments

In the matter of regulatory policies concerning resale and shared use of common carrier services and facilities, Docket No. 20097, RM-1997, RM-2218.

1. GTE Service Corporation, in its reply comments dated February 24, 1975, has requested that the time to file responses to the reply comments in this proceeding, now due March 26, 1975, 39 FR 2751, Wednesday, January 15, 1975, be extended 60 days, or until May 23, 1975. Concurring in this request is Aeronautical Radio, Inc. ("ARINC"). The American Trucking Associations, Inc. ("ATA") opposes an extension of the response date from March 26 to May 23, 1975, but ATA has, at the same time, indicated that it would not oppose a 30 day extension of the response date until April 25, 1975.

2. As reason for this request, GTE asserts that adherence to the present deadline will only lead to responses of doubtful quality and, therefore, doubtful action by the Commission. ARINC, in support of GTE, notes that there were only 18 business days between the time that it received all reply comments and the March 26 deadline for responses. Additional time is needed, ARINC asserts, in order to prepare a useful response to the reply comments and to make appropriate requests for further proceedings should ARINC believe further proceedings are necessary. ATA, in opposition to the 60 day requested extension, views a 30 day extension as the proper balance between the parties' burden of analyzing, evaluating and responding to the reply comments and the Commission's objective of minimizing to the full extent possible any delay in concluding this proceeding.

3. We believe that some extension of the deadline for filing responses is warranted in order for the parties to prepare adequate responses to the voluminous reply comments which have been submitted. We also have been influenced by the fact that ATA, the complainant in this proceeding, is not opposed to some extension of the deadline for filing responses. At the same time, we are mindful of our objective of minimizing delays as fully as possible in concluding this proceeding. We agree with ATA that a 30 day extension until April 25, 1975 represents a proper balance of the competing considerations.

¹⁷ Docket 16786, Midwest Television, Inc., supra, at 501 and 502.

¹⁸ See, e.g., "Proposed Findings of Fact Conclusions of Law," submitted by Mission Cable TV, et al., at paragraphs 23 and 70.

¹⁹ The Commission's ordering clause in Docket 16786, Midwest Television, Inc., supra, at 509 and 510, began as follows:

Accordingly, pursuant to the authority contained in sections 1, 2(a), 3 (a) and (b), 4 (i) and (j), 301, 303 and 307(b) of the Communications Act, It is ordered, That:

1. Respondents Mission Cable TV, Inc.; Pacific Video Cable Co., Inc.; Trans-Video Corp.; Southwestern Cable Co.; Rancho Bernardo Antenna System; Escondido Community Cable Co.; Vista Cablevision, Inc.; (and any assignee or successor in interest thereto), shall not carry the signal of any Los Angeles television station on CATV systems operating within the predicted Grade A contour of any television station in the San Diego market except as authorized below:

A. Respondent CATV systems may continue to carry Los Angeles signals in the discrete geographic areas where they are being carried on trunk and feeder lines in existence on August 23, 1966.

B. Rancho Bernardo Antenna System may carry Los Angeles signals within the community of Rancho San Bernardo.

C. Escondido Community Cable Company may commence carrying Los Angeles signals within the City of Escondido upon condition that the system also operates to a significant extent as an outlet for non-commercial community self-expression.

4. Accordingly, it is ordered, That pursuant to delegated authority contained in § 0.303(c) of the Commission's rules (47 CFR 0.303(c)), the request of GTE Service Corporation to extend the date for filing responses in this proceeding is granted in part and denied in part and the time for filing responses to reply comments is extended to April 25, 1975.

Adopted: March 13, 1975.

Released: March 20, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.75-7809 Filed 3-25-75;8:45 am]

FEDERAL MARITIME COMMISSION
BRAZIL/U.S. ATLANTIC PORTS
NORTHBOUND POOLING AGREEMENT
Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Frank R. A. Levier, Executive Administrator—Section C
Inter-American Freight Conference
Av. Rio Branco, 156-27*
Andar-Grupo 2707/2711
Rio de Janeiro, Brazil

Agreement No. 10027-4, among Brazilian and U.S. national flag carriers and three non-national flag carriers, modifies the approved basic agreement covering the apportionment of freight revenues derived from the carriage of all cargoes, with certain exceptions, transported by

the parties in the northbound trade from Brazilian ports within the Porto Alegre/Recife range, both inclusive, to ports on the Atlantic Coast of the United States by revising Article 7 (b) to (1) provide that containerized cargoes will be combined with all pooled cargo rather than being calculated separately as heretofore; (2) establish special deductions or additions for the carriage of special cargoes; and (3) provide additional definitions for the calculation of pool revenues, forfeitures, and pool settlement applicable to a pool period, which are fully set forth in the modification.

Dated: March 21, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-7862 Filed 3-25-75;8:45 am]

BRAZIL/U.S. GULF PORTS
NORTHBOUND POOLING AGREEMENT
Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Frank R. A. Levier, Executive Administrator—Section C
Inter-American Freight Conference
Av. Rio Branco, 156-27*
Andar-Grupo 2707/2711
Rio de Janeiro, Brazil

Agreement No. 10029-2, among Brazilian and U.S. national flag carriers and third flag carriers, modifies the approved basic agreement covering the apportionment

of freight revenues derived from the carriage of all cargoes, unless specifically excepted, transported by the parties in the northbound trade from Brazilian ports within the Porto Alegre/Vitoria range, both inclusive, to ports on the Gulf Coast of the United States by revising Article 7(b) to (1) provide that containerized cargoes will be combined with all pooled cargo rather than being calculated separately as heretofore; (2) establish special deductions or additions for the carriage of special cargoes; and (3) provide additional definitions for the calculation of pool revenues, forfeitures, and pool settlement applicable to a pool period, which are fully set forth in the modification.

Dated: March 21, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-7863 Filed 3-25-75;8:45 am]

MEDITERRANEAN/NORTH PACIFIC
COAST FREIGHT CONFERENCE AND
JOHNSON SCANSTAR
Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., 1126 Sixteenth Street NW., Washington, D.C. 20036 and John R. Mahoney, Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 10156 is a ratemaking agreement between the Mediterranean/North Pacific Coast Freight Conference

and Johnson Scanstar in the trade from Northern Italy to the U.S. Pacific Coast. Under the terms of the agreement the parties agree to maintain rates and charges for containerized cargo originating from points in Northern Italy at levels which will result in uniform total charges to shippers regardless of the mode of transportation services offered by the respective carriers.

Dated: March 21, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-7864 Filed 3-25-75; 8:45 am]

MOORE-McMORMACK LINES, INC., COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. D. Straton, Manager
Rates & Conferences
Moore-McCormack Lines, Incorporated
2 Broadway
New York, New York 10004

Agreement No. 10028-3, among the lines listed above, modifies the approved basic agreement by amending (1) Articles 2 and 3 to provide that containerized cargoes will be combined with all pooled cargo rather than being calculated separately as heretofore; (2) Article 4 to provide that revenues and forfeitures for pool settlement shall be com-

puted in accordance with Article 7 of the Brazil/United States East Coast Agreement (10027) except for those ports with minimum call obligations or where no settlement is required as set forth in the Agreement; and (3) Article 6 to provide that the period duration and/or minimum number of calls at Brazilian ports will be in effect until amended by the parties, and the agreement as amended shall be effective as of January 1st, 1975.

Dated: March 21, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-7865 Filed 3-25-75; 8:45 am]

WESPAC SHIPPING ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Wespac Shipping: Sebastian Lima & Mercedes D. Foster d/b/a 427 West 5th Street, Room 628, Los Angeles, California 90013. Officers: Sebastian Lima, president; Mercedes D. Foster, vice president.

ASC Associates, Inc.: Benjamin Fox Pavillon, Suite 425, Jenkintown, Pennsylvania 19046. Officers: Stanley Bernstein, president; Charlotte Bernstein, secretary; Joel M. Bernstein, treasurer.

Miltzer & Muench, USA, Inc.: 533 3rd Street, Palisades Park, New Jersey 07650. Officers: Hartmut Thiele, president; Anthony Plesch, treasurer; Cynthia F. Thiele, secretary.

Totaltrans International: Jorgen A. Erting d/b/a 465 California Street, San Francisco, California 94104.

H. E. Ripple & Co.: Harvey E. Ripple d/b/a 102 E. Heritage, Friendswood, Texas 77546.

By the Federal Maritime Commission.

Dated: March 21, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-7866 Filed 3-25-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110; PGA 75-5a]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

MARCH 19, 1975.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on March 6, 1975 tendered for filing Substitute Fifth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change proposed to be effective April 1, 1975 is being filed to reflect changed purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation ("Texas Eastern"). Algonquin Gas requests that the Commission waive the requisite notice and grant special permission to permit such Substitute Fifth Revised Sheet No. 10 to become effective on April 1, 1975, which will synchronize Algonquin Gas' rates with those of Texas Eastern.

Any person desiring to be heard or to protest said filing should file a petition to intervene a protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 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 10, 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. PLUMBS,
Secretary.

[FR Doc. 75-7771 Filed 3-25-75; 8:45 am]

[Docket No. CP75-268]

AMMONIA ENTERPRISES PIPELINE, INC.

Application

MARCH 19, 1975.

Take notice that on March 10, 1975, Ammonia Enterprises Pipeline, Inc. (Applicant), Conoco Tower, 5 Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CP75-268 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline to transport natural gas for Continental Oil Company (Continental), Applicant's parent, from the outer continental shelf, offshore Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant, a newly formed corporation and a wholly-owned subsidiary of Continental, proposes to construct and operate approximately 52 miles of 10.75-inch O.D. pipeline from West Cameron Block 66, offshore Louisiana, to Continental's West Gillis, Louisiana, gas processing plant and to acquire from Continental and operate approximately 0.777 mile of 10.75-inch O.D. pipeline, 7.359 miles of 16.0-inch O.D. pipeline, 0.795 mile of 24-inch O.D. pipeline, and 0.341 mile of 14.0-inch O.D. pipeline from the West Gillis Plant to Olin Mathieson

Chemical Corporation's (Olin) ammonia plant in Lake Charles, Louisiana.

Applicant requests authorization to transport gas owned by Continental from The West Cameron Block 66 Field to the West Gillis Plant, where said gas will be processed by Continental and relieved of liquid hydrocarbons. Applicant would then deliver the residue to Olin's plant for Continental's account. Continental is said to sell gas under a gas sales contract with Olin dated April 1, 1964, as amended.

Applicant states that it would accept approximately 25,000 Mcf per day of gas from the Block 66 Field and that Continental would pay Applicant 43 cents per Mcf for the transportation service including a return at an estimated rate of 11.25 percent. Applicant further states that delivery of gas to Olin's plant would involve utilization of the gas for feedstock or raw material in the manufacture of anhydrous ammonia.

Applicant estimates the cost of construction of the proposed pipeline at \$18,000,000, which would be financed initially with cash available from the issuance of Applicant's capital stock to Continental and a loan to Applicant by Continental.

The pipeline is designed to have a maximum daily capacity of 57,500 Mcf. Applicant further states that total potential reserves in the area of the West Cameron Block 66 Field are in excess of 120 million Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 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.75-7772 Filed 3-25-75;8:45 am]

[Docket No. E-9314]

ARIZONA PUBLIC SERVICE CO.
Wheeling Agreement

MARCH 19, 1975.

Take notice that the Arizona Public Service Company on March 6, 1975, tendered for filing an Agreement dated December 3, 1974 between Arizona Public Service Company (Company) and the United States Bureau of Reclamation, San Carlos Project (Project) for wheeling the Project's power and energy from the USBR Coolidge substation to the Project's office building in Coolidge with a proposed effective date of January 2, 1975.

The Company estimates that it will wheel under this agreement 139,600 kWh per annum. The Company states that at a rate of 3.2 mills per kWh, this would amount to an annual revenue of \$447. The Company states that it is not required to do any construction to perform this contract.

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.75-7777 Filed 3-25-75;8:45 am]

[Docket No. CI75-438]

COLEVE ET AL.

Order Setting Proceeding for Hearing

MARCH 7, 1975.

On January 27, 1975, Coleve, a Joint Venture composed of Columbia Gas Development Corporation (Columbia Development) and Energy Ventures, Inc. (Energy) 2500 First City National Bank Building, Houston, Texas 77002, filed in Docket No. CI75-438 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act and § 2.75¹ of the Commission's rules of practice and procedure to authorize Coleve to sell natural gas from eight tracts in federal waters off-

¹ 18 CFR 2.75.

shore Louisiana to Columbia Gas Transmission Corporation (Columbia Transmission). Coleve states that this application covers proved, probable and possible gas reserves totalling 345 billion cubic feet attributable to the leasehold interests it holds in the eight offshore tracts.

Notice of the petition was issued on February 14, 1975 and appeared in the FEDERAL REGISTER at 40 FR 7707 on February 21, 1975. The period for filing petitions to intervene or protest expired on March 3, 1975. Associated Gas Distributors, Columbia Gas Transmission Corporation and Texaco Inc. filed timely petitions to intervene. The Public Service Commission of the State of New York filed a timely notice of intervention.

Under the terms of the Gas Purchase and Sales Agreement between Coleve and Columbia Transmission, dated January 23, 1975, the gas would be sold from certain acreage in the Federal Domain offshore Louisiana, specifically in Blocks 642, 531, 479, 485 and the North half of Block 507, West Cameron Area; Blocks 370 and 371, East Cameron Area; and Block 267, South Marsh Island Area at the initial rate of \$1.44 per Mcf plus 2.0 cents per Mcf annual escalation. These eight offshore tracts constitute all the oil and gas leases in which the Coleve joint venture has an interest.

Columbia Development is a wholly owned subsidiary of the Columbia Gas System, Inc. (Columbia System) and conducts all gas exploration and development programs for the Columbia System in the lower 48 states (with the exception of the Appalachian Area) and in Alaska. Energy, a Delaware corporation, is a wholly owned subsidiary of Energy Venture, Inc. (Energy Mass.) a Massachusetts corporation. Energy was organized to participate with Columbia Development in the Coleve joint venture.

The Coleve joint venture was formed for the purposes of participating in the federal lease sale covering tracts offshore Louisiana conducted by the United States Department of Interior Geological Survey on December 19, 1972 (the 1972 lease sale) and to explore for and develop and produce oil and gas from any leases acquired in such sale. Under the terms of the Coleve joint venture agreement dated August 2, 1972, Columbia Development has approximately a 57 percent ownership interest and Energy, approximately a 43 percent ownership interest in the Joint Venture, subject to possible adjustments as a result of capital contributions or other contingencies as specified in the Coleve joint venture agreement.

Coleve participated in the 1972 lease sale jointly with the Forest Drilling Venture, a joint venture which had been formed by agreement dated April 11, 1972 between Columbia Development (12.5 percent) and Forest Oil Corporation (Forest Oil) (87.5 percent) a nonaffiliated company. Under the joint participation arrangements, Coleve was to have 75 percent interest in any tracts acquired and in the subsequent exploration and development of such tracts and the

Forest Drilling Venture was to have the remaining 25 percent interest. Any such acquired leases were to be operated for both ventures by Forest Oil, which has substantial experience in offshore operations.

Subsequent to the awarding of these leases, Coleve and the Forest Drilling Venture sold at their cost 50 percent of their interests in the leases covering West Cameron Block 642, East Cameron Blocks 370 and 371 and South Marsh Island Blocks 267 in equal proportions to Tenneco Explorations, Ltd. and Texaco Inc. However, Columbia Transmission retains a first option to purchase gas attributable to such assigned interests. Coleve states that the sale of their interests in these leases was to alleviate the financial burden imposed by lease acquisition costs and costs of future operations.

Coleve avers that the initial rate and fixed annual escalations for which certification is sought are based upon the actual costs incurred in project development and production of the gas that is the subject of this application. Wherefore, Coleve contends that it has complied with the guidelines set forth by the Commission regarding the type of evidence that must be adduced in Optional Procedure cases.

However, the data submitted by Coleve in support of its application leaves unanswered some questions as to whether its proposed rate is just and reasonable and whether it is in the public convenience and necessity to grant its application as filed. Therefore, we deem it necessary that this matter be set for hearing to determine all issues raised by the filing of said application.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I) Docket No. CI75-438 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on April 8, 1975, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Coleve and any intervenor supporting the application shall file their direct testimony and evidence on or before March 14, 1975. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff and all parties to this proceeding.

(E) The Commission Staff and any intervenor opposing the application, shall file their direct testimony and evidence, if any, on or before March 28, 1975. All testimony and evidence shall be

served upon the Presiding Judge and all other parties to this proceeding.

(F) All rebuttal testimony and evidence, if any, shall be served on or before April 4, 1975. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff and all other parties to this proceeding.

(G) The Gas Purchase and Sales Agreement between Coleve and Columbia Gas Transmission Corporation dated January 23, 1975, are accepted for filing as of the date of initial delivery and designated as Coleve's F.P.C. Gas Rate Schedule No. 1.

(H) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of this Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7776 Filed 3-25-75; 8:45 am]

[Docket No. RP73-65; PGA75-5]

COLUMBIA GAS TRANSMISSION CORP.

Filing of Tariff Sheets

MARCH 19, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on March 14, 1975, tendered for filing changes in its FPC Gas Tariff, Original Volume No. 1, to be effective on March 2, 1975.

Columbia states that the purpose of the revised tariff sheets is to comply with the Commission's order of February 28, 1975, in this proceeding. Revised tariff sheets to be effective March 2, 1975, reflect a PGA increase adjusted to reflect the elimination of Columbia's proposed rate increase which was rejected by Commission order dated February 11, 1975, in Docket No. RP74-82; the appropriate pipeline supplier rate increases; and the elimination of the impact of any producer rates which are not effective as of March 1, 1975.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 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 and 1.10). All such petitions or protests should be filed on or before April 4, 1975. Protests will be considered by the Commission in determining the appro-

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.75-7778 Filed 3-25-75; 8:45 am]

[Docket No. RP75-47-5]

COLUMBIA GAS TRANSMISSION CORP. AND E. I. DU PONT DE NEMOURS AND CO.

Petition for Extraordinary Relief

MARCH 19, 1975.

Take notice that on March 5, 1975, E. I. du Pont de Nemours and Company (Petitioner), 1007 Market Street, Wilmington, Delaware 19898, filed in Docket No. RP75-47-5 a petition pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78) for permanent extraordinary relief and relief pendente lite for the period commencing April 1, 1975, and interim extraordinary relief for the period March 10-31, 1975, from natural gas curtailment imposed upon the contractual entitlements of its industrial plant located in Belle, West Virginia (Belle Plant), by Columbia Gas Transmission Corporation (Columbia Transmission), through Petitioner's supplier-distributor, Columbia Gas of West Virginia, Inc. (Distributor), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that its Belle Plant uses natural gas solely for feedstock and process requirements, which would be classified as Priority 2 requirements under § 2.78 of the Commission's general policy and interpretations, as follows:

Feedstock:

24,000 Mcf per day as feedstock for the production of 1,000 tons per day of ammonia,
2,000 Mcf per day as feedstock for the Girdler conversion unit which converts natural gas into carbon monoxide and hydrogen which, in turn, are used as feedstock in the production of various chemicals;

Process:

2,000 Mcf per day for a direct-flame waste recovery unit vital to the regeneration of spent sulfuric acid used in the production of certain plastics,
300 Mcf per day for direct-flame rotary kiln driers used in fertilizer production,
9,300 Mcf per day for ammonia reformer-process requirements,
200 Mcf per day for a synthesis gas reformer used in the Girdler process;
Total feedstock and process requirements:
39,400 Mcf of gas per day.

Petitioner states further that the Belle Plant employs approximately 1,550 employees and has an annual payroll of approximately \$20.5 million.

Petition alleges that it is contractually entitled to 60,000 Mcf of gas per day at

Belle Plant but that by order of the West Virginia Public Service Commission (WVPSC) issued September 27, 1974, the currently-effective volumetric limitations entitle the Belle Plant to a firm annual quantity equivalent of 42,400 Mcf of gas per day, of which 16,000 Mcf per day is considered interruptible solely for peak period purposes.

Petitioner claims that despite initial curtailment projections to the contrary, it was told on December 13, 1974, that due to Columbia Transmission's forecast of a 22 percent curtailment level Distributor would have to curtail the Belle Plant's entitlements 55 percent for the last three months of the 1974-75 heating season. Applicant further claims that such 55 percent curtailment level would reduce Distributor's daily deliveries at the Belle Plant to 19,080 Mcf of gas, which reduction would result in a significant cutback in the production of ammonia and other products upon which many industries depend.

To avoid such impact Petitioner maintains that it has attempted to conserve the use of natural gas, to secure natural gas from intrastate markets, and to substitute alternate fuels for natural gas. Petitioner states that previous savings of 2.7 percent reduced demand at the Belle Plant to its present level of 39,400 Mcf per day and that further conservation measures in progress are expected to cause reductions of approximately 2,830 Mcf per day by the end of 1975. Petitioner states that it has secured 5,000 Mcf of gas per day from an intrastate supplier, Cabot Corporation, through September 30, 1975. It is claimed that these volumes can only be used in Petitioner's process requirements. Petitioner also states that it can use propylene in amounts up to 4,200 Mcf per day but that the immediate use of other substitute fuels is not a viable alternative due to the nature of the use of natural gas in the Belle Plant. Applicant points out that although major modification of the Belle Plant, at a cost of approximately \$9 million, to convert the plant to alternate fuel use is technically feasible, such conversion cannot be implemented in time to offset present curtailment.

To avoid production cutbacks Petitioner states that it has had to use its winter curtailment allocation at a 30,200 Mcf per day rate, instead of the average daily rate of 19,080 Mcf. At that rate it is said that petitioner will exhaust its winter curtailment allocation on March 10, 1975, prior to the March 31, 1975, close of Distributor's winter season.

Petitioner claims that in an effort to maintain the Belle Plant's requirements for the 1974-75 winter period it petitioned WVPSC for relief in the amount of 19,400 Mcf of gas per day. Petitioner's petition was denied and the curtailment continued at 55 percent. Petitioner states that it sought rehearing of WVPSC's action on such petition because (1) the action was founded in part on the availability to Petitioner of natural gas reserved in Texas which reserves, Peti-

tioner claims, are only available upon the unlikely occurrence of three preconditions during the current heating season, and (2) but for the determination by WVPSC, Distributor would have reduced curtailment to all industries to 40 percent. Petitioner states that its petition for rehearing was also denied.

Petitioner submits that it has taken all practicable steps to attempt to relieve itself of the impending shut down of the Belle Plant for the balance of the winter period, and that it is investigating long-term measures to reduce the Belle Plant's requirements for natural gas, but that such long-term measures cannot be accomplished prior to year-end 1975.

Petitioner asserts that, at the same time it and the industries which depend on its essential products would be suffering the irreparable injury described in its petition, the operation of Columbia Transmission's currently effective pro rata curtailment plan would result in the delivery of volumes used as boiler fuel by other customers.

Accordingly, Petitioner requests the Commission to grant permanent relief from the operation of Columbia Transmission's currently effective pro rata curtailment plan in the form of whatever additional natural gas is necessary above that which would be otherwise allocated to Distributor to sustain Petitioner's essential feedstock and process requirements of 39,400 Mcf per day, annual average. Pending hearing and decision upon Petitioner's request for permanent relief from such pro rata curtailment plan, Petitioner requests interim emergency relief in the form of an order directing Columbia Transmission to deliver an additional 34,400 Mcf per day for the period March 10, 1975, through March 31, 1975, to Distributor for resale to Petitioner, in order to prevent termination of natural gas-dependent production at the affected plant.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing of petitions to intervene and protests. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before April 1, 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.75-7773 Filed 3-25-75; 8:45 am]

[Docket No. RP75-47-2]

COLUMBIA GAS TRANSMISSION CORP.
Petition for Extraordinary Relief

MARCH 18, 1975.

Take notice that on December 20, 1974, as supplemented January 22, 1975, Tele-dyne Ohioeast (Petitioner), Springfield, Ohio, filed a petition, pursuant to § 1.7 (b) of the Commission's rules of practice and procedure and Commission Order No. 467-C, seeking relief from the currently effective curtailment procedures of Columbia Gas Transmission Corporation. The petition requests an exempt allocation of natural gas in the annual volume of 130,480 Mcf for the period of October 15, 1974 through October 14, 1976. On March 7, 1975, the Ohio Public Utilities Commission filed a notice of intervention to confer standing on Petitioner.

In support of its petition for extraordinary relief, Petitioner states that it produces high alloy castings for the petro-chemical industry, the steel industry, the automotive industry, industrial furnace builders, and paper equipment manufacturers. Such products are alleged to be in critically short supply. Petitioner claims to have no other sources of natural gas and no existing alternate fuel capabilities.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 26, 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 in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7779 Filed 3-25-75; 8:45 am]

[Docket No. CP71-289]

COLUMBIA LNG CORP. AND CONSOLIDATED SYSTEM LNG CO.

Petition To Amend

MARCH 21, 1975.

Take notice that on March 17, 1975, Columbia LNG Corporation (Columbia LNG), 20 Montchanin Road, Wilmington, Delaware 19807, and Consolidated System LNG Company (Consolidated LNG), 445 W. Main Street, Clarksburg, West Virginia 26301 (Petitioners), filed in Docket No. CP71-289, a petition to amend the order of the Commission,

heretofore issued in said docket on June 28, 1972, accompanying Opinion No. 622 (47 FPC 1624) as amended by order issued October 5, 1972, accompanying Opinion No. 622-A (48 FPC 723), pursuant to section 7(c) of the Natural Gas Act by authorizing a revision in the pipeline route approved in said orders, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By order of the Commission accompanying Opinion No. 622, as amended, Petitioners were authorized, *inter alia*, to construct and operate 87 miles of 36-inch pipeline from a liquefied natural gas facility at Cove Point, Maryland, to Loudoun County, Virginia. Petitioners state that in accordance with Virginia law they filed applications with the Fairfax County Planning Commission and the Board of Zoning Appeals to obtain necessary approval for the 36-inch pipeline. Petitioners further state that on March 5, 1975, the Urban Board of Supervisors of Fairfax County approved a pipeline route alternate to the route approved by the Commission in Opinion 622.

Petitioners indicate that under the original routing the pipeline would have traversed areas since designated as an addition to a national wildlife refuge and to be a state park, both located in the eastern part of Mason Neck, Virginia. As a result, Petitioners claim, a controversy arose. The alternate route is said to be a settlement to that controversy, acceptable to Fairfax County, the U.S. Department of the Interior, and Petitioners.

It is stated that the alternate route would extend the pipeline's Potomac River crossing along Gunston Cove and thence southerly inland to an intersection with the originally proposed pipeline route. The alternate routing would reduce the overland crossing of Mason Neck by approximately 9,974 feet and would increase the Potomac River crossing 11,604 feet. Petitioners state that the alternate route is approximately 1,600 feet longer and is estimated to cost \$3,390,000 more. The increase in the length of the Potomac River underwater crossing notwithstanding, Petitioners claim that the relocated route involves no material change in the methods of construction or in environmental impact from that previously considered.

Columbia LNG has contested the authority of Fairfax County to approve a pipeline route in contravention of the certificate issued by the Commission. ("Columbia LNG Corporation v. Urban Board of Supervisors of Fairfax County, Virginia, et al., Case No. 768-74-A, E.D. Va.") Without waiver of its rights or prejudice to its position before the U.S. District Court or this Commission, Columbia LNG states that it is willing to accept the alternate route for the purpose of settling the litigation in that proceeding. Proceedings in said litigation are expected to commence shortly.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing

of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7760 Filed 3-21-75; 11:25 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Extension of Time

MARCH 19, 1975.

On March 7, 1975, El Paso Natural Gas Company filed a motion for extension of time to file certain materials as required by Opinion No. 697-A issued December 19, 1974, in the above-designated matter. All parties have been contacted and none oppose the motion with the exceptions of the Arizona Public Service Company and Tucson Gas and Electric Company, who on March 14, 1975, filed a response in opposition.

Upon consideration, notice is hereby given that the filing dates in the above opinion are modified as follows:

Filing of revised tariff sheets, March 28, 1975.
Filing of the base volume and end-use profile information as required by ordering paragraph (c) of Opinion No. 197-A, April 4, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.7774 Filed 3-25-75; 8:45 am]

[Docket No. E-9310]

FLORIDA POWER CORP.

Rate Change Filing

MARCH 19, 1975.

Take notice that on March 5, 1975 Florida Power Corporation ("Florida Power") tendered for filing a letter agreement between itself and the Orlando Utilities Commission ("Orlando") revising as follows rates and terms and conditions applicable to Orlando's interchange sales to Florida Power in connection with a letter of commitment dated November 30, 1971:

1. The tendered letter agreement deletes a requirement that Florida Power take a minimum of 20 percent of the previous "on-peak" maximum hourly requirement during "off-peak" hours. Florida Power states that both parties found this arrangement to be uneconomical.

2. The letter agreement provides for an "on-peak" energy charge to Florida Power equal to Orlando's fossil fuel cost per KWH for the month the energy is supplied plus 0.8 mills. According to Florida Power, Orlando determined that, because of escalation in fuel costs, the 0.8 mills would compensate it for the same expenses that the presently effective 10 percent adder was meant to recover.

3. Also because of escalation in fuel costs, the tendered letter agreement modifies the present energy charge for scheduled interchange service to provide for a 1.5 mills adder to fossil fuel cost instead of the 10 percent adder provided in Service Schedule B of the presently effective interconnection agreement.

Florida Power request an effective date of July 1, 1974 and waiver of the Commission's 30-day notice requirement.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before March 28, 1975 file with the Federal Power Commission, Washington, D.C. 20002, 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents filed by Florida Power Corporation are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7775 Filed 3-25-75; 8:45 am]

[Docket No. E-9315]

GEORGIA POWER CO.

Proposed Initial Schedule for Emergency Service

MARCH 19, 1975.

Take notice that on March 10, 1975, Georgia Power Company (Georgia) tendered for filing a proposed schedule for service to South Carolina Electric & Gas Company (South Carolina). Georgia states that the reason for the proposed rate schedule is to provide a new delivery point through which to interconnect with South Carolina to enable South Carolina to serve the Calhoun Falls area of South Carolina in its service area in the event of an emergency which affects South Carolina's normal service to the area. Georgia states that the rates pursuant to which the emergency service would be rendered are substantially the same as the rates currently in use for similar service to South Carolina at another interconnection.

Georgia states that it will build a 115 KV line to the proposed interconnection point and that the effective date of the proposed service will be the date upon

which that proposed line is completed and ready for service. Georgia further states that construction on the new facility is scheduled for early 1975.

Georgia states that copies of the proposed rate schedule have been mailed to South Carolina.

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 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 application are on file with the Commission and are available for public inspection.

KENNETH P. PLUMB,
Secretary.

[FR Doc.75-7780 Filed 3-25-75;8:45 am]

[Docket No. RI75-7]

HNG OIL CO. ET AL.

Certification of Proposed Settlement

MARCH 19, 1975.

Take notice that on March 10, 1975 the Presiding Administrative Law Judge certified to the Commission a settlement proposal introduced into the record by HNG Oil Company (Operator), et al. (HNG) at the hearing held February 25, 1975, together with the remainder of the record in this proceeding, including six exhibits and a Staff Memorandum in Support of Proposed Settlement.

On July 12, 1974 HNG filed a petition for special relief pursuant to § 2.76 of the Commission's general policy and interpretations requesting an increase in price from 15.05625 to 45 cents per Mcf for all production from ten wells in the Sejita Field, Duval County, Texas under a November 1, 1973 amendment to its base 1959 contract with Valley Gas Transmission, Inc. By order of November 15, 1974 this petition was set for hearing.

The proposed settlement provides that HNG will receive a rate of 24.0 cents per Mcf, plus an additional .4 cents per Mcf gathering allowance, for all production from the ten wells that does not qualify for the new nationwide rate promulgated in Opinion No. 699-H. In addition, HNG plans to rework eight of these wells sometime in the future and commence production from previously untapped reservoirs. As to this reworking, since it was the opinion of the Staff and HNG at the time of the hearing that any resultant production would qualify for the nationwide rate set by Opinion No. 699-H, the settlement provides that that part of the HNG petition requesting special relief would be dismissed without prejudice.

Any person desiring to comment on the proposed settlement should submit the comment to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 4, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the person commenting a party to this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7781 Filed 3-25-75;8:45 am]

[Docket Nos. CP74-292, CP74-293]

INTERSTATE TRANSMISSION ASSOCIATES ET AL.

Redesignation of Proceedings

MARCH 19, 1975.

On February 5, 1975, Northwest Alaska Company requested the Commission to redesignate the proceedings in Docket Nos. CP74-292 and CP74-293 by substituting Northwest Alaska Company in lieu of Northwest Energy Company as one of the Applicants therein. Northwest Alaska Company states in its motion that it is a wholly-owned subsidiary of Northwest Energy Company and has been designated by it to participate in the forming of Interstate Transmission Associates (Arctic) with Pacific Interstate Transmission Company.

Accordingly, the proceedings pending in Docket Nos. CP74-292 and CP74-293 are redesignated herewith by substituting Northwest Alaska Company as one of the applicants therein in lieu of Northwest Energy Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7782 Filed 3-25-75;8:45 am]

[Docket No. RP73-23, PGA 75-4]

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.75-7783 Filed 3-25-75;8:45 am]

[Docket Nos. RP73-102, PGA75-3, AP75-3]

MICHIGAN WISCONSIN PIPE LINE CO.

Tariff Change

MARCH 19, 1975.

Take notice that on March 13, 1975, Michigan Wisconsin Pipe Line Company, (Mich-Wis), tendered for filing as part of its F.P.C. Gas Tariff, Second Revised Volume 1, copies of Ninth Revised Sheet No. 27F. Mich-Wis states that its tendered sheet has been filed pursuant to the provisions of Section 15 of the General Terms and Conditions of its tariff, Opinion No. 699G, and Article IV of the Stipulation and Agreement at Docket No. RP73-102.

Mich-Wis states that its tendered tariff sheet reflects (1) an increase in the surcharge of 9.04 cents per Mcf to recover principally the impact of F.P.C. Opinion 699H during the period from June 21, 1974 to May 1, 1975, the proposed effective date of this filing; (2) a commodity increase of 4.03 cents per Mcf in the Purchased Gas Adjustment and a demand charge decrease of 1 cent per Mcf per month to reflect principally Opinion 699H rates and pipeline rate changes; and (3) a 0.77 cent per Mcf increase to recover carrying charges related to additional advance payments for exploration and development in the lower 48 states and Alaska. The rates proposed within the revised sheet also reflects a 0.11 cent increase representing amounts being paid to small producers above the nationwide rate.

Mich-Wis requests a waiver of the requirements of Part 154 of the Commission's regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit the filing of Ninth Revised Sheet No. 27F to be made and to become effective May 1, 1975. However, in the event the Commission does not accept Ninth Revised Sheet No. 27F to become effective May 1, 1975, Mich-Wis requests that Alternate Ninth Revised Sheet No. 27F be accepted effective May 1, 1975 and that Ninth Revised Sheet No. 27F be suspended for one (1) day to

become effective May 2, 1975. Mich-Wis states that the rates included in this alternate tariff sheet have been reduced by 0.85¢ per Mcf to reflect the effect of advance payment carrying charges paid to Exxon (0.74¢ per Mcf) and the effect of the amounts being paid by Mich-Wis to small producers above the nationwide rate (0.11¢ per Mcf).

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 8, 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.75-7784 Filed 3-25-75;8:45 am]

[Docket No. E-9161]

MONONGAHELA POWER CO., ET AL.

Order Accepting for Filing and Instituting Investigation, Granting Request for Waiver, and Establishing Procedures

MARCH 10, 1975.

On December 9, 1974, Allegheny Power Service Corporation (APSC) tendered for filing on behalf of its affiliates, Monongahela Power Company, Potomac Edison Company and West Penn Power Company (the APS Companies), an Agreement between the APS Companies and UGI Corporation, Luzerne Electric Division (UGI). Under the terms of the Agreement, UGI will purchase a maximum 50,000 kw of electric power and energy from the APS Companies' jointly-owned Harrison Steam Electric Generating Station, located at Shinnston, West Virginia. The parties have agreed that service under the contract shall commence January 1, 1975, and shall continue for a period of six years. The Agreement further provides that power and energy will be sold to UGI at a capacity charge of \$3.95 per kw per month and an energy charge of 110 percent of the actual cost of producing the energy delivered, including losses.

APSC states that the parties intend to commence sale and purchase under the Agreement as of January 1, 1975. Therefore, APSC requests waiver of the notice requirements¹ of the Commission's Regulations to permit the Agreement to become effective as of January 1, 1975. Good cause appearing, we shall grant such request, as hereinafter ordered.

¹ See § 35.3(a) of the Commission's regulations.

Notice of the subject filing was issued on December 18, 1974, with comments, protests, or petitions to intervene due on or before December 30, 1974. No responses have been received.

Preliminary review of the December 9, 1974, filing found it to be deficient with respect to certain requirements of the Commission's regulations. Accordingly, the Commission Secretary, by letter dated January 9, 1975, informed APSC of the deficiency, stating further that a filing date would not be assigned its submittal until the deficiency was cured. On January 27, 1975, APSC submitted additional material, which fulfills the filing requirements of the Commission's regulations.

Our review of APSC's filing of December 9, 1974, together with the additional data tendered on January 27, 1975, indicates that the proposed initial rate schedule has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall institute an investigation of the proposed initial rate schedule pursuant to the Commission's authority under section 206 of the Federal Power Act and establish hearing procedures to determine the lawfulness of APSC's filing.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission institute a section 206 investigation and hearing concerning APSC's filing of December 9, 1974, as supplemented January 27, 1975.

(2) Good cause exists to grant the requested waiver of the notice requirements in the Commission's regulations to permit the tendered filing to become effective January 1, 1975.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held on July 22, 1975 at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in APSC's proposed initial rate schedule.

(B) On or before April 15, 1975 APSC shall serve its direct testimony. On or before June 10, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before June 24, 1975. Any company rebuttal evidence shall be served on or before July 8, 1975.

(C) APSC's request for waiver of the notice requirements of the Commission's regulations is hereby granted to permit the subject Agreement to become effective as of January 1, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7785; Filed 3-25-75;8:45 am]

[Docket No. CP74-286]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Cancelling Notice of March 17, 1975

MARCH 19, 1975.

Take notice that the notice of postponement of hearing issued on March 17, 1975, in the above-designated matter, is hereby cancelled. The hearing shall be held as previously scheduled, April 1, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7786 Filed 3-25-75;8:45 am]

[Docket No. CP74-134]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Amendment to Application

MARCH 19, 1975.

Take notice that on March 13, 1975, Natural Gas Pipeline Company of America (Applicant), 123 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-134 an amendment to its application requesting a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to delete the request for authorization for an exchange point with Northern Natural Gas Company (Northern), all as more fully set forth in the amendment to the application, which is on file with the Commission and open to public inspection.

On November 13, 1973, Applicant filed in the instant docket an application requesting a certificate of public convenience and necessity authorizing Applicant to exchange gas in Hansford and Wheeler Counties, Texas, with Northern and to construct and operate facilities to effectuate such exchange. On November 22, 1974, Applicant filed an amendment to its application requesting authorization to construct and operate, inter alia, an additional exchange point in Carson County, Texas.

Applicant states that Applicant and Northern have entered into an agreement to exchange up to 2,000 Mcf of gas per day at exchange points in Hansford, Carson, and Wheeler Counties, Texas. As stated in the initial application, as amended, Northern has under contract gas reserves located in Wheeler County, Texas (Wheeler exchange point), which are in the vicinity of Applicant's pipeline and which Northern desires to exchange with Applicant. Applicant further states that pursuant to a settlement agreement with Lone Star Gas Company (Lone Star), it has the right to purchase gas attributable to Lone Star's interest in the

Lackey No. 1, 2 and 3 wells in Hansford County, Texas (Hansford exchange point), and that, since Northern is presently purchasing gas from said wells, no further facilities are required. The Carson County exchange point, as proposed, is an additional exchange point between Applicant and Northern to be utilized by the parties to exchange gas volumes pending receipt by Applicant of gas to be purchased from Lone Star from the Lackey wells and, when required, to balance exchange gas deliveries under the agreement.

Applicant in the instant amendment states that it is still negotiating with Lone Star for the purchase of gas from Lone Star's interest in the Lackey wells, but cannot at this time determine when such negotiations will be completed. Because of the alleged unavoidable delay and the uncertainty in executing gas purchase contracts with Lone Star for the volumes of gas dedicated to Applicant from the Lackey wells and to facilitate Commission action herein, Applicant states that both it and Northern agree that the proposed Hansford exchange point should be deleted and that at such time as contracts have been executed and filed by Lone Star and requisite authorization issued, Applicant will seek the necessary authorization to utilize the Lackey wells as an exchange point.

Any person desiring to be heard or to make any protest with reference to said amendment to the application should on or before April 11, 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 need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7787 Filed 3-25-75;8:45 am]

[Project No. 13]

NIAGARA MOHAWK POWER CORP.
Issuance of Annual License

MARCH 18, 1975.

On March 2, 1970, Niagara Mohawk Power Corporation, Licensee for Green Island Project No. 13, located in the vicinity of the Town of Green Island, Albany County, New York, on the Hudson River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 13 was issued effective March 3, 1921, for a period ending March 2, 1971. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Niagara Mohawk Power Corporation for continued operation and maintenance of Project No. 13.

Take notice that an annual license is issued to Niagara Mohawk Power Corporation (Licensee) under section 15 of the Federal Power Act for the period March 3, 1975, to March 2, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Green Island Project No. 13, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7788 Filed 3-25-75;8:45 am]

[Docket No. RP73-8, PGA75-8]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

MARCH 19, 1975.

Take notice that North Penn Gas Company (North Penn) on March 10, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective April 1, 1975. The proposed rate increase would generate \$242,600 annually in additional jurisdictional revenues based on the twelve-month period ending January 31, 1975.

North Penn states that the PGA filing was triggered by rate increases filed by Consolidated Gas Supply Corporation and Transcontinental Gas Pipe Line Corporation, to become effective April 1, 1975. Additionally, North Penn is filing in the alternate to track alternate tariff sheets filed by Tennessee Gas Pipeline Company to become effective March 15, 1975.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive its suppliers' 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 North Penn's jurisdictional customers, as well as interested state commissions, according to North Penn.

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.75-7789 Filed 3-25-75;8:45 am]

[Docket No. CP74-264]

NORTHERN NATURAL GAS CO.

Hearing, Granting Interventions, and Issuing Temporary Certificate

MARCH 6, 1975.

On April 9, 1974, Northern Natural Gas Company (Applicant), filed in Docket No. CP74-264 an application, as supplemented May 17, 1974 and June 27, 1974, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the liquefaction, storage, and vaporization of natural gas, all as more fully set forth in the application in this proceeding.

Applicant seeks authorization to construct and operate a liquefied natural gas (LNG) peak-shaving plant to be located on its pipeline system in Hancock County, Iowa. The proposed facility is a duplicate of the LNG plant authorized by Commission order issued on February 5, 1974 (51 FPC ____), in Docket No. CP73-287 to be constructed in Carlton County, Minnesota. The plant will enable Applicant to liquefy natural gas at the rate of 10,000 Mcf per day for storage in a holding tank with a net capacity of 2,000,000 Mcf of vaporous gas equivalent with a maximum vaporization and sendout design rate of 200,000 Mcf of vaporous gas per day for ten days. Applicant intends to use these LNG facilities to husband summer month gas volumes usually assigned to low priority customers in order to make natural gas available to high priority customers during the winter months. Applicant is not proposing to render any additional service to its customers. The Carlton and Hancock plants will be used only to offset partially peak-day deficiencies on Applicant's system.

The cost of the LNG facilities is estimated to be \$23,081,000, which will be financed through operations or, if necessary, short term bank loans. Construction time is estimated to be about 2 years with an additional 200 days of off-peak season required for filling the tank. Applicant proposes to commence service from these facilities for the 1977-78 winter season. The facilities would supply inventory that will be required to offset, in part, prospective short falls in peak day deliveries for the 1977-78 winter season. If construction is not commenced immediately, the facilities will not be in

service in time to accumulate an inventory from the system off peak gas to supply projected shortfalls in the 1977-78 winter season. For this reason, the Commission is of the opinion that an emergency exists on Applicant's system, within the purview of section 7 of the Natural Gas Act, which warrants the issuance of a temporary certificate for construction of the facilities only. However, the issuance of this certification is not to be construed as a predisposition on the merits of the permanent application nor should it prejudice in any manner the ultimate disposition of the permanent application.

The application has been reviewed by the Commission to determine the environmental effects of the proposed project. The LNG plant would be located on a 170-acre plot of land of which 30 acres would be fenced and used for the proposed facilities. The remaining 140 acres would act as a buffer zone for the plant and would be leased for agricultural purposes. Construction or operation of the proposed facilities is not expected to result in any significant degradation on local air, noise or water quality. LNG spills at the facilities could result in vapor dispersions of approximately 1,800 feet from the dike. However, local residences, the closest of which is approximately 3,200 feet from the tank, would not be exposed to any safety hazards. After reviewing alternate sites proposed by Applicant it appears that there are no feasible ones which would result in less environmental impact. In addition, the National Bureau of Standards (NBS) has performed under contract to the Commission a cryogenic safety review of the proposed facilities. This report concludes that Applicant has taken all practicable care in the design of the facility to eliminate or reduce to acceptable levels the impact of credible accidents. NBS, however, recommends, and the Commission concurs, that any significant changes in the design, construction and/or operations of the facility be reported to the Commission for further evaluation, that an on-site inspection be made of the facility upon completion prior to operation, and that periodic operation reports be submitted. The Commission finds that approval of this project does not constitute a major Federal action significantly affecting the quality of the human environment.

According to Applicant, including the proposed operation in its cost of service on an incremental basis would result in an initial cost of \$3.14 per Mcf, exclusive of the cost of gas. The effect of rolling-in the operation would be to increase Applicant's system unit cost of service 0.82 cent per Mcf, based on the cost of service set forth in the proceeding on Applicant's rate change in Docket No. RP74-80. Applicant states that it intends to roll the cost of the LNG peaking service into its system wide costs. Because the cost of this proposed LNG service is substantially higher than conventional storage cost, it shall be an issue of a formal hearing to determine whether the proposed rolled in pricing method is the

proper method to recover cost of service. In this regard, Applicant shall submit evidence and sponsoring witnesses showing requirements by customer according to the end use of each customer; including any projected changes in market requirements for the first three years of initial service, showing any growth to be met by Northern. Included in the evidence shall be a showing of the manner by which Applicant contemplates that the liquid inventory will be used to meet the needs of its customers in sufficient detail to indicate the end-use by classes of service, and by individual customers. Applicant shall show in its evidence if a market exists for a LNG peaking service from the proposed facility such as to be provided by a separate rate schedule under which all costs associated with the project would be recovered by appropriate rates. Applicant shall show why rolled-in pricing does not result in subsidizing of its peaking customers.

After due notice by publication in the FEDERAL REGISTER on April 24, 1974 (39 FR 14546), a notice of intervention was filed by Metropolitan Utilities District of Omaha and petitions to intervene were filed by the following:

Central Telephone & Utilities Corporation.
Farmland Industries, Inc.
Iowa Electric Light and Power Company.
Iowa Power and Light Company.
Iowa Public Service Company.
Iowa-Illinois Gas and Electric Company.
Minneapolis Gas Company.
Nebraska Natural Gas Company.
North Central Public Service Co., a Division of Donovan Companies, Inc.
Northern States Power Company (Minnesota).¹
Terra Chemicals International, Inc.
Wisconsin Gas Company.

All interveners assert that they have a direct and substantial interest in this proceeding which is not adequately represented by any other party to the proceeding. No intervener requests a formal hearing on this matter. No protest to the granting of the application, further petition to intervene or further notice of intervention has been filed.

The Commission finds. (1) Good cause exists to set for hearing and disposition the matters involved in the proceedings in Docket No. CP74-264.

(2) Good cause exists to grant the interventions previously cited since the participation of those interveners may be in the public interest.

(3) Participation of the late intervener will not delay the instant proceeding and, therefore, good cause exists for permitting the filing of the late petition to intervene.

(4) An emergency exists on Northern Natural Gas Company's system to an extent sufficient to justify the issuance of a temporary certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and pro-

¹ Late filing.

cedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing April 1, 1975, in a hearing room of The Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426 concerning the propriety of issuing a permanent certificate of public convenience and necessity for the project proposed herein.

(B) On or before March 18, 1975, Northern Natural Gas Company and all supporting intervenors shall file and serve its testimony and exhibits comprising its case-in-chief upon all parties including Commission Staff.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) Pursuant to section 7(c) of the Natural Gas Act and based upon the Commission's finding that an emergency exists on Northern's system by virtue of projected shortages in the winter 1977-78 season. A temporary certificate is hereby issued for the construction of facilities only and is to be so issued without prejudice to such ultimate disposition of the application for certificate as the record compiled herein may require.

(E) The temporary authorization hereinabove granted is conditioned as follows:

(a) Upon initiation of the operation of the LNG facility, semi-annual reports in summary form shall be filed with the Commission within 45 days after each period ending December 31 and June 30 describing facility operations for the period covered. Although said reports shall be in summary form, they shall note particularly any abnormal operation experiences or behavior. Abnormalities shall include, but not be limited to, rollover, geysering, cold spots on the tank, significant equipment malfunctions or failures, non-scheduled maintenance (and reasons therefor), rapid vaporizations, vapor or liquid releases, negative pressures (vacuum) within storage tank, and higher than predicted boil-off rates. Further, in the event an abnormality is of sufficient magnitude to endanger the facility or operating personnel, the Commission shall be notified immediately.

(b) Any significant changes in facility design, construction, operations, or operating philosophy shall be reported to the Commission on a timely basis and shall require further Commission approval.

(c) There shall be a final inspection of the facility by the Commission's staff or a designated consultant on behalf of the Commission prior to initiation of operations.

(d) Applicant shall install a manually activated alarm warning system audible within the environs of the LNG facility.

(e) Applicant shall construct structures or dikes outside the tank area to contain maximum postulated spillage

from any LNG lines outside the storage tank diked area and from the LNG vaporizers.

(f) Applicant shall comply with the latest edition of the industry code, NFPA Standard No. 59A that may be promulgated prior to initiation of the construction of the facilities.

(g) For rate making purposes Applicant shall be allowed to claim actual investment costs up to the amounts projected in the instant application as supplemented or as may be allowed by a subsequent Commission order under section 7 of the Natural Gas Act.

(F) The temporary authorization granted herein is effective on the date of this order as provided by paragraph (c) of § 1.13 of the Commission rules of practice and procedure and such authorization and the rights granted thereunder are subject to Applicant's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c) (3), (c) (4), (e), (f), and (g) of § 157.20 of such regulations. However, all necessary Federal, state and local authorizations shall be obtained by Applicant with respect to all facilities constructed pursuant to the instant authorization so long as such local authorizations or actions are not inconsistent with the Commerce Clause of the Constitution of the United States and our jurisdiction. Copies of such authorizations shall be submitted to the Commission and shall include, but shall not be limited to, building permits and statements of compliance with applicable Government and industry safety codes governing the design, installation, inspection, testing, construction, operation replacement, and maintenance of facilities. Copies of all authorizations shall be submitted to the Commission upon receipt.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7790 Filed 3-25-75;8:45 am]

[Docket No. CP74-264]

NORTHERN NATURAL GAS CO.

Extension of Procedural Dates

MARCH 19, 1975.

On March 13, 1975, Northern Natural Gas Company filed a motion to extend the procedural dates fixed by order March 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, April 4, 1975.
Hearing, April 15, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7791 Filed 3-25-75;8:45 am]

[Docket No. RP73-48, PGA75-4]

NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

MARCH 19, 1975.

Take notice that Northern Natural Gas Company on March 14, 1975, tendered for filing Eighth Revised Sheet No. 3a to its FPC Gas Tariff, Original Volume No. 4. The proposed change to become effective April 1, 1975, would increase the rate per Mcf to jurisdictional customers by 5.73¢ per Mcf. This amount results from PGA increases filed by Colorado Interstate to become effective April 1, 1975. Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 17, 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.75-7792 Filed 3-25-75;8:45 am]

[Docket No. RP71-119, and RP74-31-25]

PANHANDLE EASTERN PIPE LINE CO. AND (PETITION OF OKIE PIPE LINE CO.)

Postponement of Hearing

MARCH 18, 1975.

On March 4, 1975, Okie Pipe Line Company filed a motion to postpone the hearing date fixed by order issued February 3, 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 hearing date in the above matter is postponed until April 23, 1975 at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7793 Filed 3-25-75;8:45 am]

[Docket No. RP73-36, PGA 75-2, RP73-108, AP75-1]

PANHANDLE EASTERN PIPE LINE CO.

Further Extension of Procedural Dates

MARCH 19, 1975.

On March 14, 1975, Panhandle Eastern Pipe Line Company filed a motion to extend the procedural dates fixed by order

issued January 31, 1975, as most recently modified by notice issued February 28, 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 Testimony, April 8, 1975.
Service of Staff's Testimony, May 13, 1975.
Service of Intervenor's Testimony, June 3, 1975.
Service of Company Rebuttal, June 17, 1975.
Hearing, July 2, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7794 Filed 3-25-75;8:45 am]

[Docket No. E-7795, E-7989]

PHILADELPHIA ELECTRIC CO.

Extension of Procedural Dates

MARCH 19, 1975.

On March 12, 1975, The Borough of Lansdale filed a motion to extend the procedural dates fixed by order issued June 4, 1974, and for an order to compel the disclosure of requested documents in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, April 8, 1975.
Service of Company Rebuttal, April 22, 1975.
Hearing, May 6, 1975 (10 a.m., e.d.t.).

Other issues presented by the above motion are reserved for further action by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7795 Filed 3-25-75;8:45 am]

[Docket No. RP73-92]

RATON NATURAL GAS CO.

Revised Tariff Sheets

MARCH 19, 1975.

Take notice that on March 14, 1975, Raton Natural Gas Company (Raton) tendered for filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1. These two tariff sheets are First Revised Sheet No. 20a and First Revised Sheet No. 20b. Raton states that these tariff sheets reflect a minor change in § 18.3 of its tariff to more clearly state that Raton may flow through pipeline supplier rate increases as they occur.

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 April 4, 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.75-7796 Filed 3-25-75;8:45 am]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Annual License

MARCH 18, 1975.

On February 12, 1970, Southern California Edison Company, Licensee for Big Creek No. 2A & No. 8 Project No. 67, located in Fresno County, California, on the San Joaquin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1-16.6).

The license for Project No. 67 was issued effective March 3, 1971, for a period ending March 2, 1971. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Southern California Edison Company for continued operation and maintenance of Project No. 67.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under section 15 of the Federal Power Act for the period March 3, 1975, to March 2, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 67, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7797 Filed 3-25-75;8:45 am]

[Project No. 120]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Annual License

MARCH 18, 1975.

On February 12, 1970, Southern California Edison Company, Licensee for Big Creek No. 3 Project No. 120, located in the vicinity of Fresno, Kern, Madera, Los Angeles and Tulare Counties, California, on the San Joaquin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1-16.6). Licensee also amended the application on October 9, 1974.

The license for Project No. 120 was issued effective June 8, 1923, for a period ending March 3, 1971. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to

issue an annual license to Southern California Edison Company for continued operation and maintenance of Project No. 120.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under section 15 of the Federal Power Act for the period March 4, 1975, to March 3, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 3 Project No. 120, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7798 Filed 3-25-75;8:45 am]

[Docket No. E-9230]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Certificate of Concurrence

MARCH 18, 1975.

Taken 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.75-7799 Filed 3-25-75;8:45 am]

[Docket No. CP75-258]

TENNESSEE GAS PIPELINE CO. ET AL.

Application

MARCH 19, 1975.

Take notice that on March 4, 1975, Tennessee Gas Pipeline Company, a

Division of Tenneco, Inc. (Tennessee Gas), PO. Box 2511, Houston, Texas 77001, and Tenneco Chemicals, Inc. (Tenneco Chemicals), Park 80 Plaza West-1, Saddle Brook, New Jersey 07662, filed in Docket No. CP75-258 an application pursuant to section 7(e) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale, transportation and exchange of natural gas in interstate commerce, all as more fully set forth in the application in this proceeding.

Applicants request certificate authorization to sell, transport and exchange natural gas in accordance with a letter agreement between them dated July 23, 1974. Pursuant to said agreement and letter agreements between Tenneco Chemicals and Apexco, Inc., Corpus Christi Management Company and Coastal States Gas Producing Company, Tenneco Chemicals will deliver or cause to be delivered volumes of natural gas to Tennessee Gas at three delivery points. Those points where gas is proposed to be delivered to Tennessee Gas are:

(1) At the tailgate of Mobil Oil Corporation's Cameron gas processing plant in Cameron Parish, Louisiana;

(2) At the tailgate of Gulf Resources and Development Corporation's gas processing plant in Starr County, Texas; and

(3) At the interconnection of Coastal States Gas Producing Company's and Tennessee Gas' pipelines in Cameron Parish, Louisiana.

Gas delivered at points 1 and 2 above would be made through Tennessee Gas' existing measuring facilities while Coastal States Gas Producing Company would install a tap and metering facility at its sole expense at the interconnection of its pipeline and Tennessee Gas' line described as point 3 above.

The application indicates that Tenneco Chemicals will deliver or cause to be delivered 14,500 Mcf of natural gas per day to Tennessee Gas at the above-described delivery points. The application states that at least one-third of the total volumes of gas so delivered to Tennessee Gas by or for the account of Tenneco Chemicals will be sold by Tenneco Chemicals to Tennessee Gas. Applicants state that the remaining portion of the volumes of gas so tendered to Tennessee Gas will be received by it for the transportation/exchange account of Tenneco Chemicals. Applicants state that Tennessee Gas will cause all or a portion of such gas to be redelivered to Amoco Pipeline Company for the account of Tenneco Chemicals at the tailgate of Exxon's Katy Field Plant in Waller County, Texas. The application states further that during each winter period (November thru March) Tennessee Gas can elect to utilize up to 30 percent of Tenneco Chemical's portion of gas volumes received by Tennessee Gas for the transportation/exchange account of Tenneco Chemicals. It is stated that during each succeeding summer period (April thru October) Tennessee Gas will redeliver to Tenneco Chemicals each day

all of Tenneco Chemical's share of the gas received by Tennessee Gas on such day and additionally Tennessee Gas will make available for return to Tenneco Chemicals all gas which Tennessee Gas elected to utilize during the preceding winter periods. The application indicates that Tenneco Chemicals will sell to Tennessee Gas any gas utilized by Tennessee Gas during the winter period which was tendered by Tennessee Gas for redelivery and not taken by Tenneco Chemicals as of November 1 following such winter period.

Applicants state that Tenneco Chemicals will sell gas to Tennessee Gas at the average rate Tenneco Chemicals purchases such gas from Apexco, Inc., Corpus Christi Management Company and Coastal States Gas Producing Company, or at such lesser rate as Tennessee Gas is authorized to pay Tenneco Chemicals by the Federal Power Commission.

Applicants state further that Tenneco Chemicals will pay Tennessee Gas a monthly transportation charge for the volumes of gas redelivered to it during each month to the extent those volumes exceed the volumes delivered to Tennessee Gas downstream of the redelivery point during such month. The application states that volumes utilized by Tennessee Gas during the winter period and returned to Tenneco Chemicals during the summer period will not be included in calculating the monthly transportation charge. Applicants state that the transportation charge will be calculated by multiplying the excess volume by a) Tennessee Gas' average charge per 1 mile per Mcf and b) the distance all gas delivered upstream of the redelivery point was transported during such month.

Applicants state that the proposed sale, transportation and exchange will enable Tennessee Gas to purchase gas which would otherwise be sold in intrastate markets and will permit Tennessee Gas to utilize additional quantities of gas during the winter months when additional gas is essential to meet the requirements of its customers. It is further stated that the proposed service will provide greater assurance that Tenneco Chemicals will be able to continue to produce acetylene, vinyl chloride monomer, methanol, ammonia, liquid nitrogen and liquid argon, which products are used in making plastics, coatings, lubricants and fertilizer. The application indicates that the majority of the natural gas utilized by Tenneco chemicals is for process feedstock.

Any person desiring to be heard or to make any protest with reference to said application 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 pro-

testants 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. 75-7800 Filed 3-25-75; 8:45 am]

[Docket No. RP75-73]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in Gas Tariff

MARCH 19, 1975.

Take notice that Texas Eastern Transmission Corporation, (Texas Eastern) on March 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2. Texas Eastern states that the proposed changes would increase revenues from jurisdictional sales and services by \$103,200,000 based on the 12 months ended December 31, 1974, as adjusted. Texas Eastern states that approximately \$14,800,000 of the proposed increase can be attributed to purchased gas cost increases reflected in the proposed rate level but not accounted for in the present rate level which Texas Eastern is permitted to track under its purchased gas cost adjustment provision of its FPC Gas Tariff. According to Texas Eastern the remainder of the increase is related to other than purchased gas cost increases.

Texas Eastern states that the principal reasons for the proposed rate increase are: (1) Increased cost of labor, supplies, expenses, plant facilities, and working capital requirements; (2) The need for an increased rate of return of 10.25 percent; (3) The need for an overall rate of depreciation of 5.5 percent; (4) Increased taxes, including income taxes associated with the increased return; and (5) Lower sales than those on which its current rates are based.

The proposed effective date of such changes is May 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 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 2, 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. 75-7804 Filed 3-25-75; 8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Changes in Gas Tariff

MARCH 19, 1975.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), on March 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Transco states that the proposed changes would increase revenues from jurisdictional sales, transportation and storage services by approximately \$39,500,000 based on the 12-month period ending December 31, 1974, as adjusted.

Transco states that the sole reason for the rate increase filing is the increase in unit cost of operation of its pipeline system due to the continuing decline in gas supply and the consequent reduction in annual sales volume.

Transco states that it has included in its filing *pro forma* tariff sheets to the General Terms and Conditions which will provide Transco the right to (1) "track" in its GSS Storage Service rate schedule any changes in the rates for storage service furnished to Transco by Consolidated Gas Supply Corporation under the latter's Rate Schedule GSS and (2) "track" in its Rate Schedule S-2 any changes in the rates for storage service furnished to Transco by Texas Eastern Transmission Corporation under the latter's Rate Schedule X-28.

In addition, Transco states that it submitted *pro forma* tariff sheets in the filing incorporating a Volumetric Variation Adjustment Clause (VVAC) in the General Terms and Conditions of Transco's tariff. According to Transco this provision would permit it to change its rates to reflect changes in unit fixed costs as a result of changes in gas supply and to collect the jurisdictional portion of such fixed costs based on the formula contained therein.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 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. PLUMBS,
Secretary.

[FR Doc.75-7802 Filed 3-25-75;8:45 am]

[Docket No. CP75-253]

**TRANSCONTINENTAL GAS PIPE LINE
CORP.**

Application

MARCH 19, 1975.

Take notice that on March 3, 1975, Transcontinental Gas Pipe Line Corporation (Transco), PO Box 1396, Houston, Texas 77001, filed in Docket No. CP75-253 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of temporary storage service to its customers during the 1975-76 winter heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that it has arranged with Texas Gas Transmission Corporation (Texas Gas) to obtain, on a temporary basis, 12 million Mcf of storage capacity, with injections to be made during the period April 16, 1975, through November 15, 1975, and withdrawals during the period November 16, 1975, to April 16, 1976.¹ Transco proposes to render temporary storage service for its customers, at a rate of 29.56 cents per Mcf of gas delivered and received, which is equivalent to that which Transco is required to pay Texas Gas. Customers desiring this service and the proposed allocation for each are stated to be as follows:

Storage gas volume (thousand cubic feet at 14.7 lb/in²a)

Customer:	
Atlanta Gas Light Co.	504,275
Brooklyn Union Gas Co.	1,113,770
Buford, Ga., city of	5,665
Carolina Pipeline Co.	137,310
Clinton-Newberry Natural Gas Authority	42,695
Commonwealth Natural Gas Corp.	99,300
Consolidated Edison Co. of New York, Inc.	1,500,000
Danville, Va., city of	121,825
Delmarva Power & Light Co.	256,850
Eastern Shore Natural Gas Co.	35,260
Elizabethtown Gas Co.	352,100
Fort Hill Natural Gas Authority	54,785

¹ Texas Gas' application relating to said storage capacity was filed on February 27, 1975, in Docket No. CP75-246.

Customer:	
Frederick Gas Co., Inc.	21,105
Greenwood, S.C., city of	40,330
Kings Mountain, N.C.	6,340
Laurens, S.C., city of	36,705
Lawrenceville, Ga.	7,515
Lexington, N.C., city of	41,730
Long Island Lighting Co.	698,655
Monroe, Ga., city of	14,760
North Carolina Gas Service	48,715
North Carolina Natural Gas Corp.	649,170
Philadelphia Electric Co.	698,655
Philadelphia Gas Works	748,110
Piedmont Natural Gas Co., Inc.	961,785
Public Service Co. of North Carolina, Inc.	709,800
Public Service Electric & Gas Co.	1,928,745
Shelby, N.C., city of	54,410
South Jersey Gas Co.	582,560
Sugar Hill, Ga., city of	1,565
Tri-County Natural Gas Co.	4,060
UGI Corp.	22,995
Union, S.C.	8,620
Union Gas Co.	91,625
United Cities Gas Co.—Georgia Division	37,955
United Cities Gas Co.—North Carolina and South Carolina Division	46,425
Virginia Pipe Line Co.	56,260
Washington Gas Light Co.	257,770
Total	12,000,000

Transco states that no new sale of gas is proposed since Transco's customers will nominate storage injection volumes out of their present entitlements. Rate Schedules CD, G and OG. No additional facilities are proposed.

Transco explains that summer period injections will be provided by the participating customers by reductions in deliveries to their lower priority summer period markets. Transco states that injections into storage will be accomplished by means of a temporary exchange arrangement between Transco and Texas Eastern Transmission Corporation (Texas Eastern), where under from April 16, 1975, through November 15, 1975 (1) Transco will deliver to Texas Eastern at presently authorized points of exchange with Texas Eastern in the Pennsylvania-New Jersey-New York area, quantities of up to 60,000 Mcf per day which are equivalent to those to be injected into storage by Texas Gas for Transco, and (2) Texas Eastern will return such quantities to Transco by concurrently delivering same, or effectuating the delivery of same, to Texas Gas for the account of Transco at the existing interconnection of the Texas Gas and Texas Eastern systems at Lebanon, Ohio.²

Transco further explains that it will receive storage withdrawals from Texas Gas during the period November 16, 1975, to April 16, 1976, at the existing interconnection of the Texas Gas and Transco systems near Eunice, Acadia Parish, Louisiana, or at other mutually agreeable existing interconnections between the two systems, at a reasonably con-

² A joint application by Transco and Texas Eastern proposing such exchange was filed in Docket No. CP75-254 concurrently with the instant application and a related application was filed by Texas on February 27, 1975, in Docket No. CP75-246.

stant daily rate and subject to the terms of the letter agreement between the parties dated January 30, 1975. Transco points out that it shall retain 10 percent of the volumes received from Texas Gas for use as fuel.

In light of present and projected gas shortages on Transco's system, Transco proposes the storage service to help protect the high priority winter period markets on its customers respective systems.

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 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. PLUMBS,
Secretary.

[FR Doc.75-7801 Filed 3-25-75;8:45 am]

[Docket No. RP75-74]

**TRANSWESTERN PIPELINE CO.
Proposed Changes in FPC Gas Tariff**

MARCH 19, 1975.

Take notice that Transwestern Pipeline Company, (Transwestern) on March 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, superseding First Revised Volume No. 1. Transwestern states that the proposed changes would increase revenues from jurisdictional sales by approximately \$34,400,000 based on the 12 months ended December 31, 1974, as adjusted. Transwestern states that approximately \$12,800,000 of the proposed increase can be attributed to purchased gas cost increases reflected

in the proposed rate levels but not accounted for in the present rate level which Transwestern is permitted to track under its purchased gas cost adjustment provision of its FPC Gas Tariff. According to Transwestern the remainder of the increase is related to other than purchased gas cost increases.

Transwestern states that the principal reasons for the proposed rate increase are: (1) Increased cost of labor, supplies, expenses, plant facilities, and working capital requirements; (2) The need for an increased rate of return of 10.50 percent; (3) The need for an overall rate of depreciation of 7.0 percent; (4) Increased taxes, including income taxes associated with the increased return; and (5) Lower sales volumes than those on which its current rates are based.

Transwestern has also included in this filing, Second Revised Volume No. 1, a conversion from a volumetric (Mcf) to an energy (deka-therm) basis for sales and billing purposes, and to make certain changes in the General Terms and Conditions of its Tariff to reflect current conditions and industry practice.

The proposed effective date of Second Revised Volume No. 1 is May 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 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 2, 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. 75-7803 Filed 3-25-75; 8:45 am]

[Docket No. CP75-83-1; Docket No. CP75-96, etc.]

**WESTERN LNG TERMINAL CO. AND
EL PASO ALASKA COMPANY, ET AL.**

**Supplement to Application and
Consolidation of Proceeding**

MARCH 19, 1975.

Take notice that on March 3, 1975, Western LNG Terminal Company (Applicant), 720 West Eighth Street, Los Angeles, California 90017, filed pursuant to § 1.11 of the Commission's rules of practice and procedure (18 CFR 1.11) and the Commission's orders issued December 23, 1974, in Docket No. CP75-83 (52 FPC —) and January 23, 1975, in Docket No. CP75-96, et al. (53 FPC —), its Point Conception supplement to its application filed in Docket No. CP75-83 on September 17, 1974,¹ for a condi-

tioned certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities at three proposed locations in southern California, namely, Los Angeles Harbor, Oxnard, and Point Conception, to receive, unload, store, and vaporize liquefied natural gas (LNG) and authorizing the construction of pipeline facilities for the transportation of such vaporized LNG in interstate commerce, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

The application of September 17, 1974, describes Applicant's terminal company concept, its advantages, and the required facilities. Applicant therein states that it would perform a service only, would not own any of the LNG or revaporized gas, and would not be in the business of selling such gas for resale purposes. Applicant would, however, engage in the transportation of natural gas in interstate commerce, it states. Further, in the application of September 17, 1974, Applicant states that it would make supplemental filings at the time agreements were entered into to provide terminal services and that the supplemental filings would set out the specific facilities required, cost estimates, tariff, financing, and other pertinent data.

Applicant, in the instant supplement, states that on September 19, 1974, it signed a letter agreement with El Paso Alaska Company (El Paso Alaska) to provide terminal services for the latter's Trans-Alaska gas project. On September 24, 1974, El Paso Alaska filed in Docket No. CP75-96 an application for a certificate of public convenience and necessity authorizing its project and showing that the Trans-Alaska gas project proposed to use Applicant's terminal services.

The order of December 23, 1974, granted interventions and established certain procedures to follow in carrying out Commission responsibilities in connection with Applicant's project. While mostly agreeing with the procedures suggested by Applicant, the Commission rejected Applicant's conditioned certificate request and indicated that it would not have sufficient record evidence at the completion of contemplated hearings, no matter how extensively such certificate might be conditioned. The Commission indicated, however, that it could proceed to examine issues of site location and safety, including an evaluation of the most environmentally advantageous locations for the three sites and issue a preliminary opinion on these limited issues after hearing, initial decision, and briefs. With regard to Applicant's supplemental filings in Docket No. CP75-83 to reflect specific terminaling contracts and facilities, the Commission expressed its intention to consolidate these with the specific dockets to which they directly relate. With respect to the instant supplement, the related dockets involve the proceedings in Docket No. CP75-96, et al.

Applicant states that on February 27, 1975, it entered into a definitive agreement to provide terminal service to El

Paso Alaska at its proposed Point Conception site located at Point Conception, California. Applicant further states that this agreement provides that Applicant will receive, unload, store, and vaporize up to an annual agreed quantity of 1,210,322,000,000 Btu of liquefied natural gas and redeliver during each contract year the resulting volumes requested and designated by El Paso Alaska at the following delivery points: (1) A point or points of interconnection between Applicant's proposed pipelines and the existing facilities of Pacific Gas and Electric Company, (2) a point or points of interconnection between Applicant's proposed pipelines and the existing facilities of Pacific Lighting Service Company and/or Southern California Gas Company, and (3) a point or points of interconnection between Applicant's proposed pipeline or pipelines owned by others and the existing facilities of El Paso Natural Gas Company at the boundary between the States of California and Arizona.

Applicant requests authorization to construct and operate facilities at the Point Conception site to receive, unload, store, and vaporize liquefied natural gas for El Paso Alaska at an average rate of 2.81 million Mcf per day and to construct pipeline facilities for and the transportation of the vaporized LNG from the Point Conception site to the designated delivery points. Applicant states that its Point Conception facilities will be located on a 120-acre site 120 miles north of Los Angeles. Applicant proposes to construct and operate facilities designated to receive LNG transported by ship, unload and transfer it into insulated storage tanks, and withdraw and vaporize it for delivery into gas transmission systems. Applicant indicates that the facilities will be capable of handling up to 2.81 million Mcf of natural gas per day, with a peaking capacity of an additional 300,000 Mcf per day. In addition, Applicant proposes to construct and operate pipelines from the Point Conception LNG terminal to existing transmission facilities in southern California.

Specifically, applicant proposes to construct and operate marine berthing and unloading facilities to accommodate and unload simultaneously two LNG ships of up to 165,000 cubic meters capacity.

Applicant also proposes to construct and operate the following:

(1) An LNG transfer system which will carry the LNG from the ships to the storage tanks. This system will consist of two 36-inch diameter insulated cryogenic lines and one 20-inch vapor-return line.

(2) Four tanks of 550,000 barrels each which will be required at the site to handle the El Paso Alaska volumes. Each tank will have the following approximate dimensions: Diameter—240 feet; shell height—80 feet; overall height—129 feet.

(3) A vaporization plant which will consist of vaporizers, an odorizing and metering system, and required peripheral equipment. It will be situated adjacent to the LNG storage tanks.

(4) Three submerged-combustion gas-fired vaporizers. These will provide a peaking capacity of up to 300,000 Mcf for use when

¹ The application was noticed in the FEDERAL REGISTER on October 9, 1974 (39 FR 36987).

LNG carriers arrive at irregular intervals and it is necessary to vaporize at a higher than average rate so carriers can be unloaded with minimum delay. The gas-fired vaporizers will also be used when seawater vaporizers require maintenance.

(5) Four 10-foot diameter seawater exchange pipelines which will be constructed between the ocean and the LNG plant.

(6) 142 miles of twin 42-inch and 105 miles of 42-inch pipeline to transport gas from the Point Conception LNG terminal. These lines will tie into existing gas transmission systems in southern California.

The supplement indicates the total capital cost expressed in 1974 cost with no provisions for escalation for the proposed facilities is estimated to be \$665,918,000. Applicant presently proposes the issuance of first mortgage bonds by private sale and the sale of common stock to Pacific Lighting Corporation, its parent. Anticipated interim financing for capital improvements during the construction period will be provided by (1) construction loans from banks and from others, (2) open account advances from Pacific Lighting Corporation, and (3) the sale of common stock to Pacific Lighting Corporation. Applicant states that the actual financing plans and related costs will be determined by market conditions and other circumstances at the time of financing.

Applicant proposes to render its terminal services at the Point Conception facilities on a cost-of-service basis pursuant to its FPC tariff.

The instant supplement and the applications in the proceeding in Docket No. CP75-96, et al., appear to present common issues of fact and law and are, therefore, consolidated for hearing.

Any person desiring to be heard or to make any protest with reference to said supplement 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 having heretofore filed protests, petitions to intervene, or notices of intervention in the instant docket or in the proceeding in Docket No. CP75-96, et al., need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-7805 Filed 3-25-75; 8:45 am]

[Docket No. RI75-73]

YALE OIL ASSOCIATION, INC.

Order Setting Proceeding for Hearing and Granting Intervention

MARCH 17, 1975.

On December 9, 1974, Yale Oil Association, Inc. (Yale) filed a petition for special relief from the Hugoton-Anadarko Area¹ rate ceiling pursuant to Order No. 481.² Yale seeks to increase the rate it charges Cities Service Gas Company (Cities) for sales of natural gas from the Chelin No. 1 Well, located in Section 6-27N-20W, North Lovedale Field, Harper County, Oklahoma, from 18 cents per Mcf to 43 cents per Mcf at 14.65 psia, subject to Btu adjustment. Cities has agreed to the 43 cent rate in a December 3, 1974 amendment to its November 3, 1966 basic contract with Yale on file as Yale's FPC Gas Rate Schedule No. 1 in Certificate Docket No. CI67-641. Yale was issued a small producer certificate in Docket No. CS71-0159 on August 12, 1971.

If the relief requested herein is granted, Yale proposes to install a plunger lift powered by reservoir gas at an estimated cost of approximately \$2,200. Yale avers that such additional equipment will permit it to produce and sell in interstate commerce an estimated 325,000 Mcf of additional recoverable reserves over the next 10 years which otherwise would have to be abandoned.

Notice of Yale's petition was issued on December 18, 1974 and appeared in the Federal Register at 40 Fed. Reg. 1567 on January 8, 1975. On January 6, 1975, Cities filed a timely petition to intervene in favor of Yale's petition. The period for filing interventions closed on January 8, 1975.

Based on data submitted by Yale, Staff has made two independent cost of gas calculations, one employing traditional costing methodology and one employing Discounted Cash Flow (attached below as Appendices A and B), which indicate that the rate Yale seeks is not justified. Based on the disparity between the rates Staff has calculated and the rate Yale seeks, the question is raised whether there is sufficient basis to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that this matter be set for hearing to determine what relief, if any, should be granted.

¹ Hugoton-Anadarko Area Rate Proceeding, Opinion No. 586, Docket No. AR64-1, et al., 44 F.P.C. 761 (1970), 18 CFR 154.106.

² Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, On Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R-458, 49 F.P.C. 992 (issued April 12, 1973), 18 CFR 2.76.

The Commission finds. (1) It is in the interest of the public convenience and necessity that the instant proceeding be set for hearing.

(2) Good cause exists to allow Cities to intervene in this proceeding.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), Docket No. RI75-73 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on May 13, 1975, 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(D) Yale and Cities shall file their direct testimony and evidence on or before April 8, 1975. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff shall file its direct testimony and evidence on or before April 29, 1975. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before May 6, 1975. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above-named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding: *And provided, further,* That such intervenor shall accept the record as it has been established in the proceeding to date.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

NOTICES

APPENDIX A

Yale Oil Association, Inc. [Docket No. R175-73], Chalk Unit, North Loedale Field, Harper County, Okla.

Calculation of unit cost of gas			
Line No.	Description	Volume	Total cost
	(a)	(b)	(c)
1	Volumes (N.W.I.):		
2	Gas—thousand cubic feet at 14.65 lb/in ³ a	155,077	
3	Liquids—barrels	2,187	
4	Average rate base:		
5	Average net investment		4,285
6	Average working capital allowance		604
7	Average rate base		4,889
8	Cost of production:		
9	Return on rate base		7,334
10	Production expense		48,310
11	DD&A expense		10,319
12	Liquid credit		(21,870)
13	Total cost of production		44,093
14	Unit cost of gas (in cents):		
15	Cost of production (per thousand cubic feet)		28.43
16	Production tax at 7 percent gross		2.14
17	Unit cost of gas (per thousand cubic feet)		30.57

NOTES.—The above cost data are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserve estimate of 186,239 M B³ of gas and 2,636 bbl of condensate. A production life of 10 years is estimated for the project.

Line 1, net working interest is 83.26788 percent of 186,239 M B³; line 5, from sheet 2, line 5; line 6 (line 10, sheet 2 multiplied by 12.5 percent), divided by 10-year production life; line 9 (line 7 multiplied by 15 percent), times 10-year production life; line 10, from sheet 2, line 10; line 11, from sheet 2, line 4; line 12, line 3 times \$10 per barrel; line 15, line 13 divided by line 2.

Summary of applicant's filed data		
Line No.	Description	Total cost
	(a)	(b)
1	Investment:	
2	Present net book value	\$8,119.06
3	Proposed new investment	2,200.00
4	Total capital expenditure	10,319.06
5	Average Net Investment	4,285.00
6	Production costs:	
7	Total lease operating cost	48,000.00
8	Regulatory expense	310.00
9	Total production expense	48,310.00

NOTE.—Line 5, from line 12, sheet 3; line 9, regulatory expense as adopted in Opinion No. 699 at 0.2 cent per M B³ × 155,077 M B³.

Staff's depreciation schedule						
Line No.	Year No.	Estimated production (thousand cubic feet)	Percent depleted ¹	Middle of year book value	Middle of year new investment	Remaining total investment ²
	(a)	(b)	(c)	(d)	(e)	(f)
1	1	27,884	7.4861	7,511	2,033	9,546
2	2	23,482	21.2704	6,301	1,732	8,123
3	3	22,748	33.3688	5,410	1,466	6,873
4	4	21,280	45.5082	4,425	1,199	5,624
5	5	20,547	56.7376	3,512	953	4,464
6	6	19,079	67.3761	2,648	718	3,396
7	7	16,144	76.8325	1,881	510	2,301
8	8	15,410	85.3038	1,194	324	1,518
9	9	12,475	92.7002	585	159	744
10	10	7,190	98.0667	157	43	200
11	Total	³ 186,239		33,714	9,137	42,851
12	Average net investment					⁴ 4,285

¹ Percent of recoverable reserves depleted at the middle of each year.

² Sum of columns (d) and (e).

³ Staff's total recoverable reserve estimate.

⁴ Line 11 divided by 10-year production life.

APPENDIX B

Yule Oil Association, Inc.
[Docket No. R175-75]
Chalk Unit, North Lovedale Field, Harper County, Okla.

Discounted cash flow calculation of unit cost of gas

Line No.	Year	Total production volume, ¹ (thousand cubic feet)	Total liquids volume ¹ (barrels)	Cash flow ²	Royalty expense at 16.73%	Production tax at 7 percent ³	Investment outlay ⁴	Working capital cost ⁵	Production expense ⁶	Net cash flow ⁷	Discount factor at 15 percent ⁸	Discounted net cash flow ⁹
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
1	0						-10,319					
2	1	27,284	393	\$11,877	-\$1,987	-\$692		-\$91	-\$4,846	-\$10,319	1.0000	-\$10,319
3	2	23,483	331	10,002	-1,673	-583		-91	-4,839	4,291	.9325	3,973
4	3	22,748	321	9,603	-1,622	-565		-91	-4,838	2,616	.8109	2,283
5	4	21,280	300	9,065	-1,547	-528		-91	-4,835	2,577	.7051	1,817
6	5	20,547	280	8,756	-1,465	-510		-91	-4,834	2,094	.6181	1,284
7	6	19,079	269	8,128	-1,360	-474		-91	-4,832	1,856	.5332	990
8	7	16,144	228	6,881	-1,151	-401		-91	-4,827	1,371	.4636	636
9	8	15,410	217	6,562	-1,068	-382		-91	-4,826	411	.4081	166
10	9	12,475	176	5,315	-889	-310		-90	-4,826	166	.3506	58
11	10	7,190	101	3,050	-512	-178		-90	-4,812	-2,533	.3048	-342
12	Total..	186,230	2,620									-25

¹ Based on staff's recoverable reserve estimate of 186,230 M ft³ of gas and 2,620 bbl of liquids.
² Based on assumed rate of 28.50 cents per thousand cubic feet for gas and \$10 per barrel for liquids. All income is treated as positive and all outgo is treated as negative.
³ Production tax is figured as 7 percent of cash flow minus royalty expense.
⁴ Includes \$8,119.06 in present net book value and \$2,200 for proposed plunger lift.
⁵ Based on 45-day lag between costs and revenue. Here evaluated as 15 percent of production expense per year.
⁶ Includes all operating expense and a regulatory expense of 0.2 cents per thousand

cubic feet of net working interest gas volumes (83.27 percent of total gas production volume).
⁷ Sum of columns (d), (e), (f), (g), (h), and (i).
⁸ Lump sum at mid-year value used.
⁹ Summation of this column should equal zero for proposed rate of 28.50 cents per thousand cubic feet to be correct on a discounted cash flow basis.

NOTE.—The above cost data are based on representations of the applicant contained in his filing. The volumes are based on Staff's recoverable reserve estimates.

[FR Doc. 75-7651 Filed 3-25-75; 8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL GROUP OF NEW HAMPSHIRE, INC

Acquisition of Bank

First Financial Group of New Hampshire, Inc., Manchester, New Hampshire (formerly known as The Manchester Corporation), 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 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to Colonial Trust Company, Nashua, New Hampshire. 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 Boston. 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 18, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc. 75-7839 Filed 3-25-75; 8:45 am]

GOVERNMENT PRINTING OFFICE

DEPOSITORY LIBRARY COUNCIL TO THE PUBLIC PRINTER

Meeting

The Depository Library Council to the Public Printer will meet on April 14 and 15, 1975, in conjunction with the Fed-

eral Documents Regional Conference at the University of Connecticut, Storrs, Connecticut.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify Mr. J. D. Livsey, Head, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (Telephone Area Code 703-557-2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Acting Chairman.

Dated: March 17, 1975.

T. F. McCORMICK,
Public Printer.

[FR Doc. 75-7834 Filed 3-28-75; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-144]

WELT WORK SHOES FROM ROMANIA

Investigation and Hearing

Having received advice from the Treasury Department on March 13, 1975, that welt work shoes from Romania are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on March 19, 1975, instituted investigation No. AA1921-144 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason

of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, International Trade Commission Building, 8th and E Streets, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, May 6, 1975. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at its office in Washington, D.C., not later than noon Friday, May 1, 1975.

Issued: March 20, 1975.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 75-7755 Filed 3-25-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-346A, 50-440A, 50-441A]

TOLEDO EDISON CO., ET AL.

Prehearing Conference Order No. 4

In the matter of the Toledo Edison Company and the Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Unit 1); the Cleveland Electric Illuminating Company, et al., (Perry Nuclear Power Plant, Units 1 and 2).

At the conclusion of prehearing conference No. 3 of January 31, 1975, the Board indicated that it would convene prehearing conference No. 4 on or about April 23, 1975 for the purpose of reviewing discovery progress and to consider

such other matters as the parties might wish to call to the attention of the Board. Prehearing conference No. 4 is hereby scheduled for April 21, 1975 commencing at 10 a.m. at the U.S. District Court House, courtroom 23 (third floor), Washington, D.C. for the purpose of considering:

(1) Discovery progress to date and a schedule for the conclusion of discovery in these dockets. The parties shall prepare a preliminary list of witnesses to be deposed.

(2) Applicant's proposal for expediting the antitrust hearing process, dated March 14, 1975. Parties desiring to respond to Applicant's proposal shall do so by April 7, 1975.

Any of the parties desiring to place other matters on the agenda for prehearing conference No. 4 should call them to the attention of the Board and the other parties no later than April 7, 1975.

Dated at Bethesda, Md., this 20th day of March 1975.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
DOUGLAS V. RIGLER,
Chairman.

[FR Doc.75-7749 Filed 3-25-75;8:45 am]

NATIONAL SCIENCE FOUNDATION SCIENCE ADVISER WITH REPRESENTATIVES OF SCIENTIFIC AND TECHNICAL INFORMATION INDUSTRY

Notice of Meeting

In order to improve channels of communication with the scientific and professional community, the Science Adviser holds informal discussions from time to time with representative groups to discuss issues of mutual interest. While these ad hoc informal discussions are not considered to be meetings of "advisory committees" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92-436), these sessions are believed to be of sufficient importance and interest to the general public to have them opened for public attendance and observation.

A meeting of representatives of the scientific and technical information industry with the Science Adviser is scheduled to be held on Friday, April 4, 1975, at the National Science Foundation, Room 543, 1800 G Street, NW, Washington, D.C. 20550. The meeting will begin at 9:30 a.m. and will conclude at or about 12:30 p.m. The subject matter for discussion is Science Information Policy in the following areas:

1. Government scientific and technical (S&T) information services to the public.
2. Alternative sources of S&T information dissemination in the private sector.
3. Support to S&T information services.

Members of the public are invited to observe this meeting. Space will be available on a first-come basis. Public participation is limited to questions or statements submitted to the Chairman in writing or to such oral presentations as

the Chairman may permit within available time. Persons wishing to attend such meeting are requested to either write or phone Mr. Richard L. Stone, Science and Technology Policy Office, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550, telephone 202-632-4259.

Dated: March 21, 1975.

RUSSELL C. DRÉW,
Director, Science and
Technology Policy Office.

[FR Doc.75-7962 Filed 3-25-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 20, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration: Application for Federal Disaster Preparedness Assistance—Part I, HUD 423, on occasion, State governments, Community and Veterans Affairs Division, 395-3532. Annual Budget Information—Part II, HUD 423.1, on occasion, State governments, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Qualified Prospect/Enlistee Profile, Questionnaire, on occasion, individuals, Lowry, R. L., 395-3772. National Highway Traffic Safety Administration, Highway Safety Needs Study, single-time, Highway Safety Coordinators and police, Strasser, A., 395-3880. Federal Highway Administration: Statement of Work for Proposed Project, National System for Monitoring Highway Performance, single-time, three State highway agencies, Strasser, A., 395-3880. Research Prospectus for RFP-371, Land Use Planning and Interchange Development, single-time, transportation and urban planners, Strasser, A., 395-3880.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, MEQC Manual—Quality Control in Medicaid, SRS-QCM-301, monthly, title XIX recipients, Human Resources Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration, Notice of Interest, HUD 496, on occasion, State and local governments in disaster areas, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

DEPARTMENT OF LABOR

Labor-Management and Service Administration, Federal Labor Organization Abbreviated Annual Report, G-4, annually, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.75-7295 Filed 3-25-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 21, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Air Pollution: St. Louis Human Morbidity Study, other (see SF-83), households, Collins, L., 395-3756.

DEPARTMENT OF DEFENSE

Departmental and other, Career Counseling Aids Study, single-time, high school career educators and counselors, National Security Division, 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, QC Manual—Quality Control in Medicaid, QCM-301, QCM-301A, QCM-301-4, QCM-401.1, QCM-401.4, semiannually, title XIX recipients, Human Resources Division, 395-3532.

Food and Drug Administration, Possible Radar Exposure Study, FDAER 0304, single-time, individuals, Collins, L., 395-3756.

Health Resources Administration, 1975-76 Nursing Home Survey (Pretest Version), NCHS 0114, single-time, nursing homes, Collins, L., 395-3756.
Office of Education, HEGIS IX Physical Facilities Field Audit Report, OE-2300-7-1 single-time, sample of institutions of H.E., 09, 395-3898.

DEPARTMENT OF THE INTERIOR

National Park Service, Roadside Questionnaire—Great Smoky Mountains NP Sampling Survey, single-time, park visitors, 09, 395-3898.

REVISIONS

VETERANS ADMINISTRATION

Statement of Income and Net Worth—Disability, 21-6897, on occasion, veterans, Caywood, D. P., 395-3443.

GENERAL SERVICES ADMINISTRATION

Value Engineering Consultant Qualification Questionnaire, GSA 2759, on occasion, business firms, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Soybean Objective Yield Survey, CE 12-34A, annually, soybean producers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Maritime Administration, Annual Report of Maritime Carriers Reporting Jointly to the ICC and the Maritime Administration, M, annually, all maritime shipping companies, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, 1975 Health Interview Survey Questionnaire, NCHS 0303, other (see SF-83), households, Hall, George, 395-4697.
National Institutes of Health, Application for Service Research Fellowship—Program at the National Institutes of Health, PHS-3997, on occasion, research scientists and physicians, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,

Budget and Management Officer.

[PR Doc.75-8019 Filed 3-25-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 729]

ASSIGNMENT OF HEARINGS

MARCH 21, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments.

MC 140079, Southland Investment Corporation, now assigned April 22, 1975 at Columbus, Ohio will be held in Room 235 Federal Office Building, 85 Marconi Boulevard.

MC 138960 Sub 3, Kobros Transportation System, Inc., now assigned April 24, 1975 at Columbus, Ohio will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 52857 Sub 721, Arco Auto Carriers, Inc., now assigned April 28, 1975 at Columbus, Ohio will be held in Room 235 Federal Office Building, 85 Marconi Boulevard.

MC-P-12285, Duff Truck Line, Inc.—Control and Merger—Rumpf Truck Line, Inc., now assigned April 29, 1975 at Columbus, Ohio will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 106398 Sub 716, National Trailer Convey, Inc., application Dismissed.

MC-C-8422, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America—v—Pilot Freight Carriers Inc., now assigned April 1, 1975, at Washington, D.C., is postponed to June 2, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139946, S & L Express, Inc., now assigned April 7, 1975, at Lexington, Ky., is transferred to Nashville, Tennessee, at the Continental Inn, 303 Interstate Drive, same date.

MC 60014 Sub 38, (G), Aero Trucking, Inc., now being assigned April 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-P-12257, International Carriers, Inc.—Purchase—Motor Dispatch, Inc., continued to May 6, 1975 (9 days) in Detroit, Michigan, at the Leland House, 400 Bagley Avenue.

MC C 8501, Short Freight Lines, Inc. and Van Haaren Specialized Carriers, Inc.—Investigation and Revocation of Certificates, now being assigned June 3, 1975 (1 day) at Chicago, Illinois; in a hearing room to be designated later.

MC 41406 Sub 43, Artim Transportation System, Inc., now being assigned June 4, 1975 (3 days) at Chicago, Illinois; in a hearing room to be designated later.

[SEAL]

ROBERT L. OSWALD,

Secretary.

[PR Doc.75-7877 Filed 3-25-75; 8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 21, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55339, filed November 21, 1974. Applicant: WEBSTER DELIVERY SERVICE, INC., 6360 South Greenwood, City of Commerce,

Calif. 90022. Applicant's representative: Levin & Oberman, Inc., 3550 Wilshire Boulevard, Los Angeles, Calif. 90010. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of 1. ABRASIVES, as listed under that heading in Items Nos. 5 through 45 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof. 2. ADVERTISING MATTER as listed under that heading in Items Nos. 225 through 330 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto. 3. CLOTH, DRY GOODS OR FABRICS, as listed under that heading in Items Nos. 12550 through 12885 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48, and 50 thereto. 4. DRUGS, MEDICINES OR TOILET PREPARATIONS, VIZ: Perfumery. 5. ELECTRICAL APPLIANCES OR EQUIPMENT, or PARTS NAMED, as listed under that heading in Items Nos. 15605 through 16250 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 6. FLOOR COVERINGS, as listed under that heading in Items Nos. 17865 through 17965 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46, 48 and 50 thereto.

7. FURNITURE, as listed under that heading in Items Nos. 19495 through 20494 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 8. GAMES OR TOYS, as listed under that heading in Items Nos. 20670 through 20870 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 9. GLASSWARE, as listed under that heading in Items Nos. 21265 through 21585 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 10. HARDWARE, as listed under that heading in Items Nos. 22455 through 23660 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 11. MACHINERY OR MACHINES, OR PARTS NAMED, as listed under that heading in Item Nos. 27145 through 31920 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 12. PADS OR PADDING, as listed under that heading in Items Nos. 35125 through 35155 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 48 thereto. 13. SHEET STEEL WARE, as listed under that heading in

Items Nos. 40245 through 40490 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 14. **STATIONERY**, as listed under that heading in Items Nos. 41203 through 41290 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 50 thereto. 15. **TRUNKS OR TRAVELING BAGS**, as listed under that heading in Items Nos. 43240 through 43280 of Western Classification No. 75, Cal. P.U.C. No. 8, and Supplements Nos. 41 and 46 thereto.

16. **MISCELLANEOUS COMMODITIES**, VIZ: Baskets, boots or shoes, buckles, clothing, clocks, clothing, hosiery, ladders, notions, pillows, rubber, foam, silver plated ware, not on silver, synthetic resin articles, towels, or towel- ing, paper, watches, in the area embraced by the following boundaries: Los Angeles Basin Territory, includes that area embraced by the following boundary: Beginning at the point Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the points it intersects State Highway No. 118, approximately two miles west of Chatsworth, easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest Boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive.

Southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways No. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto, easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said cor-

porate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue southerly along Washington Avenue, through and including the incorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line, westerly along said boundary line to the Orange County-San Diego County Boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, 350 McAllister State, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55545 Filed March 5, 1975. Applicant: **PUBLIC DISTRIBUTION CORPORATION**, 2727 East Vernon Avenue, Los Angeles, Calif. 90058. Applicant's representative: Murchison and Davis, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *general commodities* between all points and places within the Los Angeles Basin Territory as described in Note A. Applicant shall not transport any shipments of: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (b) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis. (c) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (d) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. (e) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (f) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (h) Trailer coaches and campers, including integral parts and contents, when the con-

tents are within the trailer coach or camper. (i) Logs.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to the point of beginning.

Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Public Utilities Commission, State of California, State Building, 350 McAllister Street, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-7881 Filed 3-25-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 21, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 10, 1975.

FSA No. 42958—*Lumber and Lumber Articles from Lewistown, Montana*. Filed by Trans-Continental Freight Bureau, Agent, (No. 491), for and on behalf of Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Rates on lumber and lumber articles, in carloads, as described in the application, from Lewistown, Montana, to Kansas City, Missouri.

Grounds for relief—Market competition.

Tariff—Supplement 196 to Trans-Continental Freight Bureau, Agent, tariff No. 28-Q, I.C.C. No. 1750. Rates are published to become effective on April 21, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-7876 Filed 3-25-75; 8:45 am]

[Notice 8]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 21, 1975

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 8500 (Deviation No. 15) (Cancels Deviation No. 4), TENNESSEE TRAILWAYS, INC., 417 W. 5th Street, P.O. Box 2387, Charlotte, N.C. 38208, filed March 7, 1975. Carrier's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From Knoxville, Tenn., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 581, thence over Interstate Highway 581 to Roanoke, Va., with the following access routes: (a) From Morristown, Tenn., over U.S. Highway 25-E to junction Tennessee Highway 160, thence over Tennessee Highway 160 to junction Interstate Highway 81; (b) From Greenville, Tenn., over Tennessee Highway 70 to junction Interstate Highway 81; (c) From Johnson City, Tenn., over Tennessee Highway 137 to junction Interstate Highway 81; (d) From junction Interstate Highway 381 and Interstate Highway 81 over Interstate Highway 381 to Bristol, Tenn., thence over U.S. Highway 11-W to junction Interstate Highway 81; and (e) From junction Interstate Highway 81 and Virginia Highway 140 over Virginia Highway 140 to junction U.S. Highway 11, thence over U.S. Highway 11 to Abingdon, Va., thence over Virginia Highway 75 to junction Interstate Highway 81, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 11-E to Bristol, Tenn., thence over U.S. Highway 11 to Roanoke, Va., and return over the same route.

No. MC 61599 (Deviation No. 9, CONTINENTAL SOUTHEASTERN LINES, INC., P.O. Box 2387, Charlotte, N.C. 28234, filed March 7, 1975. Carrier's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave., and 13th Street NW., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From junction U.S. Highway 301 and South Carolina Highway 6 over South Carolina Highway 6 to Santee, S.C., thence over Interstate Highway 95 to junction U.S. Highway 17 near Hardeeville, S.C., thence over U.S. Highway 17 to junction South Carolina Highway 170, with the following access routes: (a) From junction Interstate Highway 95 and U.S. Highway 17 near Ridgeland, S.C., over U.S. Highway 17 to Ridgeland, S.C.; and (b) From junction Interstate Highway 95 and South Carolina Highway 13 over South Carolina Highway 13 to Ridgeland, S.C.,

and return over the same routes for operating convenience only (using portions of U.S. Highway 15 where Interstate Highway 95 is incomplete). The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Santee, S.C., over South Carolina Highway 6 to Elloree, S.C., thence over South Carolina Highway 47 to junction South Carolina Highway 4, thence over South Carolina Highway 4 to Orangeburg, S.C., thence over U.S. Highway 601 to Hampton, S.C., thence over U.S. Highway 278 to junction South Carolina Highway 170, thence over South Carolina Highway 170 to junction U.S. Highway 17, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-7883 Filed 3-25-75; 8:45 am]

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 21, 1975.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 23), RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247, filed February 26, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baton Rouge, La., over Interstate Highway 12 to junction Interstate Highway 55, thence over Interstate Highway 55 to Jackson, Miss.,

and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Baton Rouge, La., over U.S. Highway 81 to Natchez, Miss., thence over U.S. Highway 65 to Tallulah, La., thence over U.S. Highway 80 to Jackson, Miss., and return over the same route.

No. MC 136420 (Deviation No. 1), OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, P.O. Box 1787, Fort Smith, Ark. 72901, filed March 7, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over Interstate Highway 44 (Turner Turnpike) to Tulsa, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 62 to Henryetta, Okla., thence over U.S. Highway 266 to Warner, Okla., thence over U.S. Highway 64 to junction Muskogee Turnpike, thence over Muskogee Turnpike and Oklahoma Highway 51 to Tulsa, Okla., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-7882 Filed 3-25-75; 8:45 am]

[Notice 4]

MOTOR CARRIER APPLICATIONS FOR TACKLING AND GATEWAY ELIMINATION IN FINANCE PROCEEDINGS

MARCH 24, 1975.

The following notices are supplemental materials to the section 5(2) finance applications listed below wherein each applicant requests (1) to tack certain authorities in its respective pending finance application, and (2) to concurrently eliminate the gateway in order to provide the described direct service.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER Notice. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in this notice portion of the finance proceeding.

A protest should comply with section 247(d) of the Commission's general rules of practice. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named.

MC-F-12105—A.A.A. Trucking Corporation—Purchase (Portion)—Miller's Motor Freight, Inc.

MC-F-12108—Glosson Motor Lines, Inc.—Merger—State Motor Lines, Inc.
MC-F-12190—National Freight, Inc.—Purchase—Northeastern Trucking Company.

MC-F-12296—Twin City Freight, Inc.—Purchase (Portion)—United-Buckingham Freight Lines, Inc.

MC-F-12334—Tredways Express, Inc.—Purchase (Portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee)

MC-F-12363—Tredways Express, Inc.—Merger—R.A. Bozarth, Inc.

MC-FC-75680—Todd Van Lines, Inc. (Transferee)—Transfer—Acme Moving & Storage Corporation (IRS Successor in Interest) (Transferor)

No. MC 3753 (Sub-No. 16), filed March 3, 1975. Applicant: A.A.A. TRUCKING CORPORATION, 3620 Quaker Ridge Road, Trenton, N.J. 08619. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from York, Pa., and points in Pennsylvania within 35 miles thereof, to points in Connecticut, Rhode Island, Massachusetts and Nassau, Orange, Rockland, Suffolk and Westchester Counties, New York and, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer and Salem Counties, New Jersey and, points in that part of Delaware on and north of a line beginning at the Maryland-Delaware State line and extending along U.S. Highway 40 to junction Delaware Highway 273, and thence along Delaware Highway 273 to the Delaware River and, Baltimore, Md., and the District of Columbia; (2) from points in Connecticut, Rhode Island, Massachusetts and Nassau, Orange, Rockland, Suffolk and Westchester Counties New York and, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer and Salem Counties, New Jersey and, points in that part of Delaware on and north of a line beginning at the Maryland-Delaware State line and extending along U.S. Highway 273 to the Delaware River and way 273, and thence along Delaware Highway 273 the Delaware River and Baltimore, Md., and the District of Columbia to points in Pennsylvania on and East of U.S. Highway 11. The purpose of this filing is to eliminate the gateways at Essex County, N.J., and points in Mercer County, N.J., on and north of New Jersey Highway 33. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC-F-12105 published in the FEDERAL REGISTER of January 23, 1974.

No. MC 41255 (Sub-No. 78), filed January 30, 1975. Applicant: GLOSSON

MOTOR LINES, INC., P.O. Box 1328, Lexington, N.C. 27292. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from points in North Carolina east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe and Alleghany Counties, to points in New York, New Jersey, Pennsylvania, Connecticut, Georgia, Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Florida, Alabama, Arkansas, Louisiana, Oklahoma, Texas, Mississippi, and Maryland (except Baltimore, Laurel, Annapolis, Sparrows Point, Cockeysville and points in their respective commercial zones and also that part of Maryland within the Washington, D.C. Commercial Zone as defined by the Commission). The purpose of this filing is to eliminate a gateway at points in North Carolina on, east and south of a line beginning at the Virginia-North Carolina State Boundary line and extending along U.S. Highway 29 to Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to Statesville, N.C., thence along U.S. Highway 21 to Charlotte, N.C. and thence along U.S. Highway 29 to the North Carolina-South Carolina State Boundary line.

(2) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquids, in bulk, in tank trucks, and commodities requiring special equipment), from New York, N.Y., Baltimore, Md., Philadelphia, Pa., and points in Union, Essex, Middlesex, Somerset, Mercer, Burlington, and Camden Counties, N.J., to points in North Carolina west of Onslow, Jones, Carteret, Pamlico, Beaufort, Washington, Chowan and Gates Counties and east of Transylvania County, Haywood County and that portion of Madison County on and east of U.S. Highway 23. The purpose of this filing is to eliminate a gateway at points in that part of North Carolina bounded by a line beginning at the North Carolina-Virginia State Boundary line and extending along U.S. Highway 1 to the junction of U.S. Highway 15 south of Sanford, N.C., thence along U.S. Highway 15 to Carthage, N.C., thence along North Carolina Highway 27 to Charlotte, N.C., thence along U.S. Highway 74 to Asheville, N.C., thence along U.S. Highway 23 to the North Carolina-Tennessee State Boundary line, and thence along the North Carolina-Tennessee and North Carolina-Virginia State Boundary lines to the point of beginning, including points on the specified portions of the highways indicated.

(3) *Electrical appliances and equipment*, including radios and refrigerators, from New York, N.Y., Newark, N.J., and Wilmington, Del., to points in North Carolina described in (1) above. The purpose of this filing is to eliminate a gateway at Salisbury, N.C.

(4) *Sewing machines, materials, supplies and equipment* used or useful in sewing, from points in North Carolina described in (1) above, to Philadelphia, Pa. and New York, N.Y. The purpose of this filing is to eliminate a gateway at Salisbury, N.C.

(5) *Petroleum products*, in containers, and *service station equipment*, from Roanoke and Richmond, Va., to points in North Carolina described in (1) above. The purpose of this filing is to eliminate a gateway at Charlotte, N.C.

(6) *Chemicals* (except in bulk), from Whelan, Tenn., to points in North Carolina described in (1) above. The purpose of this filing is to eliminate a gateway at Salisbury, N.C.

(7) *Empty pasteboard containers and bottles*, from Pittsburgh, Pa., to points in North Carolina described in (1) above. The purpose of this filing is to eliminate a gateway at Salisbury, N.C.

(8) *Pianos*, from the District of Columbia and Philadelphia and York, Pa., to points in North Carolina described in (1) above. The purpose of this filing is to eliminate a gateway at Salisbury, N.C.

(9) *Cotton piece goods, cotton knit goods and chenille piece goods*, from points in North Carolina described in (1) above to Washington, D.C., Baltimore, Md., Wilmington, Del., Garnersville, N.Y., New York, N.Y., and points in New York within 15 miles of New York City, points in New Jersey and those in Pennsylvania on and east of U.S. Highway 11. The purpose of this filing is to eliminate gateways at Landis and Salisbury, N.C. and points within 5 miles of Salisbury, N.C.

(10) *Textiles, textile products and supplies and equipment* used in the manufacture and packaging of textiles and textile products, between points in North Carolina described in (1) above, on the one hand, and, on the other, Poulan, Ga. The purpose of this filing is to eliminate a gateway at Salisbury, N.C.

(11) *Yarn*, from points in North Carolina described in (1) above, to New York, N.Y., and points in New York within 15 miles of New York City, Wilmington, Del., and points in Maryland, New Jersey, Pennsylvania and the District of Columbia. The purpose of this filing is to eliminate gateways at Thomasville, and Lexington, N.C.

(12) *Cotton yarn*, from points in North Carolina described in (1) above, to Elmira and Norwich, N.Y. The purpose of this filing is to eliminate a gateway at Lexington, N.C.

(13) *Bakery products*, from Baltimore, Md., to points in North Carolina described in (1) above and New River, N.C. The purpose of this filing is to eliminate gateways at Fayetteville, Greenville, Rockingham and Wilmington, N.C.

(14) *Frozen fruits*, from points in North Carolina described in (1) above, to Pittsburgh, Pa., and Albany, N.Y. The purpose of this filing is to eliminate a gateway at Lexington, N.C. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue

of December 9, 1974; and is directly related to MC-F-12108 published in the FEDERAL REGISTER of January 30, 1974.

No. MC 2860 (Sub-No. 144) (Correction), filed February 3, 1975, published in the FEDERAL REGISTER issue of March 4, 1975, and republished as corrected in this issue. Applicant: NATIONAL FREIGHT, INC., 57 West Park Ave., Vineland, N.J. 08360. Applicant's representative: David G. MacDonald, 1000 16th St. NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment) (1) between Columbus, Atlanta and Augusta, Ga., and points in South Carolina and North Carolina, on the one hand, and, on the other, points in Virginia on and east of U.S. Highway 15, points in Maryland, Pennsylvania, Delaware, New York, New Jersey, Connecticut, Rhode Island, and Massachusetts; and (2) between Savannah, Ga., on the one hand, and, on the other, points in South Carolina, North Carolina, Virginia, on and east of U.S. Highway 15, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island and Massachusetts. The purpose of this filing is to eliminate the gateways at Richmond, Va. and Baltimore, Md. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12190 published in the FEDERAL REGISTER of April 17, 1974. The purpose of this republication is to indicate the correct docket number in this proceeding.

HEARING: April 15, 1975, at 9:30 a.m. Local Time, at the office of the Interstate Commerce Commission, Washington, D.C.

No. MC 111496 (Sub-No. 20) (Correction), filed February 3, 1975, published in the FEDERAL REGISTER issue of March 4, 1975, and republished, as corrected, in this issue. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. 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, livestock, commodities in bulk, and those requiring special equipment) (1) between points in Becker, Clay, Mahanomen, Norman, Otter Tail, and Wilkin Counties, Minn. and points in Minnesota within 35 miles of Breckenridge, Minn., (except Moorehead, Sundel, Bear Park, Rindal, Waukon, and Flom, Minn. and points on Minnesota Highway 32 in Norman and Clay Counties, Minn.) on the one hand, and, on the one hand, and, on the other, points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster,

Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill, and Wells Counties, N. Dak. and points in that part of North Dakota on and north of U.S. Highway 2 (except points in those parts of the above-named North Dakota counties south of Interstate Highway 94); and (2) between points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill, and Wells Counties, N. Dak. (except points in that part of North Dakota south of Interstate Highway 94) on the one hand, and, on the other, points in that part of North Dakota on and north of U.S. Highway 2. The purpose of this filing is to eliminate gateways at points in Fargo and Cass Counties, N. Dak. and Williston, N. Dak. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12296 published in the FEDERAL REGISTER of September 5, 1974.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding as MC 11496 (Sub-No. 20) in lieu of MC 11496 (Sub-No. 20) as previously published.

No. MC 34975 (Sub-No. 9), filed March 3, 1975. Applicant: TREDWAYS EXPRESS, INC., 512 Myrtle Avenue, Boonton, N.J. 07005. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. 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, those requiring special equipment, and those injurious or contaminating to other lading), (1) between points in New Jersey; Philadelphia, Allentown, Bethlehem and Easton, Pa., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Columbia, Dutchess, Orange and Westchester Counties, N.Y.; and (2) from points in New Jersey; Philadelphia, Allentown, Bethlehem, and Easton, Pa.; and Nassau and Suffolk Counties, N.Y., to points in Putnam and Rockland Counties, N.Y. and to permit joinder of authorities to render direct service between said points. The purpose of this filing is to eliminate the gateway at New York, N.Y. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-No. 8 noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC-F-12334 published in the FEDERAL REGISTER of October 23, 1974.

No. MC 34975 (Sub-No. 8), filed March 3, 1975. Applicant: TREDWAYS EXPRESS, INC., 512 Myrtle Avenue, Boonton, N.J. 07005. Applicant's representative: William J. Augello, 120 Main Street,

P.O. Box Z, Huntington, N.Y. 11743. 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 and those requiring special equipment), (1) between Philadelphia, Pa. and points in New Jersey south of a line between Lambertville, N.J., and Asbury Park, N.J., on the one hand, and, on the other, points in New Jersey on and north of a line between Lambertville and Asbury Park, N.J.; New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; and Bethlehem, Easton and Allentown, Pa., (2) from Philadelphia, Pa. and points in New Jersey south of a line between Lambertville and Asbury Park, N.J., to Westchester County, N.Y. The purpose of this filing is to eliminate the gateways at Burlington, N.J. terminal and Newark, N.J. This application is a gateway elimination report filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-No. 8 noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC-F-12363 published in the FEDERAL REGISTER of November 27, 1974.

No. MC 31632 (Sub-No. 1), filed February 3, 1975. Applicant: TODD VAN LINES, INC., 14821 Southlawn Lane, Rockville, Md. 20850. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW, (Suite 1030), Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in the District of Columbia, Montgomery, Prince Georges, Charles, Frederick, Washington, Carroll, Howard, Baltimore, Harford, Anne Arundel, Calvert, and St. Marys Counties, Md., and Frederick, Clarke, Warren, Fauquier, Loudoun, Rappahannock, Culpeper, Stafford, Prince William, Fairfax and Arlington Counties, Va. and Falls Church and Alexandria, Va. on the one hand, and, on the other, points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey and New York. The purpose of this filing is to eliminate a gateway at points in Montgomery County, Md. located within the Washington, D.C. Commercial Zone. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to a finance proceeding in MC FC 75680.

By the Commission,

[SEAL] ROBERT L. OSWALD,
Secretary.

[PR Doc. 75-7680; Filed 3-25-75; 6:45 am]

[Notice 23]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 21, 1975.

The following publications include motor carrier, water carrier, broker, freight

forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212 (b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100-250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240 (c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) or section 240 (c) (4) of the special rules, and shall include the certification required therein.

MC 124211 (Sub-No. 242) (Corrected republication), filed December 26, 1973, and published in the FEDERAL REGISTER issue of February 7, 1974, and republished in the FEDERAL REGISTER issue of February 20, 1975, and republished as corrected this issue. Applicant: Hilt Truck Line, Inc., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas Hilt (same address as applicant). An Order of the Commission, Operating Rights Board, Dated January 7, 1975, and served March 13, 1975, finds, that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier, by

motor vehicle, over irregular routes, (1) *of meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Section A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities utilized by Platte Valley Packing Co., Division of National Foods, Inc., at Darr, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri and Wisconsin, and from the facilities of Prairie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr., to Chicago, Ill., and Kansas City and Topeka, Kans.;

(2) Of such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, from points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, to the facilities of Prairie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr., and (3) Of paper and fibreboard boxes, from Montgomery, Ill., to Lincoln, Nebr., restricted in (1), (2), and (3) to the transportation of traffic originating at and destined to the points and facilities named; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this corrected republication is to add a restrictive amendment. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period on or before April 25, 1975, of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 139455 (Sub-No. 1) (Republication), filed August 12, 1974, and published in the FEDERAL REGISTER issue of September 19, 1974, and republished this issue. Applicant: RALPH OWNBEY, doing business as TWIN STATE COACH LINES, P.O. Box 826, Bristol, Va. 24201. Applicant's representative: Cecil D. Quillen, Box 337-103, Jackson Street, Gate City, Va. 24251. An Order of the Commission, Operating Rights Board, dated March 3, 1975, and served March 11, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle; (1) over regular routes, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Abingdon, Va., and Boone, N.C., from Abingdon over U.S. Highway 58 to Damascus, Va., thence over Virginia Highway 91 to the Virginia-Tennessee State line, thence over Tennessee Highway 91 to Mountain City, Tenn., thence over U.S. Highway 421 to junction North Carolina County Road 1233, thence over North Carolina County

Road 1233 through Zionville and Sugar Grover, N.C., to junction U.S. Highway 321, thence over U.S. Highway 321 to junction U.S. Highway 421 at Vilas, N.C., and thence over U.S. Highway 421 to Boone, and return over the same route, serving all intermediate points, and (2) over irregular routes, of *passengers and their baggage* in the same vehicle with passengers, in roundtrip charter operations, beginning and ending at points in Washington County, Va. (except Bristol), Johnson County, Tenn., and Watauga County, N.C., and extending to points in the United States (excluding Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; The purpose of this republication is to clearly delineate the area to be served in charter operations. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115570 (notice of filing of petition to modify territorial description), filed October 17, 1974. Petitioner: WALTER A. JUNGE, INC., P.O. Box 91531, 3818 84th St. SW., Tacoma, Wash. 98491. Petitioner's representative: George R. LaBlissiere, 130 Andover Park East, Seattle, Wash. 98188. Petitioner holds a motor *contract carrier* permit in No. MC 115570, issued August 28, 1958, authorizing transportation, as pertinent, over irregular routes, of *Paper and paper products*: (1) from Antioch, Stockton and San Francisco, Calif., to points in Oregon and Washington; and (2) from Fort Angeles, Port Townsend, Seattle, Sumner, and Tacoma, Wash., and Portland, Oreg., to points in California, under contract with shippers willing to enter into a contract with petitioner to perform the above service. By the instant petition, petitioner seeks to add San Jose, Calif. as an origin point in (1) above, and to add Reno, Nev. as a destination point in (2) above from Portland, Oreg. only, so as to read: *Paper and paper products*: (1) from Antioch, Stockton, San Francisco and San Jose, Calif., to points in Oregon and Washington; (2) from Port Angeles, Port Townsend, Seattle, Sumner, and Tacoma, Wash., and Portland, Oreg., to points in California; and (3) from Portland, Oreg., to Reno, Nev. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 25, 1975.

No. MC 119604 (Sub-No. 4) (Notice of filing of petition to modify a permit),

filed February 26, 1975. Petitioner: SEARS TRUCK LINE, INC., P.O. Box 6016, Jasper, Tex. 75951. Petitioner's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Petitioner holds a motor *contract carrier* permit in No. MC 119604 (Sub-No. 4), issued December 4, 1973, authorizing transportation, over irregular routes, of (1) *Wood shavings*, from the plant site of Louisiana-Pacific Corporation at or near Jasper, Tex., to the plant site of Louisiana-Pacific Corporation at or near Urania, La.; and (2) *Lumber and particleboard*: (a) From the plant sites of Louisiana-Pacific Corporation at or near Jasper, Corrigan, and New Waverly, Tex., to points in Louisiana; and (b) From the plant site of Louisiana-Pacific Corporation at or near Urania, La., to points in Texas, under a continuing contract, or contracts, with Louisiana-Pacific Corporation. By the instant petition, petitioner seeks authority to serve the plywood facility of Champion International Corporation, U.S. Plywood Division, at or near Corrigan, Tex., which was previously owned and operated by Louisiana-Pacific Corporation. The permit would then read as follows:

(1) *Wood shavings*, from the plant site of Louisiana-Pacific Corporation at or near Jasper, Tex., to the plant site of Louisiana-Pacific Corporation at or near Urania, La.; (2) *Lumber and particleboard*: (a) From the plant sites of Louisiana-Pacific Corporation at or near Jasper, Corrigan, and New Waverly, Tex., to points in Louisiana; and (b) From the plant site of Louisiana-Pacific Corporation at or near Urania, La., to points in Texas, under a continuing contract, or contracts in (1) and (2) above with Louisiana-Pacific Corporation; and (3) *Lumber*, From the plant site of Champion International Corporation, U.S. Plywood Division, at or near Corrigan, Tex., to points in Louisiana, under a continuing contract, or contracts in (3) above with Champion International Corporation, U.S. Plywood Division. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 25, 1975.

No. MC 123057 (Sub-No. 12) (Correction of notice of filing of petition to modify an origin point), filed February 13, 1975, and published in the FEDERAL REGISTER issue of March 12, 1975, and partially republished as corrected this issue. Petitioner: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Petitioner's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. The purpose of this correction is to indicate that the correct spelling of Petitioner's name is RICCIARDI in lieu of RICCAARDI. The rest of the petition remains as previously published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 25, 1975.

No. MC 135399 (Sub-No. 2) (Notice of filing of petition to modify territorial description), filed March 6, 1975. Petitioner: HASKINS TRUCKING, INC., 3735 Goulburn St., Houston, Tex. 77045. Petitioner's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Petitioner holds a motor *common carrier* certificate in No. MC 135399 (Sub-No. 2), issued June 18, 1974, authorizing transportation, as pertinent, over irregular routes, of *Materials, equipment, and supplies* used in the manufacture of paper, paper products, and pulpboard (except commodities in bulk and those which because of size or weight require special equipment), from points in Alabama, Mississippi (except Jackson and points in its commercial zone as defined by the Commission), Tennessee (except points in McMinn County and Memphis and points in its commercial zone as defined by the Commission), Kentucky (except the plantsite of West Virginia Pulp Paper Co., located at or near Wickliffe), Virginia, North Carolina, South Carolina, Georgia (except points in Richmond County), Florida, Texas (except Dallas, Fort Worth, and Houston, and points in that part of Texas east of U.S. Highway 75), Phoenix, Mesa, and Tucson, Ariz., and Albuquerque, Roswell, and Santa Fe, N. Mex., to the plantsite of Continental Can Co., Inc., at Hodge, La. By the instant petition, petitioner seeks to modify the territorial description in the above authority so as to read: From points in the United States (except Alaska and Hawaii), to the plantsite of Continental Can Co., Inc., at Hodge, La. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 25, 1975.

No. MC 135614 (Sub-No. 1) (Notice of filing of petition to add a contracting shipper), filed February 26, 1975. Petitioner: ESKELIN, INC., 4604 Wornall Road, Kansas City, Mo. 64112. Petitioner's representative: H. V. Eskelin (same address as petitioner). Petitioner holds a motor *contract carrier* permit in No. MC 135614 (Sub-No. 1), issued August 2, 1974, authorizing transportation, over irregular routes, of *Such commodities* as are manufactured and dealt in by chemical companies, and *materials and supplies* used in the manufacture and distribution of such commodities (except in bulk), Between Kansas City, Mo., and points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Texas, under a continuing contract or contracts, with Chemagro Corporation of Kansas City, Mo. By the instant petition, petitioner seeks to add Thompson-Hayward Chemical Co. of Kansas City, Kans. as an additional contracting shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 25, 1975.

No. MC 135795 (Sub-No. 1) (Notice of filing of petition to modify a permit),

filed March 6, 1975. Petitioner: WILLIAM J. JAMES, doing business as BILL JAMES, 541 Willow Lane, P.O. Box 1786, Hereford, Tex. 79045. Petitioner's Representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Petitioner holds a motor contract carrier permit in No. MC 135795 (Sub-No. 1), issued November 2, 1972, authorizing transportation, over irregular routes, of *Dry animal and poultry feeds*, from Hereford, Tex., to points in Oklahoma, New Mexico, Kansas, and Colorado, under a continuing contract, or contracts, with Moorman Mfg. Company, of Quincy, Ill. By the instant petition, petitioner seeks to add an additional origin, and to modify the commodity description and destination points, so as to read: *Dry animal and poultry feeds*, and *farm implements, equipment and supplies* incidental to the raising of livestock, when moving in connection with shipments of dry animal and poultry feeds, from Hereford and Comanche, Tex., to points in Oklahoma, New Mexico, Kansas, Colorado, Arkansas, and Louisiana, under a continuing contract or contracts with Moorman Mfg. Company, Quincy, Ill. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 25, 1975.

No. MC 136212 (Sub-No. 5) (Notice of filing of petition to change a destination point), filed March 7, 1975. Petitioner: JENSEN TRUCKING COMPANY, INC., 502 West 4th Street, P.O. Box 349, Gothenburg, Nebr. 69138. Petitioner's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor common carrier certificate in No. MC 136212 (Sub-No. 5), issued August 1, 1974, authorizing transportation, over irregular routes, of *Foodstuffs* (except in bulk), from the manufacturing and storage facilities of H. J. Heinz Company, located at Holland, Mich., Toledo, Fremont, and Bowling Green, Ohio, Muscatine and Iowa City, Iowa, to the warehouse and storage facilities utilized by H. J. Heinz Company at Arlington, Tex., restricted to the transportation of shipments originating at the named origins and destined to the named destination points. By the instant petition, petitioner seeks to substitute Grand Prairie, Tex., as a destination point in lieu of Arlington, Tex., in the above territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 25, 1975.

APPLICATIONS UNDER SECTIONS 5 AND 210A(B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(a)(b) of the Interstate Commerce Act and certain other pro-

ceedings with respect thereto. (49 CFR 1.2400.)

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 52587 (Sub-No. 12), filed February 26, 1975. Applicant: O.K. MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, Ill. 60603. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), *Between Waukesha, Wis., and Milwaukee, Wis.*: From Waukesha over Wisconsin Highway 59 to Milwaukee, serving all intermediate points, restricted to traffic originating at or destined to Waukesha, Wis., and points in its commercial zone, and Chicago, Ill., and points in its commercial zone, and points on U.S. Highway 41 intermediate between Milwaukee, Wis., and Chicago, Ill.

NOTE.—This is a matter directly related to a Section 5 proceeding in MC-F-12439 published in the FEDERAL REGISTER of March 5, 1975. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71459 (Sub-No. 49), filed March 3, 1975. Applicant: O.N.C. FREIGHT SYSTEMS, A corporation, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: John C. Bradley, 1111 E Street NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Albuquerque, N. Mex., and junction of U.S. Highways 89 and 160 (near Tuba City, Ariz.), serving all intermediate and off-route points within the exterior boundary of the Navajo Indian Reservation in Arizona, New Mexico, and Utah; From Albuquerque over Interstate Highway 40 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction New Mexico Highway 264, thence over New Mexico Highway 264 to junction Arizona Highway 264, thence over Arizona Highway 264 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 89 and return over the same route. (2) between Flagstaff, Ariz. and junction of U.S. Highway 160 and Arizona Highway 63, serving all intermediate points within the Navajo Indian reservation: From Flagstaff over Interstate Highway 40 to junction Navajo Indian route 12, thence over Navajo Indian route 12

to junction Arizona Highway 264, thence over Arizona Highway 264 to junction Arizona Highway 63, thence over Arizona Highway 63 to junction U.S. Highway 160 and return over the same route.

NOTE.—This application is a matter directly related to the application of O.N.C. to purchase William Louis Damon, D/B/A Damon Freight Lines in MC-F-11767. The purpose of this application is to convert a portion of applicant's and a portion of vendor's, irregular route authority to regular. Common control may be invoked. HEARING: On the 21st day of April, 1975 (1 Week), at 9:30 a.m., local time, at Albuquerque, N. Mex., in room to be later designated.

No. MC 124567 (Sub-No. 5), filed February 25, 1975. Applicant: PETRUZZELLO TRANSPORT, INC., 188 Rimmon Road, Woodbridge, Conn. 06525. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Connecticut.

NOTE.—Applicant states that it intends to tack the requested authority with its existing regular route authority at New Haven and Derby, Conn., to provide service between New York, N.Y., and points in Connecticut. This is a matter directly related to a Section 5 proceeding in MC-F-12452 published in the FEDERAL REGISTER of March 12, 1975. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC-F-12462. Authority sought for merger by DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802, of the operating rights and property of SCHRODER'S EXPRESS, INC., P.O. Box 359, Lima, OH 45802, and for acquisition by L. EUGENE DUFF, 1422 Fox Run Dr., Lima, OH 45805, of control of such rights and property through the transaction. Applicant's attorney: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be merged: *General commodities*, excepting, among others, class A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Alexandria, Ky., and Cincinnati, Ohio, serving all intermediate points, and the off-route points within 3 miles of the below-specified route, between Louisville, Ky., and North Vernon, Ind., serving all intermediate points, between Palmyra, Ind., and Louisville, Ky., between junction Indiana Highways 135 and 64 and junction Indiana Highways 62 and 64, between junction Indiana Highway 135 and county road north of Central Barren, Ind., and junction of U.S. Highway 150 and county road, north of Bradford, Ind., serving all intermediate points, except Central Barren, Ind., and those on Indiana Highway 62, with restriction; between Louisville, Ky., and Ramsey, Ind., serving all intermediate points, between North Vernon, Ind., and Cincinnati, Ohio; serving the intermediate point of

Lawrenceburg, Ind.; between Jasper, Ind., and St. Louis, Mo., serving all intermediate points, with restriction; between Evansville, Ind., and Vincennes, Ind., serving the site of the Warrick Works of the Aluminum Co. of America plant, located near Newburgh, Warrick County, Ind., as an off-route point, serving the off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, points within 5 miles of Jasper, Ind., those within 5 miles of Evansville, Ind., and George Field, Ill., unrestricted, the site of the Ford Motor Company plant near Robertson, Mo., restricted against service between said plant and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and serving from Alton, Ill., to points on the regular routes authorized above, except those in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, restricted to the transportation of iron and steel articles, in quantities of 20,000 or more, with restriction;

Between Treloar, Mo., and East St. Louis, Ill., serving all intermediate points; between Evansville, Ind., and Greenville, Ky., serving all intermediate points (except points between Evansville, Ind., and Anthosten, Ky.), between junction U.S. Highways 41 and 62 and Princeton, Ky., serving all intermediate points, with restrictions; between Louisville, Ky., and Evansville, Ind., serving certain intermediate and certain off-route points; general commodities, excepting among others, class A and B explosives, household goods, and commodities in bulk, over irregular routes, between points in Ohio within 10 miles of Cincinnati, on the one hand, and, on the other, certain specified points in Kentucky, between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky within 10 miles of Cincinnati, including Cincinnati; over numerous alternate routes for operating convenience only; *animal and poultry feed*, from East St. Louis, Ill., to certain specified points in Indiana, with restriction; *livestock and agricultural commodities*, from points in the counties as immediately above to East St. Louis, Ill., with restriction; *animal and poultry feeds and medicines*, from St. Louis, Mo., to certain specified points in Indiana, with restriction; *livestock*, from New Melle, Mo., and points within 12 miles of New Melle, to East St. Louis, Ill.; *plastic bags, plastic boxes, plastic sheeting, and plastic film, machines and machine parts* used in the manufacture of plastic articles, and cardboard cartons, between the plant-site of the Mehl Manufacturing Co., at Providence, Ky., and Evansville, Ind. DUFF TRUCK LINE, INC., is authorized to operate as a *common carrier* in Illinois, Ohio and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated May 18, 1973, in No. MC-F-10827, transferee acquired control of transferor.

No. MC-F-12463. Authority sought for control and merger by IML FREIGHT,

INC., P.O. Box 2277, Salt Lake City, UT 84110, of the operating rights and property of D. W. RAMSAY MOTOR FREIGHT, INC., 423 41st Street SE., Olympia, WA 98506, and for acquisition by GATES CORPORATION, 999 South Broadway, Denver, CO 80209, of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, and E. Robert Fristoe, Professional Arts Bldg., Olympia, WA 98501. Operating rights sought to be controlled and merged: *General commodities*, with exceptions, as a common carrier over regular routes, between Seattle, and Vancouver, Wash., serving various intermediate and off-route points, between Portland, Oreg., and Washougal, Wash., serving the intermediate point of Vancouver, Wash., and intermediate and off-route points (in Washington) within 10 miles of Washougal, between Hoquiam, and Seattle, Wash., serving various intermediate points; *general commodities*, with exceptions, over irregular routes, between points in a defined area of Washington; *building materials* (except cement in bulk), between points in Washington; *fruit and vegetables*, between Yakima, Wenatchee, Prosser, Wapato, Seattle, Tacoma, Raymond, and Hoquiam, Wash. IML FREIGHT, INC., is authorized to operate as a common carrier in Arizona, California, Colorado, Connecticut, Idaho, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Utah, Washington, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12464. Authority sought for purchase by CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022, of a portion of the operating rights of HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, NE 68101, and for acquisition by STANLEY AVERCH, also of Commerce City, CO 80022, of control of such rights through the purchase. Applicants' attorney: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Operating rights sought to be transferred: *Foodstuffs* (except (a) frozen foodstuffs, (b) meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (c) commodities in bulk, and (d) beverages, as a *common carrier* over irregular routes, between Fairbury, Nebr., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah, with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12465. Authority sought for purchase by C & J COMMERCIAL DRIVEAWAY, INC., 2400 W. St. Joseph St., Box 689, Lansing, MI 48903, of a por-

tion of the operating rights of DEALERS TRANSIT, INC., 2200 East 170th St., Lansing, IL 60438, and for acquisition by NATIONAL CITY LINES, INC., P.O. Drawer 17-G, Terminal Annex, Denver, CO 80217, of control of such rights through the purchase. Applicants' attorneys: Robert E. Joyner, 2008 Clark Tower, Memphis, TN 38137, and John R. Sims, Jr., 425 13th St. NW., Washington, DC 20004. Operating rights sought to be transferred: *Trucks and commercial automotive vehicles* (except passenger automobiles) in subsequent or secondary movements, in driveaway service, as a *common carrier* over irregular routes, from Union City, Ind., to all points in the United States, except (1) those in Alaska, Arizona, Hawaii, Oregon, Nevada, and Vermont, and except (2) between plantsites or other facilities including railheads of Ford Motor Company in the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Wisconsin, and Iowa. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12466. Authority sought for purchase by CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, Mo. 64030, of the operating rights of R. H. OZMER, doing business as ATLANTIC TRANSFER COMPANY (INTERNAL REVENUE SERVICE, Successor-in-Interest), P.O. Box 10025, Richmond, Va. 23240, and for acquisition by MICHAEL CARTWRIGHT AND THOMAS CARTWRIGHT, both of Grandview, Mo. 64030, of control of such rights through the purchase. Applicants' attorney and representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036, and Thomas K. Daugherty, Chief, Special Procedures Staff, Internal Revenue Service, P.O. Box 10025, Richmond, Va. 23240. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Wallace, N.C., and points in North Carolina within 100 miles thereof, and those in Virginia and South Carolina. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

MC-F-12467. Authority sought for purchase by DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., 2450 Curtis Street, Denver CO., 80207, of the operating rights and property of COLORADO MOTORWAY, INC., 1755 G narm Place, 824 Continental Oil Building, Denver, CO 80201, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Ave., Dallas, TX 75207 and TCO INDUSTRIES, INC., 1500 Jackson St., Dallas, TX 75202, of control of such rights and property

through the purchase. Applicants' attorney: D. PAUL STAFFORD, 315 Continental Avenue, Dallas, TX 75207. Operating rights sought to be transferred: Passengers and their baggage and express, mail, and newspapers in the same vehicle with passengers as a *common carrier* over regular routes between Denver, Colo., and Fort Collins, Colo., between Fort Collins, Colo., and Laramie, Wyo. Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, Montana, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12463. Authority sought for purchase by SHEEHAN CARRIERS, INC., 62 Lime Kiln Rd., Suffern, NY 10952, of the operating rights of FRANK J. COLE, INC., (HERTZ N. HENKOFF ASSIGNEE FOR THE BENEFIT OF CREDITORS), 18 Tremont St., Boston, MA 02108, and for acquisition by JOSEPH F. SHEEHAN, 16 Dike Drive, Monsey, NY, of control of such rights through the purchase. Applicants' attorneys: John F. O'Donnell, 60 Adams St., Milton, MA 02187, and Hertz N. Henkoff, 18 Tremont St., Boston, MA 02108. Operating rights sought to be transferred: *General Commodities*, excepting among others, classes A and B explosives, livestock, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Boston and Springfield, Mass., between Boston and Northampton, Mass., serving various intermediate and off-route points, between Northboro and Worcester, Mass., serving the intermediate point of Shrewsbury, Mass., between West Brookfield, and Palmer, Mass., between Springfield and Greenfield, Mass., between Boston and Lowell, Mass., between Boston and Lawrence, Mass., between Boston and Salem, Mass., serving various intermediate and off-route points; and under a certificate of registration in Docket No. MC 52841 (Sub-No. 2), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, and Connecticut. Application has been filed for temporary authority under section 210a(b).

Note.—MC 59655 (Sub-No. 5), is a matter directly related.

By the Commission:

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.75-7878; Filed 3-25-75; 8:45 am]

[Notice 31]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 21, 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 re-

sulting 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 Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2754 (Sub-No. 26TA) filed March 13, 1975. Applicant: NEUENDORF TRANSPORTATION CO., INC., 121 South Stoughton Road, Madison, Wis. 53714. Applicant's representative: Joseph E. Ludden, 309 State Bank Bldg., La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Sweetening compounds* (except no transportation of these commodities in bulk, in tank vehicles), serving the plantsite and warehouse facilities of Abbott Laboratories at or near North Chicago, Ill., as offroute point in conjunction with applicant's presently authorized authority in Docket No. MC 2754 restricted to traffic originating at Vesper, Wis., and destined to the plantsite and warehouse facilities of Abbott Laboratories at or near North Chicago, Ill., for 180 days. Supporting shipper: Abbott Laboratories, 14th & Sheridan Road, North Chicago, Ill. 60064. Send protests to: Barney L. Hardin, District Supervisor 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 51844 (Sub-No. 2TA) filed March 12, 1975. Applicant: DOUGLAS L. TURNER, Elliott, Iowa 51532. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ingredients utilized in the manufacture and production of liquid fertilizer solutions*, in bulk, from points in Nebraska, Kansas, and Missouri, to the plantsite and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa restricted to traffic originating in the named origin states and destined to the named destination points for 180 days. Supporting shipper: NaChurs Plant Food Co., John Paul Goddard, Manager, 1705 North Broadway, Red Oak, Iowa 51566. Send protests to:

Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 84739 (Sub-No. 24 TA), filed March 14, 1975. Applicant: SEVERSON TRANSPORT, INC., Route 1, Box 163, Edgerton, Wis. 53534. Applicant's representative: Rex Eames, 900 Guardian Bldg., Detroit, Mich. 48226. 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 Minnesota, Wisconsin, Michigan, Illinois, and Indiana; restricted to traffic originating at the plantsite of Ragu Foods, Inc., at Owensboro, Ky., and destined to points in the named states, for 180 days. Supporting Shipper: Ragu Foods, Inc., 1680 Lyell Ave., Rochester, N.Y. 14606. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 102567 (Sub-No. 182TA), filed March 13, 1975. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer, 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gas), in bulk, in tank vehicles, from Cotton Valley, La., and points within five (5) miles thereof, to Columbus, Ohio, for 180 days. Supporting shipper: Ashland Chemical Company, P.O. Box 2219, Columbus, Ohio 43216. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 111729 (Sub-No. 522 TA), filed March 13, 1975. Applicant: Purolator Courier Corp., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between Toledo, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky and Michigan; (2) *Proofs, cuts, copy, and artwork*, between Toledo, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky and Michigan; (3) *Electronic components, business machine parts, material and supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Holland, Ohio, on the one hand, and, on the other, Sioux Falls, S. Dak.; Wilmington, Del.; and points in Alabama, Connecticut, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Rhode Island,

South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 90 days. Supporting shippers: Graphic Arts Corporation of Ohio, 110 Ottawa St., Toledo, Ohio 43603. Borroughs Corporation, 7300 Airport Highway, Holland, Ohio. Send protests to: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 523TA), filed March 13, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, from Boston, Mass., to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont; and points in Massachusetts for purposes of operating convenience only, for 90 days. Supporting shipper: Riverview Orchids, Inc., Anderson Blvd., East Liverpool, Ohio 43920. Send protests to: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113908 (Sub-No. 336TA), filed March 12, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, from Chicago, Ill., to Roberta, Ga., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113900 (Sub-No. 337TA), filed March 12, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral spirits, distilled spirits and alcohol*, in bulk, from Roberta, Ga., to Chicago, Ill., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115841 (Sub-No. 500TA), filed March 12, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (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 the United States (except Alaska, Hawaii and Kentucky). Restriction: Restricted to traffic originating at the plantsite and storage facilities of Ragu Foods, and destined to the named points, for 180 days. Supporting shipper: Ragu Foods, Inc., 1630 Lyell Ave., Rochester, N.Y. 14606. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118202 (Sub-No. 4TA), filed March 13, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia, for 180 days. Supporting shipper: Switzer Licorice Company, 621 North First St., St. Louis, Mo. 63102. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 124328 (Sub-No. 75TA), filed March 13, 1975. Applicant: BRINK'S, INC., 234 E. 24th St., Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5727 E. River Road, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver Bars*, from Boise, Idaho to New York, N.Y., for 180 days. Supporting shipper: J. Aron & Co., Inc., 160 Water Street, New York, N.Y. 10005. Send protests to: Richard K. Shulaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124796 (Sub-No. 144TA (Correction)), filed February 21, 1975, published in the FEDERAL REGISTER issue of March 6, 1975, and republished as corrected this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicants representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard products* for the account of Tenneco, Inc., from Concord, Ark., to Aberdeen and Southaven, Miss, Batavia, Ill., Harrisonburg, Va., Lake Mills, Iowa, Racine, Wis., and Salt Lake City, Utah, for 180 days. Supporting shipper: Tenneco, Inc., Walker Manufacturing Co., Division of Tenneco, Inc., 1201 Michigan Blvd., Racine, Wis. 53402. Send protests to: Walter W. Strakosch, District Supervisor, Bureau

of Operations, Interstate Commerce Commission, Room 7708, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012. The purpose of this republication is to state Harrisonburg, Va., in lieu of Harrisburg, Va.

No. MC 124813 (Sub-No. 126TA), filed March 13, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in rubber-lined tank vehicles, from the plant of Occidental Chemical Company, at or near Montpelier, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Occidental Chemical Company, P.O. Box 1185, Houston, Tex. 77001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 125512 (Sub-No. 10TA), filed March 14, 1975. Applicant: ELTON F. BURISH, Route 2, Box 58A, Marathon, Wis. 54448. Applicant's representative: Nancy Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, (1) from Bessemer, Mich., to Tomahawk and Rothchild, Wis., for Iron Wood Products Corp.; (2) from South Range, Mich., to Green Bay, Wis., for Northern Hardwoods Division/Copper Range Company, for 180 days. Supporting shippers: Iron Wood Products Corp., P.O. Box 28, Bessemer, Mich. 49911. Northern Hardwoods Division/Copper Range Company, 300 W. Memorial Ave., Houghton, Mich. 49911.

No. MC 126542 (Sub-No. 5TA), filed March 12, 1975. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, Ala. 36201. Applicant's representative: John W. Cooper, 1314 City Federal Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive and machinery parts and supplies, and shipping containers, supplies and equipment*, between Jacksonville, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contracts with Federal Mogul Corporation, for 180 days. Supporting shipper: Federal Mogul Corporation, 600 West Chicago, Coldwater, Mich. 49036. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 128555 (Sub-No. 7TA), filed March 11, 1975. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44

North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk) and *materials, supplies and equipment used in the manufacture, sale or distribution of unfrozen foodstuffs* (except in bulk), between Owensboro, Ky., on the one hand, and, on the other, points in the States of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, all restricted to traffic originating at or destined to the plantsite of Ragu Foods, Inc., for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Ave., Rochester, N.Y. 14606. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., Suite 208, 5255 N. W. 87th Ave., Miami, Fla. 33178.

No. MC 133330 (Sub-No. 8TA), filed March 12, 1975. Applicant: HALVOR LINES, INC., 510 Lonsdale Bldg., Duluth, Minn. 55802. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum products*, from Eveleth, Minn., to Malone, N.Y.; Lancaster, Canadian Border at Bellingham, Wash.; Sweetgrass, Mont.; Portal, N. Dak.; Noyes, N. Dak.; Sault Ste. Marie, Mich.; Detroit, Mich.; Champlain, N.Y.; and Calais, Maine, under continuing contract with Performance Products, Inc., for 180 days. Supporting shipper: Performance Products, Inc., Eveleth, Minn. 55734. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414 Federal Bldg. & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 133566 (Sub-No. 47TA), filed March 13, 1975. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except commodities in bulk), from the plantsite and storage facilities of Ragu Foods, Inc., at or near Owensboro, Ky., to points in the states of Georgia, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Florida, Minnesota, Iowa, Wisconsin, Nebraska, Kansas, Missouri, restricted to traffic originating at the above named plantsite and destined to points in the named destination states, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Ave., Rochester, N.Y. 14606.

Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46208.

No. MC 134922 (Sub-No. 115TA), filed March 14, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh packaged pork loins*, in vehicles equipped with mechanical refrigeration, from Tupelo, Miss., to Alameda, Calif., and Seattle, Wash., for 180 days. Supporting shipper: Mid-South Packers, Inc., P.O. Drawer 829, Tupelo, Miss. 38801. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139725 (Sub-No. 3TA), filed March 14, 1975. Applicant: DYOLL DELIVERY SERVICE, INC., P.O. Box 66, Netcong, N.J. 07857. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pile hammers and parts, air and steam core drills and parts, rough steel and iron castings* for such hammers and drills, component parts of special machinery manufactured to customer's specifications, between Dove, N.J., on the one hand, and, on the other, points in the States of Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, West Virginia, Virginia, and the District of Columbia, under a continuing contract or contracts with MKT Division, Koehring Co., Dover, N.J., for 180 days. Supporting shipper: MKT Division, Koehring Co., 100 Richards Ave., Dover, N.J. 07803. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140396 (Sub-No. 2TA), filed March 11, 1975. Applicant: AVTEC SERVICES, INC., 1750 N.W. 69th Ave., Miami, Fla. 33126. Applicant's representative: Richard B. Austin, Palm Coast II Bldg., Suite 214, 5255 N.W. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in bulk or commodities which by reason of size or weight require specialized handling and equipment, (1) between Miami International Airport on the one hand, and, on the other, points in South Carolina and Alabama, and (2) between points in Alabama and South Carolina on the one hand, and, on the other, Miami International Airport, restricted to traffic having a prior or subsequent movement by air under a continuing contract or contracts with Span East Airlines, Inc., for

180 days. Supporting shipper: Span East Airlines, Inc., 1750 NW. 69th Avenue, Miami, Fla. 33126. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., 5255 NW 87th Avenue, Miami, Fla. 33178.

No. MC 140636 (Sub-No. 1TA), filed March 11, 1975. Applicant: LLOYD GARBER, doing business as BARBER'S TRUCKING, 14th and "K", Fairbury, Nebr. 68352. Applicant's representative: Lloyd Garber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Hebron, Hastings and Newman Grove, Nebr., to points in Los Angeles, Calif.; Detroit, Mich.; New York, N.Y.; Portland, Oreg., for 180 days. Supporting shipper: Swan Enterprises, Inc., Roy O. Mitchell, Manager, Hebron, Nebr. 68370. Send protests to: Carrol Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 140677 (Sub-No. 1TA), filed March 10, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Talent, Rapid City, S. Dak. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Scrap and used metals and metal objects* (1) from points in South Dakota west of the Missouri River (except points in Meade, Pennington and Custer Counties) and Pierre and points within 100 miles of Pierre east of the Missouri River to Omaha, Nebr.; Davenport, Iowa; Pueblo, Colo.; Billings, Mont.; Tyler, Tex.; Beloit, Wis.; points on the International Boundary between the United States and Canada, located in North Dakota and Montana and points in the following counties: Los Angeles, Orange, Riverside and San Bernardino Counties, Calif.; Adams, Arapahoe, Denver, Jefferson, Logan Counties, Colo.; Cook, DuPage, Lake Counties, Ill.; Lake County, Ind.; Hennepin, Ramsey, and Washington Counties, Minn.; Bronx, Kings (Brooklyn) New York (Manhattan), and Queens, New York; Canadian, Cleveland, Lincoln, and Oklahoma Counties, Okla.; Allegheny, Philadelphia, and Washington Counties, Pennsylvania; Dallas, Galveston, Harris, Lubbock, Tarrant Counties, Tex.; Davis, Salt Lake, Utah, and Weber Counties, Utah; Milwaukee County, Wis.; Campbell and Laramie Counties, Wyo.; (2) from points in Meade, Pennington and Custer Counties, S. Dak., to Omaha, Nebr.; Davenport, Iowa; Pueblo, Colo.; Billings, Mont.; Tyler, Tex.; Beloit, Wis.; and points on the International Boundary Line between the United States and Canada, located in North Dakota and Montana; (B) *Green hides*, from Rapid City, S. Dak., to Redwood Falls, Minn.; Butler, Mo.; New York, N.Y.; Detroit, Mich.; Cedar Rapids, Iowa; Milwaukee,

Wis.; Chicago, Ill.; Boston, Mass.; Houston, Tex.; Amarillo, Tex.; Laredo, Tex.; New Orleans, Louisiana; Seattle, Wash.; Los Angeles, Calif.; Portland, Oreg.; and points on the International Boundary between the United States and Canada in Minnesota, Michigan and New York, for 180 days. Supporting shippers: Rapid City Hide & Metal Co., P.O. Box 2930, Rapid City, S. Dak. 57701. Bordner Assoc., Inc., P.O. Box 2273, Rapid City, S. Dak. 57701. Pierre Hide & Metal Co., 325 S. Central, Pierre, S. Dak. 57501. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak.

No. MC 140677 (Sub-No. 2TA), filed March 10, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER, AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Tal-ent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Scrap or used metals or metal objects, from points in Meade, Pennington and Custer Counties, S. Dak.; to points in Los Angeles, Orange, Riverside and San Bernardino Counties, Calif.; Adams, Arapahoe, Denver, Jefferson, and Logan Counties, Colo.; Cook, Du Page, and Lake Counties, Ill.; Lake County, Ind.; Hennepin, Ramsey, and Washington Counties, Minn.; Bronx, Brooklyn, Manhattan, and Queens Counties, N.Y.; Canadian, Cleveland, Lincoln, and Oklahoma Counties, Okla.; Allegheny, Philadelphia, and Washington Counties, Pennsylvania; Dallas, Galveston, Harris, Lubbock, and Tarrant Counties, Tex.; Davis, Salt Lake, Utah, and Weber Counties, Utah; Milwaukee County, Wis.; and Campbell and Laramie Counties, Wyo., for 180 days. Supporting shippers: Bordner Assoc., Inc., P.O. Box 2273, Rapid City, S. Dak. 57701. South 79 Pipe & Iron, Rte. 2, Box 666, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140689 (Sub-No. 1TA), filed March 12, 1975. Applicant: A. DANE DUNHAM, doing business as DUNHAM TRANSFER & STORAGE, 132 S. Downs Ave., P.O. Box 1184, Ridgecrest, Calif. 93555. Applicant's representative: A. Dane Dunham (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Used household goods, operations to be restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization and decontainerization of such traffic between warehouse facilities of A. Dane Dunham, doing business as Dunham Transfer & Storage, Ridgecrest, Calif., China Lake, Inyokern, Johannesburg, Saltdale, and Trona, Calif., for 180 days. Supporting shipper: Naval Weapons Center, China Lake, Calif. 93555. Send

protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140710 (Sub-No. 1TA), filed March 13, 1975. Applicant: CENTRAL STORAGE & VAN COMPANY, 828 South 17th Street, Omaha, Nebr. 68108. Applicant's representative: William A. Watts (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities as are dealt in by retail department stores which require installation and/or set-up service after delivery*, from the facilities of Montgomery Ward & Co., Inc., at Omaha to retail customers of Montgomery Ward Co., Inc., in Iowa, within a 50-mile radius of Omaha, Nebr.; and (2) *of returned shipments of the commodities in (1) above*, from the above named destination points to the facilities of Montgomery Ward and Co., Inc., at Omaha, Nebr., under a continuing contract with Montgomery Ward and Co., Inc., of Omaha, Nebr., for 180 days. Supporting shipper: Montgomery Ward & Co., Inc., Clyde B. Keeton, Reg., Customer Relations Traffic Manager, 6200 St. John, Kansas City, Mo. 64123. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 140733 TA, filed March 12, 1975. Applicant: DWANE L. FORD, doing business as D & G TRUCKING, 424 Canyon, Nampa, Idaho 83651. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulation materials made of styrofoam, urethane, rock wool, fibreglass, cellulose and minerals*; (2) *Materials and supplies used in the manufacture and installation of insulation*, from Kansas City, Kans., and Kansas City, Mo.; Tacoma, Wash.; Portland, Oreg.; Childress, Tex.; Santa Clara, Compton, Torrance, and Fontana, Calif., to points in Ada, Canyon, Gem, Payette, Washington, Adams, Boise, Owyhee, Elmore, Custer, Camas, Blaine, Gooding, Jerome, and Twin Falls, Counties, Idaho and Malheur County, Oreg., for 180 days. Supporting shippers: Tempco Contracting & Supply Corp., 5023 Gage St., Boise, Idaho 83704. Action Insulation, 1177 W. Wright St., Boise, Idaho. Broadway Insulation, 1175 Wright St., Boise, Idaho 83706. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 140734 TA, filed March 13, 1975. Applicant: PFE, LTD., 8734 S. E. Jefferson, Clackamas, Oreg. 97015. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: *Rust preventative pipe line coating with coal tar base*, from Fontana, Calif., to Clackamas, Oreg., for 180 days. Supporting shipper: Hall Process Company, P.O. Box 116, Clackamas, Oreg. 97015. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140735 TA, filed March 13, 1975. Applicant: ROBERT R. CRAWFORD, Rural Box 503, Menominee, Mich. 49858. Applicant's representative: Lauer & Meyer, 6 10th Street, Clintonville, Wis. 54929. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Farm equipment and farm materials and supplies*, under a continuing contract with B. C. Farm Equipment, Langley, British Columbia, Canada, from Pound, Wis.; Milford, Ind.; and Albert Lea, Minn.; on the one hand, to the Ports of Entry at the U.S.-Canada International Boundary line at or near Lynden, Wash., and Sweet Grass, Mont. Restricted: to shipments destined to points in Canada, for 180 days. Supporting shipper: B. C. Farm Equipment Distributors, Ltd., 22661 Fraser Highway, Box 3339, Langley, B. C. Canada. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 140736 TA, filed March 14, 1975. Applicant: THOMAS A. TOMLANOVICH AND JOHN C. TOMLANOVICH, doing business as J. T. TRUCKING, Box 295, Eagle River, Wis. 54521. Applicant's representative: Thomas A. Tomlanovich (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber and building supplies*, for the Wickes Corporation, Rhinelander, Wis., from Rhinelander, Wis., to the following counties in the Upper Peninsula of the State of Michigan, namely Baraga, Dickinson, Gogebic, Houghton, Iron, Marquette and Ontonagon Counties, for 180 days. Supporting shipper: Wickes Lumber Company, P.O. Box 877, 2150 N. Stevens, Rhinelander, Wis. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 83203.

No. MC 140737 TA, filed March 14, 1975. Applicant: BRENNAN FREIGHT LINES, INC., 73 Forete Avenue, North Arlington, N.J. 07032. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Toys*, (1) from the plantsite of Mego Corp., Bohemia, N.Y., to North Arlington, N.J.; (2) from North Arlington, N.J., to Bayonne, Hillside, Hoboken, Jersey City, Newark, Secaucus, and West Orange, N.J., and New York, N.Y., for 180 days. Supporting shipper: Mego Corp., 206 Fifth Ave., New York, N.Y. 10010. Send

protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140741 TA, filed March 17, 1975. Applicant: S. P. NEWLIN, doing business as SIMON P. NEWLIN, INC., Siler Route Box 11A, Winchester, Va. 22601. Applicant's representative: Simon P. Newlin, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, to be used in construction, from Fulton and Franklin Counties, Pa., to all points in Frederick, Warren, Shenandoah and Clark Counties, Va., for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the applicant, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-7879 Filed 3-25-75; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MARCH 20, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 7, 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 37248 (Sub-No. E5), 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: *Yarn bobbins, spools, warp, warp pins, warp beams, warp rolls, and cones, containers, and textile machinery and parts* therefore, between points in

Tennessee and West Virginia within 150 miles of Wythe County, Va., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in North Carolina on and west of U.S. Highway 1 that are within 150 miles of Wythe County, Va.

No. MC 107295 (Sub-No. E20), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and accessories* used in connection therewith (except in bulk), from the plant site of Philip Carey Company, located at Lockland, Ohio, to points in North Dakota, South Dakota, Nebraska, Colorado, and to points in that part of New Mexico located in, south, and west of Quay, Guadalupe, Terrence, Socorno, Sierra, and Dona Ana Counties restricted to the transportation of shipments originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E196), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and pre-cut buildings or houses*, complete, knocked down or in sections and *all component parts* necessary to the construction, erection or completion of such buildings or houses, when shipped with same, (1) from points in that part of Virginia located in and east of Craig, Roanoke, Bedford, and Pittsylvania Counties to points in that part of Georgia located in and south of Muscogee, Chattahoochee, Marion, Taylor, Macon, Houston, Bleckly, Laurens, Emanuel, Bullock, and Effingham Counties and to points in that part of South Carolina located in and east of Allendale, Bamberg, Orangeburg, Calhoun, Sumter, Lee, Darlington, and Marlboro Counties; (2) from points in that part of Virginia located in and east of Craig, Roanoke, Bedford, Campbell, and Halifax Counties to points in that part of Mississippi located in and west of Tishomingo, Prentiss, Lee, Chickasaw, Webster, Choctaw, Attala, Leake, Scott, Smith, Covington, Jefferson Davis, and Marion Counties and to points in Texas; (3) from points in that part of Virginia located in and east of Frederick, Shenandoah, Page, Greene, Albemarle, Buckingham, Prince Edwards, Charlotte, and Halifax Counties to points in that part of Alabama located in and south of Sumter, Perry, Dallas, Lowndes, Montgomery, Bullock, and Russell Counties. The purpose of this filing is to eliminate the gateway of (1) Lumberton, N.C., (2) points in Tennessee and Arkansas, (3) Lumberton, N.C. and Atlanta, Ga.

No. MC 107295 (Sub-No. E197), filed May 9, 1974. Applicant: PRE-FAB

TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and pre-cut buildings or houses*, complete, knocked down, or in sections, and *all component parts* necessary to the construction, erection, or completion of such buildings or houses (1) from points in that part of New York located in and west of Steuben, Schuyler, Seneca, Cayuga, Onondaga, Madison, Oneida, Herkimer, Hamilton, Franklin, and Clinton Counties to points in Alabama; (2) from points in that part of New York located in and west of Broome, Chenango, Otsego, Schoharie, Albany, and Rensselaer Counties to points in that part of Alabama located in and west of Madison, Morgan, Cullman, Blount, Saint Clair, Talladega, Coosa, Elmore, Montgomery, Crenshaw, and Covington Counties (3) from points in New York to points in Florida and to points in that part of Georgia located in and south of Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Hancock, Glascock, Jefferson, and Richmond Counties, and to points in that part of South Carolina located in and south of Aiken, Lexington, Richland, Kershaw, and Chesterfield Counties. The purpose of this filing is to eliminate the gateway of (1) points in Ohio and Illinois, (2) points in Ohio and Illinois, (3) Lumberton, N.C.

No. MC 107295 (Sub-No. E198), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and pre-cut buildings or houses*, complete, knocked down, or in sections, and *all component parts* necessary to the construction, erection, or completion of such buildings or houses, when shipped with same, (1) from points in that part of Delaware located in and south of Kent County to points in Maine, (2) from points in that part of Delaware located in and north of Kent County to points in that part of Maine located in and east of Aroostook, Piscataquis, Penobscot, and Hancock Counties. The purpose of this filing is to eliminate the gateway of (1) Baltimore, Md., and (2) Baltimore, Md.

No. MC 107295 (Sub-No. E199) filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and pre-cut buildings or houses*, complete, knocked down or in sections, (1) from points in that part of North Carolina located in north, and east of Granville, Wabe, Johnston, Wayne, Lenoir, Craven, and Carteret Counties to points in that part of South Carolina located in and east of Lancaster, Kershaw, Richlands,

Lexington, and Aiken Counties; (2) from points in that part of North Carolina located in and east of Vance, Franklin, Wake, Harnett, Cumberland, and Robeson Counties to points in that part of Georgia located in and south of Floyd, Bartow, Paulding, Cobb, Fulton, De Kalb, Rockdale, Newton, Morgan, Putnam, Nanocole, Washington, Jefferson, Emanuel, Jenkins, and Screven Counties; (3) from points in North Carolina to points in Oklahoma and Texas; (4) from points in North Carolina to points in that part of Louisiana located in and west of Morehouse, Quachita, Caldwell, La Salle, Rapides, Allen, Jefferson Davis, and Cameron Parishes. The purpose of this filing is to eliminate the gateway of (1) Lumberton, N.C. (2) Lumberton, N.C., (3) points in Tennessee and Arkansas, (4) points in Tennessee and Arkansas.

No. MC 107295 (Sub-No. E200), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections, and all component parts necessary to the construction, erection, or completion of such buildings or houses, when shipped with same, (1) from points in Maryland to points in that part of Kentucky located in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Lee, Jackson, Rockcastle, Lincoln, Casey, Adair, Metcalfe, and Monroe Counties; (2) from points in Maryland to points in Florida and to points in that part of Georgia located in and south of Harris, Talbot, Taylor, Crawford, Bibb, Twiggs, Wilkinson, Washington, Jefferson, and Barbe Counties, and to points in that part of South Carolina located in and west of Aiken, Lexington, Richland, Kershaw, and Chesterfield Counties. The purpose of this filing is to eliminate the gateway of (1) points in Ohio, (2) Lumberton, N.C.

No. MC 114211 (Sub-No. E1018), 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 and parts* thereof (except commodities requiring special equipment), between Mitchell, S. Dak., on the one hand, and, on the other, points in that part of Illinois on, east, and north of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Illinois Highway 5, thence along Illinois Highway 5 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Indiana-Illinois State line; points in that part of Minnesota on and north of a line

beginning at the South Dakota-Minnesota State line extending along U.S. Highway 12 to the Minnesota-Wisconsin State line; and points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 81 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Nassau, Minn.

No. MC-114211 (Sub-No. E1019), 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 and parts* thereof (except commodities the transportation of which because of size or weight requires the use of special equipment or special handling) between Mitchell, S. Dak., on the one hand, and, on the other, points in Oklahoma and points in that part of Kansas on and south and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 81 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line; and points in that part of Colorado on and south of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1020), 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*, from Tonkawa, Okla., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and the District of Columbia; and and to points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Maryland-Pennsylvania State line; and to points in that part of Maryland on and north of a line beginning at the New York-Maryland State line extending along Interstate Highway 83 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction U.S. Highway 50, thence along U.S. Highway 50 to Ocean City, Md., restricted to the transportation of traffic originating at or destined to the plantsites, warehouse sites, and experimental farms of Deere

and Company. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Dubuque, Iowa.

No. MC-114211 (Sub-No. E1021), 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: *Agricultural implements and parts* thereof, the transportation of which, because of size or weight, requires special equipment, from Independence, Mo., to points in that part of Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 210 thence along Minnesota Highway 210 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Minnesota-Iowa State line, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1022), 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 tractors* (except those with vehicle beds, bed frames and fifth wheels), equipment designed for use in conjunction with farm tractors, from Lincoln, Nebr., to points in Washington and to points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction U.S. Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to Lake Superior; to points in that part of North Dakota on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to the North Dakota-Minnesota State line; to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Montana Highway 200.

Thence along Montana Highway 200 to junction U. S. Highway 191, thence

along U.S. Highway 191 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Montana State line; to points in that part of Idaho on and north of a line beginning at the Washington-Idaho State line extending along U.S. Highway 12 to the Montana-Idaho State line; and to points in that part of Oregon on and north of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 22, thence along Oregon Highway 22 to junction Oregon Highway 223, thence along Oregon Highway 223 to junction U.S. Highway 20, thence along U.S. Highway 20 to Newport, Oreg., restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateways of points in South Dakota, Nassau, Minn., and Fargo, N. Dak.

No. MC 114211 (Sub-No. E1023), 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 and parts* thereof, the transportation of which, because of size or weight, requires special equipment, between Richardton, N. Dak., on the one hand, and, on the other, points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 74 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateways of points in Iowa.

No. MC 114211 (Sub-No. E1024), 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: *Road building equipment*, the transportation of which, because of size or weight, requires special equipment, between Mitchell, S. Dak., on the one hand, and, on the other, points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E1025), 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 and parts* thereof, between Grandview, Mo., on the one hand, and, on the other hand, points in North Dakota, Minnesota, and points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line, and points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 92, thence along Iowa Highway 92, to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E1026), 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 tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with farm tractors, *parts* thereof from Richardton, N. Dak., to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction County Highway 42, thence along County Highway 42 to junction Texas Highway 29, thence along Texas Highway 29 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Mexico Boundary line, to points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 281 to the Oklahoma-Texas State line, to points in that part of Kansas on and east of a line beginning at

the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, and to points in that part of Nebraska on and east of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, and to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Alabama, Kentucky, Indiana, Michigan, Ohio, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maine, Vermont, New Hampshire, New York, Pennsylvania, Maryland, Delaware, Rhode Island, Connecticut, New Jersey, Massachusetts, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E1027), 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: *Self-propelled sweepers and hod buggies* from Mitchell, S. Dak., to points in Va., Md., D.C., Del., Pa., N.J., N.Y., Conn., R.I., and Mass. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1028), 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: *Agricultural machinery and implements* (except those the transportation of which, because of size or weight requires the use of special equipment or handling), from Mitchell, S. Dak., to points in Texas and to points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63, to junction Missouri Highway 6, thence along Missouri Highway 6 to the Missouri-Illinois State line, to points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136, to junction U.S. Highway 45, thence along U.S. Highway 45, to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in that part of Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line, and to points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line extending along Ohio

Highway 81 to junction U.S. Highway 308, thence along U.S. Highway 308, to junction Ohio Highway 95, thence along Ohio Highway 95, to junction Ohio Highway 13, thence along Ohio Highway 13, to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Pennsylvania State line, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1029), 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: *Self-propelled tractors, road making machinery and contractors equipment from Madison, S. Dak., to points in Michigan, Indiana, Kentucky, Ohio, Virginia, West Virginia, Maryland, District of Columbia, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Vermont, New Hampshire, Massachusetts, Maine, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. and Horicon, Wis.*

No. MC 114211 (Sub-No. E1030), 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: *Self-propelled tractors, road making machinery, and contractors' equipment, from Mitchell, S. Dak., to points in Michigan, Virginia, West Virginia, Ohio, Pennsylvania, District of Columbia, Maryland, Delaware, New Jersey, Rhode Island, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, to points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line, and to points in that part of Indiana on and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn., Haricon, Wis.*

No. MC 114211 (Sub-No. E1031), 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: *Self-propelled tractors, road making machinery*

and contractors' equipment and supplies, from Mitchell, S. Dak., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corporation located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E1032), 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: *Agricultural machinery and parts thereof when moving in mixed loads with such commodities, from Tonkawa, Okla., to points in Vermont, New Hampshire, Maine, and to points in that part of New York on, east and north of a line beginning at the Massachusetts-New York State line extending along New York Highway 23 to junction New York Highway 205, thence along New York Highway 205, to junction New York Highway 28, thence along New York Highway 28, to junction New York Highway 12, thence along New York Highway 12, to junction New York Highway 26, thence along New York Highway 26, to junction New York Highway 3, thence along New York Highway 3, to junction New York Highway 58, thence along New York Highway 58, to junction U.S. Highway 11, thence along U.S. Highway 11, to junction New York Highway 87, thence along New York Highway 87 to Ogdensburg, N.Y., to points in that part of Massachusetts on and north of a line beginning at the New York-Massachusetts State line extending along Massachusetts Highway 23 to junction U.S. Highway 20, thence along U.S. Highway 20, to junction Massachusetts Highway 131, thence along Massachusetts Highway 131 to the Massachusetts-Connecticut State line, and to points in that part of Rhode Island on and east of a line beginning at the Massachusetts-Rhode Island State line extending along Rhode Island Highway 146 to junction Interstate Highway 95, thence along Interstate Highway 95, to junction Rhode Island Highway 2, thence along Rhode Island Highway 2, to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Rhode Island Highway 138, thence along Rhode Island Highway 138 to Newport, R.I., restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company and restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Haricon, Wis.*

No. MC 114211 (Sub-No. E1033), 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 which because of size or weight, require the use of special equipment), from Grand View, Mo., to points in Texas*

on and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 66 to the Texas-New Mexico State line (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso). The purpose of this filing is to eliminate the gateway of Tulsa, Okla., Martin City, Mo., and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E1035), 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: *Road building equipment, from Mitchell, S. Dak. to points in Louisiana, Florida, Mississippi, Alabama, Arkansas, Georgia, South Carolina, to points in that part of Tennessee on and south of a line beginning at the Missouri-Tennessee State line extending along Tennessee Highway 20 to junction U.S. Highway 45, thence along U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line, and to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of points in Kansas and Claremore, Okla.*

No. MC 114211 (Sub-No. E1036), 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: *Self-propelled tractors, road making machinery and contractors' equipment, from Madison, S. Dak., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corporation located at or near Minneapolis, Minn.*

No. MC 114211 (Sub-No. E1175), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts for agricultural implements and tanks and towers, from points in Ohio, to points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line, to points in that part*

of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along South Dakota Highway 47 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to the Wyoming-South Dakota State line, and 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 U.S. Highway 60, thence along U.S. Highway 60 to junction Oklahoma Highway 58, thence along Oklahoma Highway 58 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1176), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof*, from points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 40 to the Ohio-West Virginia State line, to points in that part of South Dakota on and southwest of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 14 to junction South Dakota Highway 25, thence along South Dakota Highway 25 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1177), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof* when moving in mixed loads with such commodities, from points in Ohio, to points in Wyoming and to points in that part of Nebraska on, south and west of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 2 to junction Nebraska High-

way 15, thence along Nebraska Highway 15 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction Nebraska Highway 39, thence along Nebraska Highway 39 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1178), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except commodities the transportation of which, because of size or weight, requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459) from points in Ohio, to points in that part of Arizona on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 60 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, to points in that part of Nevada on and south of a line beginning at the Arizona-Nevada State line extending along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and to points in that part of California on and south of a line beginning at the California-Nevada State line extending along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 14, thence along California Highway 14 to junction California Highway 178, thence along California Highway 178 to junction California Highway 155, thence along California Highway 155 to junction California Highway 99, thence along California Highway 99 to junction California Highway 120, thence along California Highway 120 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction U.S. Highway 40 to San Francisco, Calif. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

Francisco, Calif. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E1179), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except commodities the transportation of which, because of size or weight, requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459) from points in that part of Ohio on and east of a line beginning at Cleveland, Ohio, extending along Ohio Highway 14 to junction Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-West Virginia State line, to points in that part of California on and south of a line beginning at the Nevada-California State line extending along California Highway 58 to junction California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction U.S. Highway 40, thence along U.S. Highway 40 to San Francisco, Calif., to points in that part of Nevada on and south of a line beginning at the Arizona-Nevada State line extending along U.S. Highway 93 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 58, thence along Nevada Highway 58 to the Nevada-California State line, to points in that part of Arizona on and south of a line beginning at the New Mexico-Arizona State line extending along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line, and to points in that part of New Mexico on, west and south of a line beginning at the Texas-Arizona State line extending along U.S. Highway 285 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E1180), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 27 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 377, thence along Ohio Highway 377 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, to points in that part of North Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 12 to junction North Dakota Highway 49, thence along North Dakota Highway 49 to junction North Dakota Highway 21, thence along North Dakota Highway 21 to junction North Dakota Highway 6, thence along North Dakota Highway 6 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction North Dakota Highway 256, thence along North Dakota Highway 256 to the United States-Canada Boundary line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr. and points in Iowa.

No. MC 114211 (Sub-No. E1181), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, water systems, component parts for water systems, towers and parts for agricultural implements and pumps*, from points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 45 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Wisconsin Highway 85, thence along Wisconsin Highway 85 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to the Wisconsin-Minnesota State line, to points in Texas, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 117344 (Sub-No. E5), filed May 17, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are also petroleum products, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Michigan (except Grand Rapids, Kalamazoo and the port of entry at or near Port Huron, Mich.). The purpose of this filing is to eliminate the gateway of the plant site of the American Agricultural Chemical Company near Cairo, Ohio.

No. MC 117344 (Sub-No. E29), filed June 2, 1974. Applicant: MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Illinois, on and south of Interstate Highway 74 (except Bloomington and Decatur), and *soya bean oil*, in bulk, in tank vehicles, from Decatur, Ill., to points in Ohio on, south and east of a line beginning at the Ohio-Indiana State line and extending along Interstate Highway 70 to Springfield, thence along Ohio Highway 4 to Lake Erie. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio, including Covington, Ky., located in the Cincinnati, commercial zone.

No. MC 117344 (Sub-No. E55), filed May 19, 1974. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products and blends of animal and vegetable oils* which are liquid chemicals, in bulk, in tank vehicles, from Covington, Ky., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of the Monsanto Company at Addyston, Ohio.

No. MC 117344 (Sub-No. E56), filed May 21, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* which are liquid chemicals, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of the Monsanto Company at Addyston, Ohio.

No. MC 117344 (Sub-No. E58), filed May 21, 1974. Applicant: THE MAX-

WELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Jackson County, Indiana to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of the Monsanto Company at Addyston, Ohio.

No. MC 117344 (Sub-No. E63), filed May 21, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid hydrogen), in bulk, in tank vehicles, from Dearborn County, Ind., and Boone County, Ky., to points in Illinois. RESTRICTION: The service authorized herein is restricted against the transportation of petrochemicals, dry, to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, and Jackson County, Ind.

No. MC 117344 (Sub-No. E82), filed May 21, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Delaware County, Ohio, to points in Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Jackson County, Ind.

No. MC 117574 (Sub-No. E11), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, which because of size or weight require the use of special equipment or special handling* (except boats), between points in New Jersey, on the one hand, and, on the other, points in Maryland, North Carolina, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Mt. Vernon, Pa., and Lancaster County, Pa.

No. MC 117574 (Sub-No. E13), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled stone*

crushing equipment and self-propelled automatic loading equipment, each weighing 15,000 pounds or more, and *stone crushing equipment and automatic loading equipment* which because of size or weight requires the use of special equipment, between points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, and points in Virginia east of the Chesapeake Bay, on the one hand, and, on the other, all points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, and those points in Tennessee in and west of the Counties of Robertson, Davidson, Williamson, Maury, Marshall and Giles. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (points and places in a Pennsylvania area bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction of said State line with U.S. Highway 11, over U.S. Highway 11 to junction of U.S. Highway 522, thence along U.S. Highway 522 to junction with U.S. Highway 322, thence along U.S. Highway 322 to junction with U.S. Highway 219, thence along U.S. Highway 219 to Pennsylvania-New York State line, including points on the indicated highways, Gallon, Ohio, Gettysburg, Pa., and points within 80 miles of Columbus, Ohio*).

(2) *Stone crushing equipment and automatic loading equipment*, which because of size or weight require the use of special equipment, or is self-propelled, each weighing 15,000 pounds or more, between points in West Virginia in and north of the Counties of Mason, Putnam, Kanawha, Clay, Nicholas, Webster, and Pocahontas, and those in Virginia in and north of the Counties of Bath, Buckingham, Nelson, Augusta, Cumberland, Amelia, Nottoway, Dinwiddie, Sussex, and Southampton, on the one hand, and, on the other, all points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, those in Illinois on and north of U.S. Highway 36, those in Indiana, on and north of U.S. Highway 24, and those in Missouri on and north of U.S. Highway 24. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers. (Gallon, Ohio, 80 mile radius of Colum-

bus, Ohio and points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon and Lancaster Counties, Pa.*); (3) *Stone crushing equipment and automatic loading equipment* which because of size or weight require the use of special equipment, or is self-propelled, each weighing 15,000 pounds or more, between points in the Ohio Counties of Lorain, Medina, Wayne, Stark, Columbiana, Ashtabula, Lake, Geauga, Trumbull, Cuyahoga, Portage, Mahoning, and Summit, on the one hand, and, on the other, all points in Illinois, Indiana and Kentucky. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers (80-mile circle of Columbus, Ohio and Gallon, Ohio*); (4) *stone crushing equipment and automatic loading equipment*, which because of size or weight require the use of special equipment, or is self-propelled, each weighing 15,000 pounds or more, between points in Michigan in and east of the Counties of Ottawa, Allegan, Van Buren, Kalamazoo, Berrien, Cass, and St. Joseph, on the one hand, and, on the other, all points in North Carolina, and those in Tennessee in and east of the Counties of Clay, Jackson, Putnam, White, Van Buren, Sequatchie, and Hamilton. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers (Gallon, Ohio and 80-mile radius of Columbus, Ohio*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 117574 (Sub-No. E17) filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressors, pumps, blowers, condensers, drilling equipment, electric and pneumatic tools, heat exchangers, hoisting equipment* (which because of size or weight require the use of special equipment), and *parts, attachments and accessories for the commodities specified above*, from points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New Jersey, points in New York on and east of Interstate Highway 81 from the New York-Pennsylvania State line to junction New York Highway 13, thence along New York Highway 13 to the shore of Lake Ontario, and points in Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line to points in Alabama, California, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington, Wisconsin, Wyoming, those in North Carolina, in and west of the Counties of Halifax, Edgecombe, Wil-

son, Greene, Lenoir, Jones and Onslow, those in Ohio in and west of the Counties of Lake, Geauga, and Trumbull, those in Virginia in and west of the Counties of Augusta, Nelson, Appomattox, Charlotte and Mecklenburg; those in West Virginia in and west of the Counties of Preston, Tucker and Pendleton (except from points in Connecticut, New Jersey and those points in New York on and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-Massachusetts State line, and those in Pennsylvania in the Counties of Northampton, Lehigh, Bucks, Montgomery, Chester, Delaware and Philadelphia to points in West Virginia, Virginia, North Carolina, South Carolina and Georgia). The purpose of this filing is to eliminate the gateways of Athens, Pa., and Phillipsburg, N.J.

No. MC 117574 (Sub-No. E19), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1A) *Heating and steam generating equipment*, and related accessories and equipment used in connection with heating and steam generating equipment, the transportation of which because of size or weight requires the use of special equipment, and (1B) *heating and steam generating equipment*, and related accessories and equipment, the transportation of which because of size or weight does not require the use of special equipment, when moving in the same vehicle or as part of the same shipment with commodities specified in (1) above, between points in Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, points in Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line, points in Maryland in the Counties of Baltimore, Harford, Cecil, Kent, Queen Annes, Talbot, Caroline and Dorchester, and those in New York State on and east of a north-south line drawn along U.S. Highway 11 from the Pennsylvania-New York State line to New York Highway 3, thence along New York Highway 3 to the shore of Lake Ontario, on the one hand, and, on the other, all points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and points in South Carolina, on and south of a line drawn along U.S. Highway 521 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to Charleston, S.C., those in Tennessee in and west of the Counties of Fentress, Morgan, Roane, Loudon, Monroe, and Polk.

The purpose of this filing is to eliminate the gateway of the facilities of Cleaver-Brooks Co., near Manheim, Pa.

No. MC 117574 (Sub-No. E38), filed November 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mechanical lifting equipment and parts and attachments* for mechanical lifting equipment, which is (a) contractors' equipment, heavy and bulky articles, machinery and machine parts, when moving in conjunction with machinery, or (b) articles requiring specialized handling or rigging because of size or weight, between points in New York in and east of the counties of Cayuga, Chemung, Oswego, Seneca, and Schuyler, and points in New Jersey (except those in Atlantic, Cape May, Cumberland, Gloucester, and Salem Counties), on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, West Virginia, and points in North Carolina in and west of the counties of Bladen, Brunswick, Caswell, Chatham, Columbus, Cumberland, Harnett, Lee, and Orange, and points in Virginia in and west of the counties of Amherst, Augusta, Clarke, Campbell, Page, Pittsylvania, Rockbridge, Rockingham, and Warren (facilities of Fulton Industries at or near McConnellsburg, Pa.)*.

(2) *Industrial and construction mechanical lifting equipment* (except tractors with vehicle beds, bed frames, and fifth wheels), and *parts and attachments* for such lifting equipment when such mechanical lifting equipment is also (a) machinery, or (b) commodities which because of size or weight, require the use of special equipment or special handling (except boats), or (c) self-propelled articles, each weighing 15,000 pounds or more, (when transported on trailers), from points in Connecticut, Massachusetts (except points in Berkshire County north of Massachusetts Highway 9), New Jersey (except points in the counties of Atlantic, Cape May, Cumberland, Gloucester, and Salem), New York (except points north and west of a line extending along U.S. Highway 209 from the New York-Pennsylvania State line to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 66, thence along New York Highway 66 to junction New York Highway 295, thence along New York Highway 295 to the Massachusetts-New York State line, and Rhode Island, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and points in Maryland in the counties of Allegany, Garrett, and Washington, those points in North Carolina in and west of the counties of Bladen, Brunswick, Caswell, Chatham, Columbus,

Cumberland, Harnett, Lee, and Orange, points in Ohio (except points in the counties of Ashtabula, Geauga, and Lake), points in South Carolina, Tennessee, West Virginia, Wisconsin, and those in Virginia in and west of the counties of Amherst, Augusta, Clarke, Campbell, Page, Pittsylvania, Rockbridge, Rockingham, and Warren (Mountville, Pa.), and the facilities of Fulton Industries at or near McConnellsburg, Pa.)*.

(3) *Mechanical lifting/hoisting equipment*, which because of size or weight, requires the use of special equipment (except that used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines), and, *self-propelled mechanical lifting/hoisting equipment*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (when transported on trailers), from points in Maine, New Hampshire, and Vermont (except Franklin County), to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Wisconsin, Michigan (except points in Hillsdale, Lakeland, Lenawee, Monroe, Washtenaw, and Wayne Counties), Ohio (except points north of a line beginning at the Ohio-Pennsylvania State line on Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76 at Exit 15, thence along Interstate Highway 76 to junction U.S. Highway 224 at Lodi, Ohio, thence along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction U.S. Highway 6, and thence along U.S. Highway 6 to junction with the Ohio-Indiana State line), points in Maryland and west of Washington County, points in North Carolina in and west of the counties of Bladen, Brunswick, Caswell, Chatham, Columbus, Cumberland, Harnett, Lee, and Orange, and those in Virginia in or west of the counties of Amherst, Augusta, Clarke, Campbell, Page, Pittsylvania, Rockbridge, Rockingham, and Warren (Athens, Pa., and the facilities of Fulton Industries at or near McConnellsburg, Pa.)*.

(4) *Mechanical lifting equipment and parts and attachments* for mechanical lifting equipment, which is (a) contractor's equipment, (b) heavy and bulky articles, (c) machinery and machine parts, when moving in conjunction with machinery, or (d) articles requiring specialized handling or rigging because of size or weight, between points in Delaware, those in Maryland (except points in the counties of Allegany, Calvert, Charles, Garrett, Montgomery, Prince Georges, St. Marys and those in Anne Arundel south of U.S. Highway 50), and, those in New Jersey in the counties of Atlantic, Cape May, Cumberland, Gloucester, and Salem, on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee,

West Virginia, and Wisconsin, and those parts in the New York counties of Cattaraugus, Chautauqua, Erie, and Niagara, points in Florida west of the Apalachicola River, and those in the Virginia Counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise (facilities of Fulton Industries at or near McConnellsburg, Pa.)*; and (5) *Mechanical lifting equipment and parts and attachments* for mechanical lifting equipment, which is (a) contractors' equipment, (b) heavy and bulky articles, (c) machinery and machine parts, when moving in conjunction with machinery, and (d) articles requiring specialized handling or rigging because of size or weight, between points in New Castle County, Del., points in the Maryland Counties of Baltimore, Carroll, Cecil, Frederick, Hartford, Kent, and Washington, and those in New York State in and east of the counties of Cayuga, Chemung, Oswego, Seneca, and Schuyler, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, those in West Virginia (except points in the counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton), and those in North Carolina on and west of U.S. Highway 321, those in South Carolina on and west of a line from the North Carolina-South Carolina State line along U.S. Highway 321 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, and those in Virginia in the counties of Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe (facilities of Fulton Industries at or near McConnellsburg, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E39), filed November 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automatic mechanical lifting/loading equipment* which, because of size or weight, requires the use of special equipment and *related parts and attachments* for automatic mechanical lifting/loading equipment, and *self-propelled automatic mechanical lifting/loading equipment*, each weighing 15,000 pounds, or more, and *related parts and attachments* (when transported on trailers), between points in Horry County, S.C., points in North Carolina, in and east of the counties of Guilford, Hoke, Moore, Randolph, Robeson, and Rockingham, and points in Virginia in and east of the counties of Craig, Franklin, Henry, and Roanoke, on the one hand, and, on the other, points in Idaho, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, Wyoming, and points in California (except points in Imperial

County), points in Colorado (except points in Baca, Cheyenne, Crowley, Kiowa, Las Animas, Otero, and Prowers Counties) (facilities of Fulton Industries at or near McConnellsbury, Pa., Gallion, Ohio, 80-mile radius of Columbia, Ohio)*.

(2) *Automatic mechanical lifting/loading equipment* which, because of size or weight, requires the use of *special equipment and related parts and attachments* for automatic mechanical lifting/loading equipment, and *self-propelled automatic mechanical lifting/loading equipment*, each weighing 15,000 pounds or more, and *related parts and attachments* (when transported on trailers), between points in Connecticut, Delaware, Maryland (except points in Allegany and Garrett Counties), Massachusetts (except points in Berkshire County north of Massachusetts Highway 9), New Jersey, points in New York (except points north and west of a line extending along U.S. Highway 209 from the New York-Pennsylvania State line to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 9, thence along New York Highway 9 to junction New York Highway 66, thence along New York Highway 66 to junction New York Highway 295, thence along New York Highway 295 to the Massachusetts-New York State line), Rhode Island, and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line along U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-Virginia State line, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, and points in Arkansas in the counties of Baxter, Benton, Boone, Carroll, Crawford, Franklin, Fulton, Johnson, Madison, Marion, Newton, Searcy, Sebastian, and Washington;

Points in Illinois (except those in the counties of Alexander, Edwards, Gallatin, Hardin, Johnson, Massac, Pope, Pulaski, Saline, Wabash, and White), points in Indiana (except points south of a line along U.S. Highway 50), points in Missouri (except points in the counties of Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard), points in Ohio (except points east of a line beginning at a point near Lake Erie on Ohio Highway 19, thence along Ohio Highway 19 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 129, thence along Ohio Highway 129 to the Indiana-Ohio State line), points in Oklahoma (except points in the county of McCurtain), and points in

Texas on and west of a line beginning at the Oklahoma-Texas State line on U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 24, thence along Texas Highway 24 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Interstate Highway 35E, thence along Interstate Highway 35E to the United States-Mexico International Boundary line (facilities of Fulton Industries at or near McConnellsbury, Pa., Gallion, Ohio, 80 miles radius of Columbus, Ohio)*; and

(3) *Automatic mechanical lifting/loading equipment* which because of size or weight requires the use of *special equipment and related parts and attachments* for automatic mechanical lifting/loading equipment, and *self-propelled automatic mechanical lifting/loading equipment*, each weighing 15,000 pounds or more, and *related parts and attachments* (when transported on trailers), between points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and points in New Jersey in and north of the counties of Mercer and Middlesex and those points in New York in and east of the counties of Cayuga, Chemung, Seneca, and Schuyler, on the one hand, and, on the other, points in the states of Arizona, Arkansas, Colorado, Idaho, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and points in Illinois in the counties of Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Madison, Massac, Monroe, Perry, Pope, Pulaski, Randolph, St. Clair, Saline, Union, and Williamson, points in Iowa in and west of the counties of Cerro Gordo, Des Moines, Franklin, Hardin, Henry, Jasper, Jefferson, Mahaska, Polk, Story, Wapello, and Worth, points in Kentucky, in the counties of Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Livingston, Logan, Lyon, Marshall, McCracken, Simpson, Todd, and Trigg, points in Minnesota (except those in the counties of Fillmore, Houston, Mower, Olmsted, Wabasha, and Winona), points in Tennessee in and west of the counties of Bledsoe, Clay, Cumberland, Franklin, Grundy, Overton, Putnam, and Sequatchie, and points in Wisconsin in and north of the counties of Brown, Chipewa, Clark, Dunn, Manitowoc, Marathon, Outagamie, Pierce, and Shawano (facilities of Fulton Industries at or near McConnellsbury, Pa., Gallion, Ohio, and 80 mile radius of Columbus, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E41), filed November 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pennsylvania 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Lift and hoist trucks, and, tractors (other than truck tractors), which are mechanical lifting equipment, and parts, at-

tachments and accessories for the items above when such commodities are mechanical lifting equipment, from the plant site of the Towmotor Corporation at Mentor, Ohio to points in Alabama in the Counties of Baldwin, Covington, Escambia, Geneva, Houston, and Mobile, those in Georgia on and east of a line commencing at the Georgia-South Carolina State line at Augusta, Georgia on U.S. Highway 278, thence along U.S. Highway 278 to Warrenton, thence along Georgia Highway 16 to Sparta, thence along Georgia Highway 22 to Macon, thence along Interstate Highway 75 to Cordele, thence along Georgia Highway 257 to Albany and thence along Georgia 62 to the Alabama-Georgia State line, points in Florida, points in North Carolina on and east of U.S. Highway 21 and those points in South Carolina on and east of a line commencing at the North Carolina-South Carolina State line on U.S. Highway 21 to Columbia, and thence along Interstate Highway 20 to the Georgia-South Carolina State line.

(2) *Self-propelled construction and materials handling machines*, and *construction and materials handling machines without undercoverings*, when the items above are mechanical lifting equipment, and, *parts and attachments* for the machine described above, when such parts and attachments are for mechanical lifting equipment, from Waukesha, Wis., to points in Delaware, those in Maryland in and east of Washington County, those in the District of Columbia, those in North Carolina in and east of the Counties of Alamance, Caswell, Chatham, Hoke, Moore, and Scotland, those in South Carolina in the Counties of Dillon, Florence, Georgetown, Horry, Marion, Marlboro, and Williamsburg, and those in Virginia on and east of U.S. Highway 220.

(3) *Self-propelled construction and materials handling equipment* (except highway trucks) and *self-propelled cranes and hoisting equipment*, when such self-propelled items are also mechanical lifting equipment, from Schofield, Wis., to points in Delaware, District of Columbia and points in North Carolina, in and east of U.S. Highway 220, points in South Carolina on and east of a line beginning at the North Carolina State line along U.S. Highway 1 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with Interstate Highway 95, thence along Interstate Highway 95 to its junction with U.S. Highway 76, thence along U.S. Highway 76 to its junction with U.S. Highway 15, thence along U.S. Highway 15 to its junction with Interstate Highway 26 and thence along Interstate Highway 26 to the Atlantic Ocean, and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line on U.S. Highway 250 to its junction with U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina State line. The purpose of this filing is to eliminate the gateway of facilities of Fulton Industries at or near McConnellsbury, Pa.

No. MC 117574 (Sub-No. E42), filed November 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: 1(a) *Agricultural implements, agricultural machinery, tractors* (other than truck tractors), *incidental machinery*, which are also mechanical equipment, and *attachments and parts* of such mechanical lifting equipment, when moving with such implements, machinery, and tractors, except that which because of size or weight requires the use of special equipment, and (b) *Mechanical lifting equipment for sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, and *attachments and parts* for mechanical lifting equipment, used in connection with the erection and construction of sewage, water and refuse treatment systems (except commodities in bulk), between points in New York in and east of Cayuga, Chemung, Oswego, Seneca, and Schuyler Counties, and points in New Jersey (except those in Atlantic, Cape May, Cumberland, Gloucester and Salem Counties), on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, West Virginia and points in North Carolina in and west of Bladen, Brunswick, Caswell, Chatham, Columbus, Cumberland, Harnett, Lee, and Orange Counties, and points in Virginia in and west of Amherst, Augusta, Clarke, Campbell, Page, Pittsylvania, Rockbridge, Rockingham, and Warren Counties.

2(a) *Agricultural implements, agricultural machinery, tractors* (other than truck tractors), *incidental machinery*, which are also mechanical equipment, and *attachments and parts* of such mechanical lifting equipment, when moving with such implements, machinery, and tractors, except that which because of size or weight requires the use of special equipment, (b) *Mechanical lifting equipment for sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, and *attachments and parts* for mechanical lifting equipment, used in connection with the erection and construction of sewage, water and refuse treatment systems (except commodities in bulk), between points in Connecticut, Massachusetts (except points in Berkshire County north of Massachusetts Highway 9), New Jersey (except points in Atlantic, Cape May, Cumberland, Gloucester and Salem Counties), New York (except points north and west of a line drawn along U.S. Highway 209 from the New York-Pennsylvania State line to its junction with U.S. Highway 9-W), thence along U.S. Highway 9-W to New York Highway 23, thence along New York Highway 23 to junction New York High-

way 66, thence along New York Highway 66 to junction New York Highway 295, thence along New York Highway 295 to the Massachusetts-New York State line, and points in Rhode Island, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and points in Maryland in Allegany, Garrett, and Washington Counties, points in North Carolina in and west of Bladen, Brunswick, Caswell, Chatham, Columbus, Cumberland, Harnett, Lee, and Orange Counties, points in Ohio (except points in the Counties of Ash-tabula, Geauga, and Lake), points in South Carolina, Tennessee, West Virginia, Wisconsin, and points in Virginia in and west of Amherst, Augusta, Clarke, Campbell, Page, Pittsylvania, Rockbridge, Rockingham, and Warren Counties.

3(a) *Agricultural implements, agricultural machinery, tractors* (other than truck-tractors), *incidental machinery*, which are also mechanical equipment, and *attachments and parts* of such mechanical lifting equipment, when moving with such implements, machinery, and tractors, except that which because of size or weight requires the use of special equipment, (b) *Mechanical lifting equipment for sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, and *attachments and parts* for mechanical lifting equipment, used in connection with the erection and construction of sewage, water and refuse treatment systems (except commodities in bulk), between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Wisconsin, Michigan (except points in Hillsdale, Lakeland, Lenawee, Monroe, Washtenaw, and Wayne Counties), Ohio (except points north of a line beginning at the Ohio-Pennsylvania State line on Interstate Highway 80, thence along Interstate Highway 80 to junction with Interstate Highway 76, thence along Interstate Highway 76 to junction with U.S. Highway 224 at Lodi, Ohio, thence along U.S. Highway 224 to its junction with Ohio Highway 18, thence along Ohio Highway 19 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Ohio-Indiana State line), points in Maryland west of Washington County, points in North Carolina in and west of Bladen, Brunswick, Caswell, Chatham, Columbus, Cumberland, Harnett, Lee, and Orange Counties, and points in Virginia in or west of Amherst, Augusta, Clarke, Campbell, Page, Pittsylvania, Rockbridge, Rockingham, and Warren Counties.

4(a) *Agricultural implements, agricultural machinery, tractors* (other than truck-tractors), *incidental machinery*, which are also mechanical equipment, and, *attachments and parts* of such me-

chanical lifting equipment, when moving with such implements, machinery, and tractors except that which because of size or weight requires the use of special equipment, (b) *Mechanical lifting equipment for sewage, water and refuse treatment systems*, the transportation of which because of size or weight require the use of special equipment, and *attachments and parts* for mechanical lifting equipment, used in connection with the erection and construction of sewage, water and refuse treatment systems (except commodities in bulk), between points in Delaware, points in Maryland (except Allegany, Calvert, Charles, Garrett, Montgomery, Prince Georges, St. Marys, and those in Anne Arundel south of U.S. Highway 50), and, points in New Jersey in Atlantic, Cape May, Cumberland, Gloucester, and Salem Counties, on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin, and those parts in the New York Counties of Cattaraugus, Chautauqua, Erie, and Niagara, points in Florida west of the Apalachicola River, and those in the Virginia Counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise.

5 (A) *Agricultural implements, agricultural machinery, tractors* (other than truck-tractors), *incidental machinery*, which are also mechanical equipment, and, *attachments and parts* of such mechanical lifting equipment, when moving with such implements, machinery, and tractors, except that which because of size or weight requires the use of special equipment. 5 (B) *Mechanical lifting equipment for sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special lifting equipment, used in connection with the erection and construction of sewage, water and refuse treatment systems (except commodities in bulk), between points in New Castle County, Delaware, points in the Maryland Counties of Baltimore, Carroll, Cecil, Frederick, Harford, Kent, and Washington, and those in New York State in and east of the Counties of Cayuga, Chemung, Oswego, Seneca, and Schuyler, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, those in West Virginia (except points in the Counties of Berkley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton), and those in North Carolina on and west of a line from the North Carolina State line along U.S. Highway 324 to its junction with U.S. Highway 21, thence along U.S. 21 in the southerly direction to the Atlantic Ocean, and those in Virginia in the Counties of Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

No. MC 117574 (Sub-No. E44), filed November 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical lifting equipment* (which is also heavy machinery and building or contractor's equipment, or heavy and bulky articles, or articles requiring specialized handling or rigging because of size or weight), between points in Pennsylvania, on and east of Interstate Highway 81 on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Upper Peninsula of Michigan, Minnesota, Mississippi, Missouri, South Carolina, Tennessee, Wisconsin, and points in Indiana (except points in Steuben County), points in Maryland in the Counties of Allegany, Garrett, and Washington, points in North Carolina in and west of the Counties of Alamance, Caswell, Chatham, Cumberland, Harnett, and Robeson, points in Ohio on and south of a line commencing at the Indiana-Ohio State line on U.S. Highway 33, thence easterly along U.S. Highway 33 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-West Virginia State points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line near Parkersburg, West Virginia on U.S. Highway 50, thence along U.S. 50 to the Virginia-West Virginia State line, and points in Virginia-West Virginia State line, and points in Virginia on, south and west of a line beginning at the Virginia-West Virginia State line on U.S. Highway 50, thence along U.S. Highway 50 to its intersection with Interstate Highway 81, thence along Interstate Highway 81 to its intersection with U.S. Highway 60, thence easterly along U.S. Highway 60 to U.S. Highway 29, thence in a southerly direction along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of (facilities of Fulton Industries at or near McConnellsbury, Pennsylvania*).

No. MC 117574 (Sub-No. E45), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pennsylvania 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck-tractors), *tractor attachments*, *incidental machinery* used with such tractors, and parts of the above-described commodities when moving therewith, except such commodities which because of size or weight require the use of special equipment, between points in New York in and east of the counties of Erie, Wyoming, and Allegany and in and west of the counties of Broome, Delaware, Schoharie, Albany, Saratoga, and Washington, on the one hand, and, on the other, points in Kentucky, Tennessee, Mississippi, Alabama,

Georgia, and Florida, those points in South Carolina in and west of the counties of Lee, Sumter, Chesterfield, Darlington, Clarendon, Berkeley, and Charleston, those points in Louisiana in and east of the parishes of West Feliciana, Pointe Coupee, Iberville, Iberia, and St. Mary, those in Indiana, on and east of a line from the Indiana-Ohio line in a south-westerly direction along U.S. 24, Interstate 69, and Indiana Highway 67 to the Illinois-Indiana State line, and those in West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 16, to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to West Virginia Highway 2, thence north along West Virginia Highway 2 to junction West Virginia Highway 16 to junction U.S. Highway 88 to the West Virginia-Pennsylvania State line, including all points in Wheeling, W. Va. The purpose of this filing is to eliminate the gateway of Nunda, N.Y.

No. MC-117574 (Sub-No. E46), filed November 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial and construction machinery and equipment*, and *self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers) (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Connecticut, Delaware, Maryland (except Allegany and Garrett Counties), Massachusetts, New Jersey, New York (except points west of the counties of Cayuga, Chemung, and Tompkins), and Rhode Island, to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, (except points in the counties of Johnson, Sullivan, Carter, Unicoi, Hawkins, Washington, Greene, Grainger, Hancock, Hamblen, Claiborne, Union, Jefferson, Cocke, and Sevier), Texas, Utah, Washington, and Wyoming (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*;

(2) *Industrial and construction machinery and equipment*, and *self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers) (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Connecticut, Massachusetts, New Jersey, Rhode Island, New York (except points in Cattaraugus and Chautauque Counties), and Wilmington, Del., to points in Alabama, Arizona, Arkansas (except points in the counties of Clay, Greene, and Mississippi), California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nebraska,

Nevada, New Mexico, North Carolina (except in the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Bertie, Washington, Martin, Beaufort, Tyrrell, Hyde, and Dare), North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee (except points west of the counties of Campbell, Anderson, Roane, Rhea, and Hamilton), Texas, Utah, Washington, and Wyoming (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*; (3) *Industrial and construction machinery and equipment*, and *self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers) (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Connecticut, Rhode Island, New Jersey, Massachusetts (except points in Berkshire County on and north of Massachusetts Highway 9), and those in New York on and south of a line beginning at the New York-Pennsylvania State line on U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-New York State line, to all points in Illinois, Indiana, Kentucky, Maryland (except points east of the Chesapeake Bay and the Susquehanna River), Michigan, Minnesota, Ohio (except points north of U.S. Highway 322), Pennsylvania (except points east of the Susquehanna River and north of U.S. Highway 322), Tennessee, Virginia (except points east of Interstate Highway 95), West Virginia, Wisconsin, and the District of Columbia (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*;

(4) *Agricultural, industrial, and construction machinery and equipment*, which, because of size or weight, requires the use of special equipment (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Maine, New Hampshire, Vermont, and points in Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina (except the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Bertie, Washington, Martin, Beaufort, Tyrrell, Hyde, and Dare), North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming (facilities of Sperry Rand Corp., at Mountville, New Holland, or Belleville, Pa.)*; (5) *Industrial and construction machinery and equipment*, which, because of size or weight, require the use of special equipment or special handling, and *self-propelled agricultural, industrial, and construction machinery*

and equipment, each weighing 15,000 pounds or more (when transported on trailers), (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Delaware (except Sussex County), and Maryland (except points west and south of Baltimore County and south of Queen Annes County), to points in Florida, Georgia, and South Carolina (except points north of a line beginning at Georgetown and extending along U.S. Highway 521, to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Interstate Highway 26, thence along Interstate Highway 26 to the South Carolina-North Carolina State line (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*;

(6) *Industrial and construction machinery and equipment*, which because of size or weight, requires the use of special equipment or special handling, and *self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers), (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Virginia, in the counties in and east of Frederick, Warren, Rappahannock, Culpeper, Orange, Louisa, Goochland, Powhatan, Amelia, Nottoway, and Brunswick, to points in Arizona, California, Colorado, Connecticut, Idaho, Kansas (except points in and east of the counties of Chautauqua, Elk, Wilson, Woodson, Coffey, Franklin, and Johnson), Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey (except points in and south of the counties of Burlington, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May), New Mexico, New York (except points in and west of the counties of Orleans, Genesee, Wyoming, and Allegany), North Dakota, Oklahoma (except points in and east of the counties of Osage, Pawnee, Payne, Lincoln, Pottawatomie, Cleveland, McClain, Grady, Comanche, and Tillman), Oregon, Rhode Island, South Dakota, Texas (except points in and south of the counties of Hardeman, Cottle, Dickens, Crosby, Garza, Lynn, Terry, and Yoakum), Utah, Vermont, Washington, and Wyoming (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*;

(7) *Industrial and construction machinery and equipment*, which because of size or weight, requires the use of special equipment or special handling, and *self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more, (when transported on trailers), (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Virginia on and east of Interstate Highway 95 to points in Illinois (except points east and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 66 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line), Indiana (except points south

of U.S. Highway 30), Iowa, Michigan, Minnesota, Missouri, (except points south of Interstate Highway 44), New York (except points in and east of the counties of Monroe, Livingston, and Steuben), and Pennsylvania (except points south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 322 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Delaware River) (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*; (8) *Industrial and construction machinery, and equipment*, which because of size or weight, requires the use of special equipment or special handling, and *self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers) (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Horry County, S.C., to points in California (on and north of Interstate Highway 80), Idaho, Montana, Nevada (on and north of Interstate Highway 80), Oregon, and Washington. RESTRICTION: Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in or in connection with the construction, repair, servicing, maintenance, and dismantling of pipelines. (Facilities of Sperry Rand Corp., at Belleville, Mountville, Danville, and New Holland, Pa.)*;

(9) *Industrial and construction machinery and equipment*, which because of size or weight, requires the use of special equipment or special handling, and *self-propelled agricultural, industrial and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers) (except tractors with vehicle beds, bed frames, and fifth wheels), from points in North Carolina in and east of the counties of Rockingham, Guilford, Randolph, Moore, Hoke, and Robeson, to points in California, Colorado (except south of U.S. Highway 6), Idaho, Montana, Nebraska (except points south of U.S. Highway 6), Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*; (10) *Agricultural, industrial, and construction machinery and equipment* (except those commodities which because of size or weight, require the use of special equipment or special handling, and except trailers with vehicle beds, bed frames, and fifth wheels), from points in North Carolina on and east of Interstate Highway 77, to points in California (except points in and south of the counties of Monterey, San Benito, Merced, Stanislaus, Tuolumne, and Mono), Idaho, Montana, Nevada (except points in and south of the counties of Mineral, Nye, and White Pine), Oregon, Utah (except points in and south of the counties of Juab, Utah, Wasatch, and Summit), Washington and Wyoming (except points in the counties of Carbon, Albany, Laramie, Goshen, Platte,

Niobrara, and Converse) (Belleville and Gettysburg, Pa.)*; and (11) *Agricultural, industrial, and construction machinery and equipment* (except those commodities which because of size or weight, requires the use of special equipment or special handling and except tractors with vehicle beds, bed frames, and fifth wheels), from points in North Carolina, in and east of the counties of Vance, Franklin, Wake, Johnston, Sampson, Pender, and New Hanover, to points in California, Colorado, Idaho, Iowa (except points south of U.S. Highway 34), Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming (Gettysburg and Belleville, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 118130 (Sub-No. E1), filed June 6, 1974. Applicant: SOUTH EASTERN EXPRESS, INC., P.O. Box 6985, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to points in Idaho, Montana, North Dakota, South Dakota (except Union County), Oregon, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of Galveston, Tex.

No. MC 119702 (Sub-No. E5) (Correction), filed May 31, 1974. Published in the FEDERAL REGISTER February 19, 1975. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Cahokia and East St. Louis, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri (except to points in that part of Missouri within 125 miles of East St. Louis, Ill.), points in Ohio and Wisconsin. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and the terminal site of Amoco Oil Company at or near Wood River, Ill. The purpose of this correction is to clarify the gateway eliminations.

No. MC 119934 (Sub-No. E8), filed May 10, 1974. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except silicate of soda), in bulk, in tank vehicles, from Anderson, Ind., to points in Iowa, Louisiana, Minnesota, and points in that part of Kansas on, north and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 169 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 96, thence

along Kansas Highway 96 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line, and points in that part of Oklahoma on, west and south of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to Tulsa, Okla., thence along the Muskogee Turnpike to junction U.S. Highway 40, thence along U.S. Highway 40 to the Oklahoma-Arkansas State line, restricted against the transportation of traffic destined to points in Canada. The purpose of this filing is to eliminate the gateway of the plant site of the Central Chemical Co., Division of Wilson & Co., at or near Elwood, Ill.

No. MC 119934 (Sub-No. E9), filed May 10, 1974. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of National Distillers Products Corporation near Ficklin, Ill., to points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 220 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Iron-town, Ohio.

No. MC 123685 (Sub-No. E13), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from Cleveland, Ohio, to points in Kentucky, West Virginia, those in Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois State line, those in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 150 to junction Illinois Highway 164, thence along Illinois Highway 164 to the Illinois-Iowa State line, those in the Upper Peninsula of Michigan on and west of U.S. Highway 41, those in New York on, east and south of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 209 to junction New York Highway 199, thence along New York Highway 199 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of Dundee, Ohio.

No. MC 123685 (Sub-No. E15), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in Stark County, points in Brown Township, Carroll County, points in that part of Smith Township, Mahoning County which are on and west of Bandy Road, points in that part of Green Township, Summit County which are on and south of Greensburg Road and on and east of U.S. Highway 241, to points in Indiana, Illinois, Kentucky, those in Michigan on and north and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to junction Interstate Highway 94, thence along Interstate Highway 94 to the U.S.-Canada International Boundary line, those in New York on and east of U.S. Highway 219, and those in West Virginia on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Dundee, Ohio.

No. MC 123685 (Sub-No. E17), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry pesticides* from points in Franklin County, Ohio, to those points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 60 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, and points in Pennsylvania on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio.

No. MC 123685 (Sub-No. E18), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bags, and in bulk, in dump vehicles, between points in Stark County, Ohio, points in Brown Township, Carroll County, Ohio, points in that part of Smith Township, Mahoning County, Ohio, on and west of Bandy Road, and points in that part of Green Township, Summit County, Ohio, on and south of Greensburg Road, and on and east of U.S. Highway 241, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Michigan, Pennsylvania, points on and east of U.S. Highway 15, those points in New York on and east of a line beginning at the U.S.-Canada International Boundary line and extending

along New York Highway 31 to junction New York Highway 63, thence along New York Highway 63 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, and those points in West Virginia on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC 123685 (Sub-No. E19), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bags, and in bulk, in dump vehicles, between points in Franklin County, Ohio, on the one hand, and, on the other, those points in Indiana on and south of Indiana Highway 46, those points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 78 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 16, thence along Illinois Highway 16 to the Illinois-Indiana State line, and those points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 27 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Swift Agriculture Chemical at or near Cincinnati, Ohio.

No. MC 123685 (Sub-No. E20), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bags, and in bulk, in dump vehicles, between points in Franklin County, Ohio, on the one hand, and, on the other, points in New York, those points in Pennsylvania on and north and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, and those points in Michigan on and north of Sheboygan and Emmet Counties Road C-66. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC 129068 (Sub-No. E1), filed June 4, 1974. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 South Douglas Blvd., Oklahoma City, Oklahoma 73150. Applicant's representative: I. E.

Chenoweth, 420 South Main Street, Tulsa, Oklahoma 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Used mobile homes*, in secondary movements, in truckaway service, from Lawton, Okla., to points in Arizona. (Lea County, N. Mex.); (2) *Used mobile homes*, in secondary movements, in truckaway service, from Lea County, N. Mex. to points in Missouri, Arkansas, points in that part of Louisiana on and east of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 167 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to junction Louisiana Highway 117, thence along Louisiana Highway 117 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to the Gulf of Mexico, and points in that part of Kansas on and east of U.S. Highway 281. (Lawton, Okla.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

(B) (1) *Portable houses and buildings*, except knocked-down houses, between points in Texas, on the one hand, and, on the other, points in that part of Nebraska on and west of U.S. Highway 183; (2) *portable houses and buildings*, except knocked-down houses, between points in Texas, on the one hand, and, on the other, points on and east of a line running north and south through Brush, Colo.; (3) *portable houses and buildings*, except knocked-down houses, between points in Oklahoma, on the one hand, and, on the other, points in that part of Nebraska on and west of U.S. Highway 183; (4) *portable houses and buildings*, except knocked-down houses, between points in Oklahoma (except Cimarron County, Okla.), on the one hand, and, on the other, points in that part of Colorado on and east of a line running north and south through Brush, Colo.; (5) *portable houses and buildings*, except knocked-down houses, between points in Cimarron County, Okla., on the one hand, and, on the other, points in that part of Colorado on and east of a line beginning at the Colorado-Wyoming State line, thence along a north and south line to Brush, Colo., thence along U.S. Highway 71, to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 89, thence along Colorado Highway 89 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Colorado-Kansas State line;

(6) *Houses*, except knocked-down houses, between points in that part of Nebraska on and west of a line beginning at the Kansas-Nebraska State line thence along U.S. Highway 183 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 281, thence along U.S. Highway 281, to junction

U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in that part of Texas east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 28, to junction U.S. Highway 181, thence along U.S. Highway 181 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico; (7) *houses*, except knocked-down houses, between points in Nebraska, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 181 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 184, thence along U.S. Highway 184 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico; (8) *houses*, except knocked-down houses, between points in that part of Oklahoma on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 277 to junction Oklahoma Highway 5, thence along Oklahoma Highway 5 to junction U.S. Highway 183, thence along U.S. Highway 183, to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Oklahoma Highway 14, thence along Oklahoma Highway 14 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in Nebraska.

(9) *Houses*, except knocked-down houses, between points in that part of Nebraska on, west or north of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in that part of Oklahoma on, south and east of a line beginning at the Arkansas-Oklahoma State line, thence along Oklahoma Highway 4 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Oklahoma Highway 3 and 7, thence along Oklahoma Highway 3 and 7 to Atoka, Okla., thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 5, thence along Oklahoma Highway 5 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line; (10) *houses*, except knocked-down houses, between points in that part of Nebraska on and west of U.S. Highway 183 on the one hand, and, on the other, points in Oklahoma; (11) *houses*, except knocked-down houses, between points in New Mexico, on the one hand, and, on the other, points in that part of

Nebraska on and west of U.S. Highway 183.

(12) *Portable houses and buildings*, except knocked-down houses, between points in that part of New Mexico on and south of U.S. Highway 66, and on and north of a line beginning at San Jon, N. Mex., thence along New Mexico Highway 39 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction New Mexico Highway 88, thence along New Mexico Highway 88 to junction New Mexico Highway 330, thence along New Mexico Highway 330 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line, on the one hand, and, on the other, points in that part of Colorado on and east of a line beginning at the Colorado-Nebraska State line, thence along Colorado Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Colorado Highway 59, thence along Colorado Highway 59 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Oklahoma-Colorado State line; (13) *portable houses and buildings*, except knocked-down houses, between points in that part of New Mexico on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 66 to San Jon, N. Mex., thence along New Mexico Highway 39 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction New Mexico Highway 88, thence along New Mexico Highway 88 to junction New Mexico Highway 330, thence along New Mexico Highway 330 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line, on the one hand, and, on the other, points in that part of Colorado on and east of a north and south line drawn through Brush, Colo.

(14) *Portable houses and buildings*, except knocked-down houses, between points in that part of New Mexico on and bounded by a line beginning at San Jose, N. Mex., thence along New Mexico Highway 39 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 85, thence along U.S. Highway 85 to Albuquerque, N. Mex., thence along U.S. Highway 66 to San Jose, N. Mex.; points on a line beginning at Milan, N. Mex., thence along New Mexico Highway 53 to junction New Mexico Highway 509, thence along New Mexico Highway 509 to Ambrosia; points on a line beginning at the junction of U.S. Highway 66 and New Mexico Highway 279 to its second junction with U.S. Highway 66; points on a line beginning at the junction of U.S. Highway 66 and New Mexico Highway 40, thence along New Mexico Highway 40 to Jemez Pueblo, N. Mex., on the one hand, and, on the other, points in that part of Colorado on and east of a line beginning at the Nebraska-Colorado State line thence along Colorado Highway 59 to junction

Colorado Highway 57, thence along Colorado Highway 57 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Colorado-Oklahoma State line; (15) *houses*, except knocked-down houses, between points in that part of Texas on, east, and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Mexico-Texas International boundary line, on the one hand, and, on the other, points in Colorado.

(16) *Houses*, except knocked-down houses, between points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 83 thence along U.S. Highway 83 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Mexico International boundary line, on the one hand, and, on the other, points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction Interstate Highway 25 thence along Interstate Highway 25 to junction Colorado Highway 96, thence along Colorado Highway 96 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 13, thence along Colorado Highway 13 to junction Colorado Highway 318, thence along Colorado Highway 318 to the Colorado-Wyoming State line; (17) *houses*, except knocked-down houses, between points in Oklahoma (except Cimarron County, Okla.), on the one hand, and, on the other, points in Colorado.

(18) *Houses*, except knocked-down houses, between points in that part of Colorado on, and east, of a line beginning at the Colorado-Oklahoma State line, thence along Colorado Highway 59 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 40 and Interstate Highway 70, thence along U.S. Highway 40 and Interstate Highway 70 to Limon, Colo., and on, north, and west of a line beginning at Limon, Colo., thence along Interstate Highway 70 to junction Colorado Highway 86, thence along Colorado Highway 86 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Colorado Highway 67, thence along Colorado Highway 67 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 291, thence along Colorado Highway 291 to junction Colorado Highway 112, thence along Colorado Highway 112 to junction U.S. Highway 160, thence

along U.S. Highway 160 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in Cimarron County, Okla.; (19) *houses*, except knocked-down houses, between points in New Mexico, on the one hand, and, on the other, points in Nebraska.

(20) *Houses*, except knocked-down houses, between points in that part of New Mexico on and south of U.S. Highway 66 and on and north of a line beginning at San Jon, N. Mex., thence along New Mexico Highway 39 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction New Mexico Highway 88, thence along New Mexico Highway 88 to junction New Mexico Highway 330, thence along New Mexico Highway 330 to junction U.S. Highway 70, thence along U.S. Highway 70 to the New Mexico-Arizona State line, on the one hand, and, on the other points in that part of Colorado on and east of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Colorado Highway 59, thence along Colorado Highway 59 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Oklahoma State line; (21) *houses*, except knocked-down houses, between points in that part of New Mexico on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 66 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction New Mexico 18, thence along New Mexico Highway 18 to junction New Mexico Highway 88, thence along New Mexico Highway 88 to junction New Mexico Highway 330, thence along New Mexico Highway 330 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line, on the one hand, and, on the other, points in that part of Colorado on and east of a north and south line drawn through Brush, Colo.

(22) *Houses*, except knocked-down houses, between points in that part of New Mexico on and bounded by a line beginning at San Jose, N. Mex., thence along Colorado Highway 39 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 85, thence along U.S. Highway 85 to Albuquerque, N. Mex., thence along U.S. Highway 66 to San Jose, N. Mex., points on a line beginning at Milan, N. Mex., thence along New Mexico Highway 53 to junction New Mexico Highway 509, thence along New Mexico Highway 509 to Ambrosia; points on a line beginning at the junction of U.S. Highway 66 and New Mexico Highway 279, thence along New Mexico Highway 279 to its second junction with U.S. Highway 66; points on a line beginning at the junction of U.S. Highway 66 and New Mexico High-

way 279, thence along New Mexico Highway 279 to its second junction with U.S. Highway 66; points on a line beginning at the junction of U.S. Highway 66 and New Mexico Highway 40, thence along New Mexico Highway 40 to Jemez Pueblo, on the one hand, and on the other, points in that part of Colorado on and east of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 59 to junction Colorado Highway 57, thence along Colorado Highway 57 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Colorado-Oklahoma State line;

(23) *Houses*, except knocked-down houses, between points in that part of New Mexico on and east of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 66 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 18, New Mexico Highway 18 to the New Mexico-Texas State line, on the one hand, and, on the other, points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 160 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line;

(24) *Houses*, except knocked-down houses, between points in that part of New Mexico bounded by a line beginning at Grady, N. Mex., thence along New Mexico Highway 18 to junction New Mexico Highway 88, thence along New Mexico Highway 88 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 20, thence along New Mexico Highway 20 to junction U.S. Highway 285 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to the points of beginning, on the one hand, and, on the other, points in that part of Colorado north and east of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 160 to Kim, Colo., thence along Colorado Highway 109 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 52, thence along Colorado Highway 52 to junction Colorado Highway 110, thence along Colorado Highway 110 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 84, thence along Colorado Highway 84 to junction Colorado Highway 131, thence along Colorado Highway 131 to the Colorado-Wyoming State line,

(25) *Houses*, except knocked-down houses, between points in that part of New Mexico on, and bounded by a line

beginning at the New Mexico-Texas State line, thence north along New Mexico Highway 18 to Hobbs, N. Mex., thence south along U.S. Highway 62 via Carlsbad, N. Mex. to the Texas-New Mexico State line, on the one hand, and, on the other, points in that part of Colorado on, east and north of a line beginning at the Colorado-Oklahoma State line, thence along U.S. Highway 287 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 109, thence along Colorado Highway 109 to junction U.S. Highway 50, thence along

U.S. Highway 50 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction Colorado Highway 94, thence along Colorado Highway 94 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 325, thence along Colorado Highway 325 to junction Colorado Highway 131, thence along Colorado Highway 131 to the Colorado-Wyoming

State line. The purpose of the filing in (B) above is to eliminate the gateway of points in that part of Kansas west and south of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 283 to Dodge City, Kansas, thence along U.S. Highway 50 to the Kansas-Colorado State line.

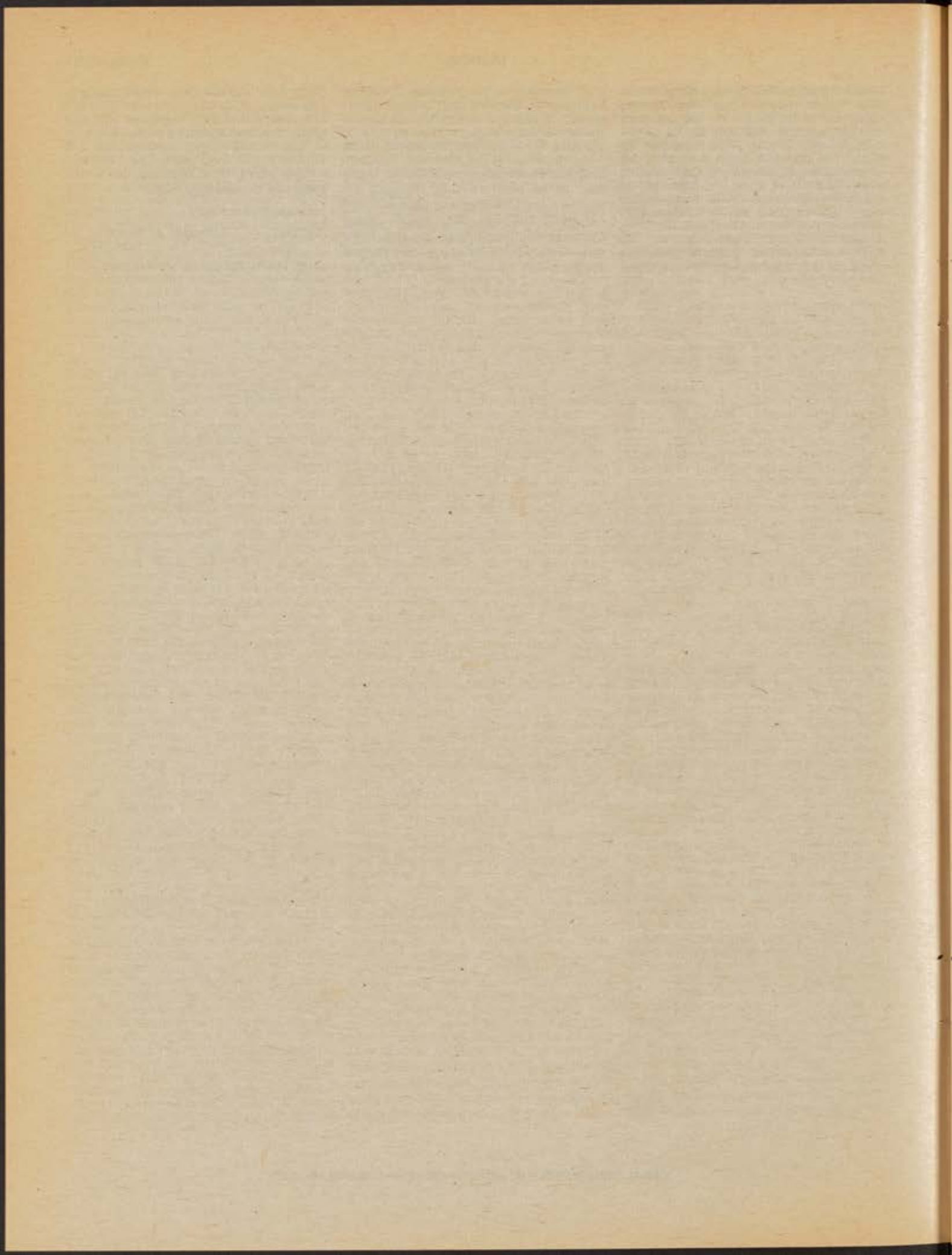
By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-7885 Filed 3-25-75;8:45 am]

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federal register

WEDNESDAY, MARCH 26, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 59



PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance
Administration



NATIONAL FLOOD INSURANCE PROGRAM

Proposed Criteria

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Parts 1909, 1910, 1911, 1914, 1915, 1917]

[Docket No. R-75-324]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Criteria

Pursuant to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001-4128, effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended by sections 408-410 of the Housing and Urban Development Act of 1969 (Pub. L. 91-152, December 24, 1969), the Flood Disaster Protection Act of 1973 (87 Stat. 980), section 816 of the Housing and Community Development Act of 1974 (87 Stat. 975), and the Secretary's Delegation of Authority to the Federal Insurance Administrator dated February 27, 1969 (34 FR 2680), as amended January 24, 1974 (39 FR 2787), the Federal Insurance Administrator is considering the revision of Parts 1909, 1910, 1911, 1914, 1915, and 1917 as set forth below. The revisions, which are based on experience gained in the operation of the program, set forth revised criteria for flood plain management required in connection with the National Flood Insurance Program and related changes based on those revisions.

Section 1361 of the National Flood Insurance Act of 1968 requires the Federal Insurance Administrator to develop comprehensive criteria designed to encourage, where necessary, the adoption of adequate state and local measures which, to the maximum extent feasible will: (1) Constrict the development of land which is exposed to flood damage where appropriate, (2) guide the development of proposed construction away from locations which are threatened by flood hazard, (3) assist in reducing damage caused by floods, and (4) otherwise improve the long-range land management and use of flood-prone areas, and he shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of such criteria and the adoption and enforcement of such measures.

A. BACKGROUND

1. Description of program and program limits. (a) The National Flood Insurance Program was enacted by the Congress in 1968 as a means of making flood insurance, which was previously unavailable from the private insurance industry, available at reasonable rates through a joint Government-Industry program, within communities that meet eligibility requirements by adopting certain flood plain management regulations, consistent with Federal criteria, to reduce or avoid flooding in connection with future construction in their flood plains.

(b) The program is highly subsidized and seeks in its early stages to assure wiser future flood plain management

rather than to obtain adequate premiums for the coverage provided. However, flood insurance for buildings constructed within identified special flood hazard areas after December 31, 1974 (or the effective date of the initial Flood Insurance Rate Map, whichever is later), can only be made available at actuarial rather than the subsidized premium rates. Such rates can be prohibitively expensive unless the buildings are properly elevated or floodproofed to lessen flood damage.

(c) Communities entering the National Flood Insurance Program generally do so in two phases. They first become eligible for the sale of flood insurance in the Emergency Program, under which only half of the program's total limits of coverage are available and all such insurance is sold at subsidized premium rates. After the flood insurance rate study has been completed, a community enters the Regular Program under which full limits of coverage are available.

(d) Under the Regular Program, buildings constructed on or before December 31, 1974 (or the effective date of the initial rate map, if later) as well as those located outside of the special flood hazard areas, remain eligible for the first half of available coverage (known as "first layer" coverage) at either subsidized rates or actuarial rates, whichever are cheaper. All other buildings can only be insured at actuarial rates on both layers of coverage.

(e) Regardless of date of construction, actuarial rates are always required for the second layer of coverage.

(f) Present limits of coverage under the Emergency Program (except in Alaska, Hawaii, the Virgin Islands and Guam) are \$35,000 on single family dwellings and \$100,000 on all other types of buildings, with \$10,000 per unit available for residential contents, and \$10,000 per building available for nonresidential contents. In Alaska, Hawaii, the Virgin Islands, and Guam, limits on residential structure coverage under the Emergency Program are \$50,000 on single-family dwellings and \$150,000 on buildings containing more than one unit.

(g) Present limits of coverage under the Regular Program are double those indicated in paragraph (f) for the Emergency Program.

(h) The regulations governing the National Flood Insurance Program are set forth in title 24 of the Code of Federal Regulations, Chapter 10, Subchapter B, commencing at Part 1909. Specific information on insurance coverage and rates is set forth in 24 CFR Part 1911, as amended.

2. Community eligibility and special flood hazard area identifications. (a) Once a community has met eligibility requirements for the Emergency Program and has submitted a copy of its preliminary flood plain management regulations, the Federal Insurance Administration arranges for the sale of flood insurance within the community in less than two weeks (normally, within 6 working days).

The eligibility date for a particular community is always published in the FEDERAL REGISTER, indexed both under HUD and under Federal Insurance Administration.

(b) Similarly, lists of communities with newly identified special flood hazard areas are regularly published in the FEDERAL REGISTER under 24 CFR Part 1915 in advance of the effective date of the identification. However, the maps showing the boundaries of such areas are not published in the FEDERAL REGISTER and must be obtained or verified as indicated in item 3, below.

(c) In addition to publication in the FEDERAL REGISTER, daily notifications are made to HUD regional offices and to National Flood Insurers Association (NFIA) servicing companies of changes in community status within their areas. Monthly lists of all eligible communities, indicating the dates of all hazard area identifications, are published in booklet form about the 15th of each month (with information current as of the end of the previous month) and are widely distributed to agencies having an interest in the flood insurance program. However, because of printing and mail delivery time lags, the published lists available at any given time may be as much as a month old. To ascertain whether a community not listed in this booklet has been subsequently identified as flood-prone, an inquiry may be made to the NFIA Servicing Company in the appropriate state or by calling the FIA toll free numbers 800-424-8872 or 800-424-8873.

(d) It is not the intent of the program to require the purchase of flood insurance for buildings located outside the curvilinear flood line and where the first floor elevations are above the base flood level. Consequently, after the publication of flood maps, the Administrator may issue amendments to the maps correcting technical mapping deficiencies.

3. Where to obtain insurance policies, maps, and program information.

(a) Insurance policies under the National Flood Insurance Program are obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIA servicing company for the State (see paragraph (c) below).

(b) The Flood Hazard Boundary Maps are the first maps prepared in the identification process. These indicate the locations of identified special flood hazard areas and are always maintained on file within each eligible community in a repository designated by the mayor or chief executive officer, usually the building inspector's office or the city clerk's office. The address of such repository is published in the FEDERAL REGISTER at 24 CFR Part 1914. The Flood Insurance Rate Maps are issued later following a detailed study of the flood hazard area. The maps delineate degrees of flood hazard and include more precise area identification.

(c) Maps, literature, and policy application forms and manuals are available from any NFIA servicing company. The servicing companies are also

equipped to answer questions on eligibility of communities, scope of coverage, and maximum amounts of insurance available with respect to particular types of buildings.

(d) Questions that cannot be answered by individual agents or brokers or by the appropriate servicing company are referred to the National Flood Insurers Association, 160 Water Street, New York, New York 10038, telephone (212) 487-4641; to the nearest HUD regional office; or the Federal Insurance Administration, HUD, Washington, D.C. (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

(e) Copies of statutes, program regulations, and community eligibility application forms are obtained from HUD regional offices or directly from the Federal Insurance Administration in Washington. The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the program.

The term Federal or Federally-related financial assistance includes not only loans, grants, guarantees, and similar forms of direct and indirect assistance from Federal agencies, such as FHA or VA mortgage insurance, but also any similar forms of assistance including conventional mortgage loans, from federally-insured or regulated lending institutions, such as banks, savings and loan associations, and credit unions.

Acquisition or construction purposes include all forms of construction, reconstruction, repair, or improvement to real estate, whether or not the value of the building is enhanced, and the flood insurance purchase requirement applies to both private and public recipients.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazard areas have been identified. However, after July 1, 1975, or one year after a community has been formally notified of the identification of a special flood hazard area within its boundaries, whichever is later, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program and flood insurance has been purchased.

B. DISCUSSION OF PROPOSED REVISION OF PRESENT PARTS 1909-1917

The discussion which follows highlights significant changes. While not an exhaustive outline it has been prepared for the convenience of the public by reference to parts, subparts and sections in the following order: Part 1909 (general provisions), Part 1910 (criteria for land management and use), Part 1911 (insurance coverage and rates), Part 1914 (areas eligible for the sale of insurance), Part 1915 (identification of

special hazard areas), and Part 1917 (appeals from flood elevation determinations and judicial review).

PART 1909

Technical and substantive changes have been made in Part 1909.

SUBPART A—GENERAL

Section 1909.1 *Definitions*. New definitions added or amendments to existing regulations include the following:

Area of special flood-related erosion hazard; area of special flood hazard; area of special mudslide (i.e. mudflow) hazard; base flood level; community; contents coverage; curvilinear line; erosion area; erosion area having special erosion hazards; erosion area management; exception; existing construction; first layer coverage; flood elevation determination; flood elevation study; flood plain management regulations; habitable floor; limits of coverage; maps; mean sea level; mobile home park; new construction; participating community; regular program; second layer coverage; servicing company; state coordinating agency; storm cellar; structure coverage; subsidized rates; and variance.

Section 1909.2 *Description of program*. This section has been revised to reflect changes made necessary because of the Flood Disaster Protection Act of 1973.

Section 1909.3 *Emergency program*. This section remains substantially unchanged.

SUBPART B—ELIGIBILITY REQUIREMENTS

Section 1909.22 *Prerequisites for the sale of Flood Insurance*. This section has been substantially revised to eliminate certain administrative requirements as a condition of participation in the program, and to make clear that full cooperation of the community is necessary in order to provide, on an updated and continuing basis, information concerning flood plain management within the community.

Section 1909.23 *Priorities for the sale of flood insurance under the regular program*. This section is substantially unchanged.

Section 1909.24 *Suspensions of community eligibility*. This section revises and clarifies the procedure by which the Federal Insurance Administrator suspends a community because of its failure to adequately adopt or enforce local flood plain management regulations.

PART 1910—CRITERIA FOR LAND MANAGEMENT AND USE

SUBPART A—REQUIREMENTS FOR FLOOD PLAIN MANAGEMENT REGULATIONS

Section 1910.1 *Purpose of subpart*. This section remains substantially the same.

Section 1910.3 *Required flood plain management regulations for flood-prone areas*. New additions include the following:

1. In accordance with § 1910.3(b)(3), prior to the time that the Administrator has formally determined 100-year flood

elevations for a particular community, a community must consider and utilize any available 100-year flood elevation data as criteria for administering the flood plain management regulations adopted by the community.

2. In accordance with § 1910.3(c)(6), the standards contained within specified sections of the U.S. Army Corps of Engineers publication entitled "Flood-Proofing Regulations" must be required by a community for the floodproofing of new construction and substantial improvements of non-residential structures located within special flood hazard areas. Furthermore, pursuant to § 1910.3(c)(7), a community must require, for each structure which is floodproofed, a certification by a registered professional engineer or architect attesting that the floodproofing methods utilized are reasonably adequate for the structure to withstand the 100-year flood, and all such certificates must be kept on file by the community in order that the structure may be the subject of a lower actuarial flood insurance rate.

3. In accordance with §§ 1910.3(c)(9) and 1910.3(c)(10), a distinction is made between new and existing mobile home parks located within special flood hazard areas. For new parks, specific standards are required for elevation of mobile homes to the 100-year flood level. For mobile homes moving into existing parks where concrete pads, streets and utility connections are in existence, elevation of mobile homes is not required, but full disclosure must be given to all new mobile home purchasers that the mobile home is being located in a special flood hazard area, and an evacuation plan must be filed with Disaster Preparedness Authorities. Furthermore, pursuant to §§ 1910.3(d)(7) and 1910.3(e)(6), the location of any new mobile home park is prohibited within any designated floodway and coastal high hazard area.

4. In accordance with §§ 1910.3(b)(5) and 1910.3(c)(12), riverine communities must submit to the Administrator evidence of coordination with concerned communities if any development, fill, encroachments or alteration or relocation of a watercourse may adversely affect such upstream, downstream, or adjacent communities.

5. In accordance with § 1910.3(e)(5), the use of fill for structural support is prohibited within any designated coastal high hazard area.

Section 1910.4 *Required flood plain management regulations for mudslide (i.e., mudflow) areas*. This section has been revised to add specific standards with respect to new development within mudslide (i.e., mudflow) areas, in order to replace the reliance within the existing section on the provisions of the Uniform Building Code.

Section 1910.5 *Required flood plain management regulations for flood related erosion areas*. This section completely revises present § 1910.5, the substance of which is now included in § 1910.6. The new section adds specific

standards with respect to new development within flood-related erosion areas. The primary standard is a setback requirement permitting suitable open space uses within identified special flood-related erosion hazard areas.

Section 1910.6 *Variations and exceptions because of local conditions.* This section completely revises present § 1910.6, the substance of which is now included in § 1910.7. New additions include the following:

1. In accordance with § 1910.6(a), specific standards are included with respect to variances which a community may grant from the terms of its adopted flood plain management regulations. A community may consider the granting of a variance for new structures to be located on a lot of one-half acre or less in size where the lot is surrounded by existing structures constructed below the flood protection elevation, and for the restoration or reconstruction of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. A variance may only be issued after the community has assured that a notice will be inserted within the real property title records stating that the structure for which a variance has been granted is located in a flood-prone area and that actuarial flood insurance rates commensurate with the risk involved apply to the property. Furthermore, a community is required to notify the Administrator in writing of the issuance and justification for any variance which has been granted, and a copy of such notification should be sent to the applicable State Coordinating Agency.

2. In accordance with § 1910.6(b), specific standards are included with respect to exceptions which the Administrator may grant to a community for the adoption of flood plain management regulations which vary from the standards within §§ 1910.3, 1910.4 or 1910.5. A type of exception permitted only after the Administrator has concurred with the community's justification for the exception, is the allowance for local flood plain management regulations to permit basements and/or storm cellars below the 100-year flood level for residential structures located in special flood hazard areas. Specifications are required for the design of any such basements and storm cellars, and if the community is granted the exception it may only permit a basement or storm cellar after conforming to the specified variance procedures.

SUBPART B—ADDITIONAL CONSIDERATIONS MANAGING FLOOD-PRONE, MUDSLIDE (I.E., MUDFLOW)-PRONE AND FLOOD-RELATED EROSION-PRONE AREAS

Section 1910.21 *Purpose of this subpart.* This section is substantially unchanged.

Section 1910.22 *State and local development goals.* This section is substantially unchanged.

Section 1910.23 *Planning considerations for flood-prone areas.* This section adds several new planning considerations to those stated in the existing section.

The most important of the additions is a requirement for taking human safety into consideration in planning for flood-prone areas.

Section 1910.24 *Planning considerations for mudslide (i.e., mudflow)-prone areas.* This section has been revised to include certain additional factors in planning for mudflow-prone areas.

Section 1910.25 *Planning considerations for flood-related erosion-prone areas.* This section completely revises present § 1910.25, the substance of which is now included in § 1910.26. The new section adds planning considerations for flood-related erosion.

Section 1910.26 *State Coordination.* This new section incorporates the substance of present § 1910.25, and adds additional objectives to ensure administrative support of the program by State Coordinating Agencies.

PART 1911—INSURANCE COVERAGE AND RATES

Section 1911.1 The language of present section has been incorporated fully in § 1909.1 of the revised regulations.

Section 1911.4 *Limitations on coverage.* This section has been revised to clarify certain limitations with respect to the types of risk covered by the Standard Flood Insurance Policy.

Section 1911.5 *Special terms and conditions.* This section has been revised to reflect certain administrative decisions as to the types of property excluded from coverage.

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Section 1914.1 *Purpose of part.* This section remains substantially unchanged.

Section 1914.2 *Flood Insurance Maps.* This section has been completely revised in order to reflect technical changes in the identification of special hazard areas.

Section 1914.3 *Procedures under the emergency and regular programs.* This section remains substantially the same.

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Section 1915.1 *Purpose of part.* This section remains substantially unchanged.

Section 1915.2 The present section is deleted.

Section 1915.3 *List of communities with special hazard areas.* This section is substantially unchanged.

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Section 1917.3 *Establishment and maintenance of a flood elevation determination.* This section remains substantially unchanged.

Section 1917.11 *Rates during pendency of final determination.* This section has been revised to clarify the effective date of a Flood Insurance Rate Map.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area

affected and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410. The period for comment has been extended to 60 days because of the extensive changes in the proposed regulations. All communications received on or before May 26, 1975, will be considered by the Administrator before taking action on the proposal. In addition, public hearings on the provisions of the proposed regulations will be conducted after the period for comment has closed. The public hearings will be conducted in Washington, D.C., Miami, Florida, New Orleans, Louisiana, Kansas City, Missouri and Los Angeles, California. Those persons desiring to make oral presentations will be given an opportunity to do so in accordance with the notice of hearing to be published in the FEDERAL REGISTER. The proposals contained in this notice may be changed in the light of comments received. A copy of each written submission will be available for public inspection during business hours at the above address.

Additionally, a draft Environmental Impact Statement concerning this proposed rule was filed with the Council of Environmental Quality (39 FR 43419), and additional comments concerning that statement are welcome in conjunction with comments on the proposed rule.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1909—GENERAL PROVISIONS

Subpart A—General

§ 1909.1 [Amended]

1. By revising § 1909.1 by amending certain definitions and adding in alphabetical sequence certain new definitions as follows:

As used in this subchapter—

"Accounting period" means any annual period during which the agreement is in effect, commencing on July 1 and ending on June 30. Each accounting period under the agreement applies separately to all policies issued under the program during the time period.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. § 4001-4128.

"Actuarial rates" are those rates established by the Administrator pursuant to individual community flood level studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and with accepted actuarial principles. Actuarial rates also include provisions for operating costs and allowances. Subject to other limitations, actuarial rates are applicable only after the effective date of the Flood Insurance Rate Map (FIRM).

"Actuarial rate zone" means a zone identified on a Flood Insurance Rate Map (FIRM) as subject to a specified degree to flood, mudslide (i.e., mudflow) or flood-related erosion hazards, to

which a particular set of actuarial rates applies.

"Administrator" means the Federal Insurance Administrator, to whom the Secretary has delegated the administration of the program (34 FR 2680-81, February 27, 1969, as amended 39 FR 2787, January 24, 1974).

"Affiliates" means two or more associated business concerns which are or can be directly or indirectly controlled by one or more of the affiliates or by a third party.

"Agreement" means the contract entered into for any accounting period by and between the Administrator and the Association whereby the Association will provide policies of flood insurance under the program within designated areas and will adjust and pay claims for losses arising under such policies. The agreement is renewed automatically with respect to each subsequent accounting period unless either the Administrator or the Association gives the other written notice of intention to terminate on or before January 31 of the then current accounting period.

"Applicant" means a community which indicated a desire to participate in the National Flood Insurance Program.

"Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. Under the Emergency Program, it may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone E may be further refined. Under the Regular program, no new construction or substantial improvement can be insured in the special flood-related erosion hazard area at other than actuarial rates for both layers of flood insurance available.

"Area of special flood hazard" is the land within a community in the flood plain, which is subject to a one percent chance of flooding annually. Under the Emergency Program, it is usually designated as Zone A on the Flood Hazard Boundary Map (FHBM). After the detailed "Flood elevation study" of the special flood hazard area has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A may be segmented by refinement into Zones A, AO, A1-30, and V (V1-V30). Under the Regular program no new construction or substantial improvement can be insured in the special flood hazard area at other than actuarial rates for both layers of flood insurance available.

"Area of special mudslide (i.e., mudflow hazard)" is the land within a community which is most likely to be subject to severe mudslides (i.e., mudflows). Under the Regular Program, it is designated as Zone M, may be further refined, and no new construction or substantial improvement can be insured in the special mudslide (i.e., mudflow) hazard area at other than actuarial rates for both layers of flood insurance available.

"Association" means the National Flood Insurers Association and, as the context may indicate, the insurance pool composed of two or more of its members or any member acting for or on behalf of the Association under the agreement.

"Base flood level" or "elevation" is that elevation at all locations at which there is a one percent chance of annual flood occurrence.

"Chargeable rates" or "subsidized rates" are the rates established by the Administrator which involve financing by the Federal Government to encourage the purchase of first layer limits of flood insurance on existing structures at a reasonably affordable cost.

"Coastal high hazard area" means the portion of a flood plain having special flood hazards that is subject to high velocity waters, including hurricane wave wash and tsunamis.

"Community" means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or organization, for which an application for participation in the National Flood Insurance program is made and which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Contents coverage" is the insurance on personal property within an enclosed structure, including the cost of debris removal. Personal property may be household goods usual and incidental to residential occupancy or merchandise, furniture, fixtures, machinery, equipment and supplies usual to other than residential occupancies.

"Criteria" means the comprehensive criteria for land management and use developed under 42 U.S.C. 4102 for the purposes set forth in §§ 1910.21 and 1910.1 of this subchapter.

"Curvilinear Line" means the border on either a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that delineates the special flood hazard area and consists of a curved line or contour line that follows the topography.

"Deductible" means the fixed amount or percentage of any loss not covered by insurance. The amount of the deductible must be exceeded before insurance coverage takes effect.

"Department" means the U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

"Eligible community" or "participating community" means a community in which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

"Emergency Flood Insurance Program" or "emergency program" means the Program as implemented on an emergency basis without individual community rate-making studies in accordance with 42 U.S.C. 4056. It is intended as a program to provide a first layer amount of insurance at federally-subsidized rates on all existing and new construction begun prior to the effective date of a Flood Insurance Rate Map (FIRM).

"Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding. Therefore; the use of the word "erosion" within this subchapter shall mean flood-related erosion.

"Erosion area" or "erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Erosion area having special erosion hazards" means an erosion area with a high potential for flood-related erosion.

"Erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and flood plain management regulations.

"Exception" means a waiver from the provisions of Part 1910 of this subchapter B directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

"Existing construction" for the purposes of determining rates, means those structures in existence or on which construction or substantial improvement was started on or before December 31, 1974, or the effective date of the Flood Insurance Rate Map (FIRM), whichever is later. For the purposes of flood plain management regulations requirements, existing construction means those structures in existence or on which construction or substantial improvement was started prior to the effective date of a flood plain management regulation adopted by a community. "Existing construction" may also be referred to as "existing structures."

"First-layer coverage" is the maximum amount of structural and contents insurance coverage available under the Emergency Program (i.e., one-half the maximum amount of insurance available under the Regular Program).

"Flood" or "Flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of

water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1(a) above.

"Flood elevation determination" means a determination by the Administrator of the level of the 100-year flood; that is, the level of flooding that has a one percent chance of occurring during any given year.

"Flood elevation study" or "Flood Insurance Study" means a scientific examination, evaluation and determination of flood hazards and corresponding water surface elevations, or a scientific examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood Hazard Boundary Map" (FHBM) means an official map or plat of a community, issued or approved by the Administrator, on which the boundaries of the flood plain, mudslide (i.e., mudflow) and/or flood-related erosion areas having special hazards have been drawn.

"Flood insurance" means the insurance coverage provided under the program.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Administrator has delineated the area in which flood insurance may be sold under the regular flood insurance program and the actuarial rate zones applicable to such area.

"Flood plain" or "flood-prone area" means any normally dry land area that is susceptible to being inundated by water from any source (see definition of flooding).

"Flood plain area having special flood hazards" means that maximum area of the flood plain that, on the average, is likely to be flooded once every 100-years (i.e., that has a 1-percent chance of flood occurrence in any given year).

"Flood plain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances such as a flood plain ordinance, grading ordinance and erosion control ordinance, and other applications and extensions of the normal police power. The term describes such legally-enforceable regulations, in any combination thereof, which provide standards for the control of the use and occupancy of flood-prone, mudslide (i.e., mudflow)-prone and/or flood-related erosion-prone areas.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water

and sanitary facilities, structures, and contents of buildings.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water-surface elevation more than one foot at any point.

"Floodway encroachment lines" means the lines marking the limits of floodways on official Federal, State, and local flood plain maps.

"Habitable Floor" means any floor used for living, which includes working, sleeping, eating, cooking or recreation, or combination thereof. A floor used only for storage purposes is not a Habitable Floor.

"Insurance adjustment organization" means any organization or person engaged in the business of adjusting loss claims arising under insurance policies issued by an insurance company or other insurer.

"Insurance company" or "insurer" means any person or organization authorized to engage in the insurance business under the laws of any State.

"Limits of coverage" are the maximum amounts of structural and contents flood insurance coverage available under either the Emergency or Regular Program.

"Maps" are the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) published by the Federal Insurance Administration.

"Mean sea level" means the average height of the sea for all stages of the tide over a nineteen year period, usually determined from hourly height observations on an open coast or in adjacent waters having free access to the sea.

"Mobile home park" means a parcel (or contiguous parcels) of land which has been so designated and improved that it contains two or more mobile home lots available to the general public for rent or sale and the placement thereon of mobile homes for occupancy.

"Mudslide" (i.e., mudflow) describes a condition where there is actually a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation, usually preceded by a period of unusually heavy or sustained rain, of water on or under the ground. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by FIA, only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

"Mudslide (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

"Mudslide (i.e., mudflow) area having special mudslide hazards" means a mudslide (i.e., mudflow) area with a high potential for mudslides (i.e., mudflow).

"Mudslide (i.e., mudflow) area management" means the operation of an overall program of corrective and preventive measures for reducing mudslide

(i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

"National Flood Insurers Association" is the Association sponsoring the industry flood insurance pool formed in accordance with sections 1331 and 1332 of the Act (see "Agreement" and "Association"). The association headquarters is currently located at 160 Water Street, New York, New York 10038.

"New construction," for purposes of determining rates, means those structures the construction or substantial improvement of which is begun after December 31, 1974, or the effective date of the Flood Insurance Rate Map (FIRM), whichever is later. New construction, for the purposes of determining rates, also means those mobile homes within mobile home parks for which construction has started after December 31, 1974, or the effective date of the Flood Insurance Rate Map (FIRM), whichever is later, and which are located within a new mobile home park, an expansion to an existing mobile home park, or within an existing mobile home park where the repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced. New construction, for the purposes of flood plain management regulations, means construction started after the effective date of a flood plain management regulation adopted by a community.

"100-year flood" means a flood event having a one percent chance of occurrence in any given year.

"Participating community", also known as an "eligible community", means a community in which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof.

"Policy" means the Standard Flood Insurance Policy.

"Policyholder premium" means the total insurance premium payable by the insured for the coverage or coverages provided under the policy. The calculation of the policyholder premium may be based upon either chargeable rates or actuarial rates, or a combination of both.

"Program" means the overall National Flood Insurance Program authorized by 42 U.S.C. 4001-4128.

"Regular Program" means the Regular Flood Insurance Program as authorized by the Act under which buildings constructed on or before December 31, 1974 (or before the effective date of the rate map, if later), as well as those located outside of the special flood hazard areas, remain eligible for the first half of available coverage (known as "first layer" coverage) at either subsidized

rates or actuarial rates, whichever are lower. All other buildings require actuarial rates on both layers of coverage. Regardless of date of construction, actuarial rates are always required for the second layer of coverage, which is made available upon the effective date of the Flood Insurance Rate Map (FIRM).

"Second layer coverage" is the increased coverage, over the first layer, available only under the Regular Program at actuarial rates.

"Secretary" means the Secretary of Housing and Urban Development.

"Servicing company" means the insurance company which represents the National Flood Insurers Association and handles the issuance and servicing of all policies under the National Flood Insurance Program for the particular community.

"Standard Flood Insurance Policy" means the flood insurance policy promulgated by the Federal Insurance Administration and issued by the National Flood Insurers Association.

"Start of construction" means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation for sites other than mobile home parks, or the affixing of any prefabricated structures to its permanent site. For mobile home parks which are equipped with concrete pads on which mobile homes are to be placed, "start of construction" means the time at which the pouring of the pads has begun. For mobile home parks which are not equipped with concrete pads, "start of construction" means the date on which the installation of utilities and final site grading are completed, and all park roads are completed and paved.

"State" means the several States, the District of Columbia, the territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands.

"State coordinating agency" means the agency of the state government designated by the Governor of the state at the request of the Administrator to coordinate the flood insurance program in that state.

"Storm cellar" means a room below grade, the total area of which is large enough only to accommodate the occupants of the structure as a means of temporary shelter against severe tornado and similar wind storm activity.

"Structure" means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a mobile home on foundation. The term includes a building while in the course of construction, alteration or repair, but does not include building material or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

"Structure coverage" is insurance on a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a mobile home on foundation. The words "structure" and "building" have identical meanings for the purposes of the National Flood Insurance Program.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. The term does not include any repair, reconstruction, or improvement of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Subsidized rates," or "chargeable rates" are the rates established by the Administrator which involve subsidization by the Federal Government to encourage the purchase of first layer limits of flood insurance on existing structures at a reasonably affordable cost.

"Variance" means a grant of relief by a community to a person from the terms of a flood plain management regulation permitting construction in a manner otherwise prohibited by the regulation where specific enforcement would result in unnecessary hardship.

"Water surface elevation" means the heights in relation to Mean Sea Level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the flood plains of coastal or riverine areas.

2. By revising § 1909.2 to read as follows:

§ 1909.2 Description of program.

(a) The National Flood Insurance Act of 1968 was enacted by Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448, August 1, 1968) to provide previously unavailable flood insurance protection to property owners in flood-prone areas. Mudslide (as defined in § 1909.1 of this subpart) protection was added to the program by the Housing and Urban Development Act of 1969 (Pub. L. 91-152, December 24, 1969). Erosion (as defined in § 1909.1 of this subpart) protection was added to the program by the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31,

1973). The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving Federal or Federally-related financial assistance for acquisition or construction purposes with respect to structures within an identified special flood, mudslide (i.e., mudflow), or flood-related erosion hazard area that is located within any community participating in the program. The Act also requires that on and after July 1, 1975, or one year after a community has been formally notified of its identification as a community containing one or more special flood, mudslide (i.e., mudflow), or flood-related erosion hazard areas, no Federal or Federally-related financial assistance for acquisition or construction purposes shall be provided for structures within such an area unless the community in which the area is located is then participating in the program. The program operates through an insurance industry pool under the auspices of the National Flood Insurers Association by means of a Federal subsidy to make up the difference between actuarial rates and the rates actually charged to consumers for the protection provided.

(b) To qualify for the sale of federally-subsidized flood insurance, a community must adopt and submit to the Administrator as part of its application flood plain management regulations, consistent with subpart A of Part 1910 of this subchapter, and designed to reduce or avoid future flood, mudslide (i.e., mudflow) or flood-related erosion damages. These regulations must include effective enforcement provisions.

(c) [Reserved].

(d) Minimum requirements for adequate flood plain management regulations are set forth in § 1910.3 of this subchapter for flood-prone areas, in § 1910.4 of this subchapter for mudslide (i.e., mudflow) areas and in § 1910.5 of this subchapter for flood-related erosion areas. Each community must meet the applicable requirements and standards which are based on the amount of technical information available to the community, unless the community is granted an exception in accordance with § 1910.6 (b) of this subchapter.

3. By revising § 1909.3 to read as follows:

§ 1909.3 Emergency program.

The 1968 Act required a ratemaking study to be undertaken for each community before it could become eligible for the sale of flood insurance. Since this requirement resulted in a delay in providing insurance, the Congress, in section 408 of the Housing and Urban Development Act of 1969 (Pub. L. 91-152, December 24, 1969), established an Emergency Flood Insurance Program as a new section 1336 of the National Flood Insurance Act (42 U.S.C. 4056) to permit the early sale of insurance in flood-prone communities. The emergency program (which was extended for the period ending December 31, 1975) does not affect the requirement that a community

must adopt adequate flood plain management regulations but permits insurance to be sold before a study is conducted to determine actuarial rates for the community. The program still requires the charging of actuarial rates for higher limits of coverage for existing structures and for all new construction in areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards on and after the effective date of the FIRM. Under existing law, the emergency program expires December 31, 1975, and unless extended no properties can be initially insured nor can existing policies be renewed except those in communities for which actuarial rates are available.

Subpart B—Eligibility Requirements

4. By revising § 1909.22 in part to read as follows:

§ 1909.22 Prerequisites for the sale of flood insurance.

(a) To qualify for Federal flood insurance a community must apply for the entire area within its jurisdiction, and must submit:

(3) A copy of the flood plain management regulations the community has adopted to meet the requirements of §§ 1910.3, 1910.4, or § 1910.5 of this subchapter. This submission shall include copies of any zoning, building, and subdivision regulations, health codes, special purpose ordinances (such as a flood plain ordinance, grading ordinance, or flood-related erosion control ordinance), and any other corrective and preventive measures enacted to reduce or prevent flood, mudslide (i.e., mudflow) or flood-related erosion damage;

(4) [Reserved].

(5) [Reserved].

(6) [Reserved].

(8) Estimates relating to the community as a whole and to the flood, mudslide (i.e., mudflow) and flood-related erosion prone areas concerning:

(iv) Number of all other structures;

(10) A summary of any State or Federal activities with respect to flood plain, mudslide (i.e., mudflow) or flood-related erosion area management within the community, such as federally-funded flood control projects and State-administered flood plain management regulations;

(11) [Reserved].

(12) A commitment to recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions relative to land use in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action as may be reasonably necessary to carry out the objectives of the program; and

(13) A commitment to:

(i) Delineate or assist the Administrator, at his request, in delineating the

limits of the areas having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards on available local maps of sufficient scale to identify the location of building sites;

(ii) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain, mudslide (i.e., mudflow) or flood-related erosion area;

(iii) Maintain for public inspection and furnish upon request, with respect to each area having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM), any certificates of flood-proofing, and information on elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and, where the lowest floor is below grade on one or more sides, the elevation of the floor immediately above; and

(iv) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to the management of adjoining flood plain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards;

(v) Notify the Administrator in writing whenever the boundaries of the community have been expanded by annexation or by otherwise assuming authority to adopt and enforce flood plain management regulations for a particular area. A copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed flood plain management regulatory authority, should be included within such notification in order that all Flood Hazard Boundary Maps and Flood Insurance Rate Maps may accurately represent the community's boundaries.

(b) An applicant must also legislatively:

(2) Designate an official responsible to submit, on each anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain, mudslide (i.e., mudflow) area, and flood-related erosion area management measures.

5. By revising § 1909.23 to read as follows:

§ 1909.23 Priorities for the sale of flood insurance under the regular program.

Communities which comply with the requirements of § 1909.22 are placed on a register of areas eligible for ratemaking studies and will be selected from this register for Flood Insurance Studies on the basis of the following considerations—

(a) Location of community and urgency of need for flood insurance;

(b) Population of community and intensity of existing or proposed development of the flood plain, the mudslide (i.e., mudflow) and the flood-related erosion area;

(c) Availability of information on the community with respect to its flood, mudslide (i.e., mudflow) and flood-related erosion characteristics and previous losses.

(d) Recommendations of State officials as to communities within the State which should have priorities in flood insurance availability; and

(e) Extent of State and local progress in flood plain, mudslide (i.e., mudflow) area, and flood-related erosion area management, including actual adoption of flood plain management regulations consistent with related ongoing programs in the area.

6. By revising § 1909.24 in part, to read as follows:

§ 1909.24 Suspensions of community eligibility.

(a) A community eligible for the sale of flood insurance shall be subject to suspension from the program for failing to submit, within six months from the date it receives the data set forth in paragraphs (b), (c), (d) or (e) of § 1910.3 or paragraph (b) of § 1910.4 or § 1910.5, copies of adequate flood plain management regulations meeting the minimum requirements of the applicable paragraph. Where there has not been any submission by the community, the Administrator shall notify the community that it must submit adequate flood plain management regulations within 90 days of the notification. Where there has been an inadequate submission, the Administrator shall notify the community of the specific deficiencies in its submitted flood plain management regulations and inform the community that it must correct the itemized deficiencies within 90 days of the notification. If the Administrator does not receive copies of adequate flood plain management regulations within the 90 day period, he shall, through written notice to the community and publication in the FEDERAL REGISTER, provide notice of the community's loss of eligibility for the sale of flood insurance, such suspension to become effective in 30 days. Should the community remedy the defect and the Administrator receive copies of adequate flood plain management regulations within the notice period, the suspension notice shall be rescinded by the Administrator. The community's eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Administrator.

(c) A community eligible for the sale of flood insurance which fails to adequately enforce its adopted flood plain management regulations meeting the minimum requirements set forth in the applicable paragraph of §§ 1910.3, 1910.4

or § 1910.5 shall be subject to suspension of its program eligibility. Under such circumstances, the Administrator shall inform the community upon 30 days prior written notice and publication in the FEDERAL REGISTER of its loss of eligibility for the sale of flood insurance. The community's eligibility shall only be reinstated by the Administrator upon his receipt of a local legislative or executive measure stating the community's formal intent to adequately enforce the flood plain management regulations adopted in compliance with the requirements of this subpart, together with evidence of action taken by the community to abrogate, to the maximum extent possible, the action(s) which caused the suspension. In such cases, the Administrator may withhold reinstatement of the community's eligibility for a period not to exceed one year from the date of his receipt of the submission in order to provide the Administrator with a reasonable time to evaluate the community's performance under the terms of its submission.

PART 1910—CRITERIA FOR LAND MANAGEMENT AND USE

Subpart A—Requirements for Flood Plain Management Regulations

7. By revising § 1910.1 to read as follows:

§ 1910.1 Purpose of subpart.

(a) The Act provides that flood insurance shall not be sold or renewed under the program within a community after December 31, 1971, unless the community has adopted adequate flood plain management regulations consistent with Federal criteria. Responsibility for establishing such criteria is delegated to the Administrator.

(b) This subpart sets forth the criteria developed in accordance with the Act by which the Administrator will determine the adequacy of a community's flood plain management regulations. These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. Except as otherwise provided in § 1910.6, the adequacy of such regulations shall be determined on the basis of the standards set forth in § 1910.3 for flood-prone areas, § 1910.4 for mudslide areas and § 1910.5 for erosion areas.

(c) Nothing in this subpart shall be construed as modifying or replacing the general requirement that all eligible communities must take into account flood, mudslide (i.e., mudflow) and flood-related erosion hazards, to the extent that they are known in all official actions relating to land management and use.

8. By revising § 1910.2 to read as follows:

§ 1910.2 Minimum compliance with flood plain management criteria.

(a) A flood-prone community applying for flood insurance eligibility must meet the standards of § 1910.3(a) in order to become eligible if a Flood Hazard Boundary Map (FHBM) has not been issued for the community at the time of application. Thereafter, the community will be given a period of six months from the date it receives the data set forth in § 1910.3 (b), (c), (d), or (e) in which to meet the requirements of the applicable paragraph. If a community has received a Flood Hazard Boundary Map (FHBM), but has not yet applied for program eligibility, the community must apply for eligibility directly under the standards set forth in § 1910.3(b). Thereafter, the community will be given a period of six months from the date it receives the data set forth in § 1910.3(c), (d), or (e) in which to meet the requirements of the applicable paragraph.

(b) A mudslide (i.e., mudflow)-prone community applying for flood insurance eligibility must meet the standards of § 1910.4(a) to become eligible. Thereafter, the community will be given a period of six months from the date the mudslide (i.e., mudflow) areas having special mudslide hazards are delineated in which to meet the requirements of § 1910.4(b).

(c) A flood-related erosion-prone community applying for flood insurance eligibility must meet the standards of § 1910.5(a) to become eligible. Thereafter, the community will be given a period of six months from the date the flood-related erosion areas having special erosion hazards are delineated in which to meet the requirements of § 1910.5(b).

(d) [Reserved]

(e) Communities identified in Part 1915 of this subchapter as containing more than one type of hazard area (i.e., flood plain area having special flood hazards, mudslide (i.e., mudflow) area having special mudslide hazards, flood-related erosion area having special erosion hazards) must adopt flood plain management regulations for each type of hazard consistent with the requirements of §§ 1910.3, 1910.4 and 1910.5.

(f) Local flood plain management regulations should be submitted to the State coordinating agency designated pursuant to § 1910.25 for its advice and concurrence. The submission to the State should clearly describe proposed enforcement procedures.

(g) The community official responsible for submitting annual reports to the Administrator pursuant to § 1909.22(b) (2) of this subchapter shall also submit copies of each annual report to any State coordinating agency.

(h) A community should assure that any comprehensive planning (particularly the land use element thereof) underway within the community is consistent with the flood plain management objectives of this Part 1910.

9. By revising § 1910.3 in part, to read as follows:

§ 1910.3 Required flood plain management regulations for flood-prone areas.

The Administrator generally will provide the data upon which flood plain management regulations must be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community may initially use hydrologic and other technical data obtained from other Federal or State agencies or from consulting services, pending receipt of data from the Administrator. However, when special hazard area designations and water surface elevations have been furnished by the Administrator, they shall apply. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, the community must—

(3) Review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

(b) When the Administrator has identified the flood plain area having special flood hazards by the publication of a Flood Hazard Boundary Map (FHBM), but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community:

(1) Must require building permits for all proposed construction or other improvements in the flood plain area having special flood hazards;

(2) Must require the standards of paragraphs (a) (2), (3) and (4) of this section within the identified flood plain areas having special flood hazards;

(3) Must take reasonable measures to consider and utilize any 100-year flood elevation data available from a Federal, State or other source as criteria for administering the standards of paragraphs (a) (2), (3) and (4) of this section within the identified flood plain areas having special flood hazards and within any areas not identified as flood plain areas having special flood hazards, and;

(4) Must (i) obtain information, at the time a building permit is issued for a new structure or substantial improvement located within the identified flood plain areas having special flood hazards,

concerning the elevation (in relation to mean sea level) of the lowest floor (including basement) of the structure and, where the lowest floor is below grade on one or more sides, the elevation of the floor immediately above, and (ii) maintain a record of all such information with the official designated by the community under § 1909.22(13) (ii);

(5) Must in rivering situations, submit to the Administrator evidence of coordination with upstream, downstream or adjacent communities adversely affected by any development, fill, encroachment, or alteration or relocation of a watercourse;

(6) [Reserved]

(7) [Reserved]

(8) [Reserved]

(c) When the Administrator has identified the flood plain area having special flood hazards by the notice of a final flood elevation determination which provides water surface elevations for the 100-year flood within certain areas of special flood hazards, but the Administrator has not identified a floodway or coastal high hazard area, the community:

(1) Must require building permits for all proposed construction of other improvements in the flood plain area having special flood hazards;

(2) Must require the review of building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated homes) is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;

(3) Must require the review of the subdivision proposals and other proposed new developments within the flood plain area having special flood hazards to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage is provided so as to reduce exposure to flood hazards;

(4) Must require new or replacement water supply systems and sanitary sewage systems within the flood plain area having special flood hazards to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during or subsequent to flooding;

(5) Must require new construction and substantial improvements of residential structures within the area of special flood hazards for which base flood elevations have been provided to have the lowest floor (including basement) elevated to or above the level of the 100-year flood, unless the community is granted an exception for the allowance of basements and/or storm

cellars in accordance with § 1910.6(b) (2);

(6) Must require new construction and substantial improvements of non-residential structures within the area of special flood hazards for which base flood elevations have been provided to have the lowest floor (including basement) elevated to or above the level of the 100-year flood, or together with attendant utility and sanitary facilities to be flood-proofed to or above the level of the 100-year flood in accordance with the standards for completely flood-proofed structures contained within sections 210.2.1 FP1 or 210.2.2 FP2 of the U.S. Army Corps of Engineers Publication entitled "Flood-Proofing Regulations," June 1972, GPO:19730-505-026 Edition or any subsequent edition thereto;

(7) Must provide that where flood-proofing is utilized for a particular structure in accordance with paragraphs (c) (6) of this section or (b) (2) of § 1910.6, a registered professional engineer or architect shall certify that the floodproofing methods are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood, and a record of such certificates shall be maintained with the official designated by the community under § 1909.22(13) (ii);

(8) Must (i) obtain information, at the time a building permit is issued for a new structure or substantial improvement located within the identified flood plain areas having special flood hazards, concerning the elevation (in relation to mean sea level) of the lowest floor (including basement) of the structure, and where the lowest floor is below grade on one or more sides, the elevation of the floor immediately above, and (ii) maintain a record of all such information with the official designated by the community under § 1909.22(13) (ii);

(9) Must require within the area of special flood hazards for new mobile home parks for expansions to existing mobile home parks, and for new mobile homes not in a mobile home park and for existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, that (i) ground anchors for tie downs are required in accordance with the Mobile Home Manufacturers Association standards or standards determined by the Administrator, (ii) stands or lots are elevated on compacted fill or on piers within areas of special flood hazards for which base flood elevations have been provided, so that the lowest floor of the home will be at or above the 100-year flood level, (iii) adequate surface drainage and easy access for a hauler is provided, and (iv) in the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than 10 feet apart and steel reinforce-

ment is provided for piers more than 6 feet high;

(10) Must require within the area of special flood hazards for mobile homes moving into existing mobile home parks where concrete pads for the placement of mobile homes are in existence and where streets and utility connections are in existence that (i) ground anchors for tie downs are required in accordance with the Mobile Home Manufacturers Association standards or standards determined by the Administrator, (ii) the fact that the mobile home is being located in a flood plain area having special flood hazards is disclosed to the mobile home and/or lot purchaser or lessee in the purchase contract, deed or lease, and (iii) an evacuation plan indicating alternate vehicular access and escape routes is filed with Disaster Preparedness Authorities;

(11) Must require the standards of paragraph (b) of this section within any flood plain area having special flood hazards for which base flood elevations have not been provided;

(12) Must, in riverine situations, submit to the Administrator evidence of coordination with upstream, downstream, or adjacent communities adversely affected by any development, fill, encroachment, or alteration or relocation of a watercourse;

(13) Must require in riverine situations, that until a floodway has been designated, no use, including land fill, may be permitted within the flood plain area having special flood hazards for which base flood elevations have been provided unless it is demonstrated that the cumulative effect of the proposed use, when combined with all other existing and reasonably anticipated uses of a similar nature, will not increase the water surface elevation of the 100-year flood more than 1 foot at any point within the community;

(d) When the Administrator has identified the flood plain area having special flood hazards by the notice of a final flood elevation determination which provides water surface elevations for the 100-year flood within certain areas of special flood hazards, and the Administrator has provided floodway data, the community:

(1) Must meet the requirements of paragraphs (c) (1) through (c) (12) of this section;

(2) [Reserved]

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) Must prohibit, within the designated floodway, fill, encroachments, and new construction and substantial improvements of existing structures, which would result in any increase in flood heights within the community during the recurrence of the 100-year flood discharge;

(7) Must prohibit, within the designated floodway, the location of any portion of a new mobile home park, of any expansion to an existing mobile home

park, and of any new mobile home not in a mobile home park.

(e) When the Administrator has identified the flood plain area having special flood hazards by the notice of a final flood elevation determination which provides water surface elevations for the 100-year flood within certain areas of special flood hazards, and the Administrator has identified a coastal high hazard area, the community:

(1) Must meet the requirements of paragraphs (c)(1) through (c)(12) of this section;

(2) Must provide that all new construction or substantial improvements within the designated coastal high hazard area be located landward of the reach of the mean high tide;

(3) Must provide that all new construction and substantial improvements within the designated coastal high hazard area be elevated on adequately anchored piles or columns to a lowest floor level (including basement) at or above the 100-year flood level and securely anchored to such piles or columns;

(4) Must provide that all new construction and substantial improvements within the designated coastal high hazard area have the space below the lowest floor free of obstructions or are constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the building so that the impact on the building of abnormally high tides or wind-driven water is minimized. Such temporarily enclosed space shall not be used for human habitation;

(5) Must prohibit, within the designated coastal high hazard area, the use of fill for structural support;

(6) Must prohibit, within the designated coastal high hazard area, the location of any portion of a new mobile home park, expansion to an existing mobile home park, and any new mobile home not in a mobile home park.

10. By revising § 1910.4 in part, to read as follows:

§ 1910.4 Required flood plain management regulations for mudslide (i.e., mudflow) areas.

The Administrator generally will provide the data upon which flood plain management regulations must be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community may initially use geologic and other data obtained from other Federal or State agencies or from consulting services, pending receipt of data from the Administrator. However, when special hazard area designations have been furnished by the Administrator, they shall apply. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for mudslide (i.e., mudflow)-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not yet identified any area within the community as an area having special mudslide (i.e., mudflow) hazards, the community must—

(2) Require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides (i.e., mudflows). Factors to be considered in making such a determination should include but not be limited to (i) the type and quality of soils, (ii) any evidence of ground water or surface water problems, (iii) the thickness and quality of any fill, (iv) the overall slope of the site, and (v) the weight that any proposed structure will impose on the slope;

(3) Require, if a proposed site and improvements are in a location that may have mudslide (i.e., mudflow) hazards, that (i) a site investigation and further review be made by persons qualified in geology and soils engineering, (ii) the proposed grading, excavations, new construction or substantial improvements are adequately designed and protected against mudslide (i.e., mudflow) damages, (iii) the proposed grading, excavations, new construction or substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances, and (iv) drainage, planting, watering, and maintenance be such as not to endanger slope stability.

(b) When the Administrator has delineated the areas having special mudslide (i.e., mudflow) hazards within a community, the community must:

(1) Meet the requirements of paragraph (a) of this section; and

(2) Adopt and enforce a grading ordinance in accordance with data supplied by the Administrator which (i) regulates the location of foundation systems and utility systems of new construction and substantial improvements, (ii) regulates the location, drainage and maintenance of all excavations, cuts and fills and planted slopes, (iii) provides special requirements for protective measures including but not necessarily limited to retaining walls, buttress fills, sub-drains, diverter terraces, benchings, etc., and (iv) requires engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports. Guidance may be obtained from the provisions of the 1970 edition and any subsequent edition thereto of the Uniform Building Code, sections 7001 through 7006, and 7008 through 7015. The Uniform Building Code is published by the International Conference of Building Officials, 50 South Los Robles, Pasadena, California 91101.

11. By revising § 1910.5 to read as follows:

§ 1910.5 Required flood plain management regulations for flood-related erosion areas.

The Administrator generally will provide the data upon which flood plain management regulations for flood-

related erosion-prone areas must be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community may initially use geologic and other data obtained from other Federal or State agencies or from consulting services, pending receipt of data from the Administrator. However, when special hazard area designations have been furnished by the Administrator, they shall apply. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-related erosion-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not yet identified any area within the community as having special flood-related erosion hazards, the community must:

(1) Require the issuance of a permit for any grading, fill, dredging excavation or construction in the area of flood-related erosion hazard, as it is known to the community;

(2) Require review of each permit application to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause any changes in barrier beaches, sanddunes, natural drainage, channels, soil infiltration capacity, or otherwise aggravate the existing erosion hazard; and

(3) If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.

(b) When the Administrator has delineated the areas having special flood-related erosion hazards within a community, the community must:

(1) Meet the requirements of paragraph (a) of this section; and

(2) Require a setback for all new development from the ocean, lake or riverfront, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated by the Administrator according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open space purposes, such as for picnic, agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

12. § 1910.6 is completely revised to read as follows:

§ 1910.6 Variances and exceptions because of local conditions.

(a)(1) A community which has adopted flood plain management regulations in accordance with the standards of § 1910.3 may permit variances for particular structures from these standards

if (i) new structures are to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation, or (ii) a structure listed on the National Register of Historic Places or a State Inventory of Historic Places is to be restored or reconstructed.

(2) In all circumstances, variances may only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) In all circumstances, variances may only be issued if (i) in the case of a community which exercises jurisdiction over the real property Title Recording Office pertaining to the recordation of information with respect to property which is to be the subject of a variance, the community shall require that a notice be recorded with the title records stating that the property is located in a flood-prone area, and (ii) in the case of a community which does not exercise such jurisdiction, the community shall require that any recipient of a variance execute an agreement whereby he will be bound to insert a notice on any future deed or other conveyance of the property that the property is located in a flood-prone area. The notice required by the community or inserted on a deed or other conveyance by a previous recipient of a variance shall contain a statement of the number of feet that the lowest non-floodproofed floor of the proposed structure is below the 100-year flood level and that actuarial flood insurance rates increase as the first floor elevation decreases.

(4) In all circumstances in which a community has issued a variance from the standards of § 1910.3 the community shall notify the Administrator of the issuance of the variance in writing, including within the notification the justification for the issuance. A copy of the notification should be sent to the State Coordinating Agency.

(b) (1) The requirement that each community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in §§ 1910.3, 1910.4, or § 1910.5. However, certain exceptions from the standards contained in this subpart may be permitted with respect to a community where the Administrator recognizes that, in extraordinary circumstances, local conditions may render the adoption of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community may propose the adoption of flood

plain management regulations which vary from the standards set forth in §§ 1910.3, 1910.4, or § 1910.5, shall explain in writing to the Administrator the nature and extent of and the reasons for the exception request, and shall include supporting economic, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety. After considering the data, the Administrator shall make a determination of whether a lesser standard is justified, shall issue a decision in writing, and if he concurs with the community's proposal, he shall inform the community of the modifications it may make in its flood plain management regulations.

(2) In accordance with paragraph (b) (1) of this section a community may propose the adoption of flood plain management regulations which permit basements and/or storm cellars below the 100-year flood level for residential structures located in areas of special flood hazards. If a community is granted such an exception, each individual basement and/or storm cellar may only be allowed upon conformance with the variance procedures set forth in subparagraphs (2), (3) and (4) of paragraph (a) of this section, and each variance issuance must include a statement that the community has been granted an exception under this section. The Administrator may grant an exception for basements which will be designed in accordance with the standards for completely floodproofed structures contained within section 210.2.1, FPI of the U.S. Army Corps of Engineers Publication entitled Floodproofing Regulations, June 1972, GPO: 19730-505-026 edition or any subsequent edition thereto. The Administrator may grant an exception for storm cellars (as defined in § 1909.1) after the community has demonstrated an historical need for storm cellars as a means of shelter against recorded occurrences of severe tornado or similar wind storm activities in the area. An exception for the allowance of storm cellars shall be based upon a community's acknowledgement that (i) all new storm cellars shall be limited to non-habitable uses, and such fact shall in each case be reflected in the county clerk's office or other standard recordation site; (ii) no Federal flood insurance shall be available for the contents of new storm cellars; (iii) all electrical, heating and other mechanical equipment shall be above the 100-year flood level for all new storm cellars; and (iv) all storm cellars shall be designed so as to assure the integrity of the main structure during time of flooding.

13. Section 1910.7 is added, and adopts the language of present § 1910.6 to read as follows:

§ 1910.7 Revisions of criteria for flood plain management regulations.

From time to time this Part 1910 may be revised as experience is acquired under the program and new information becomes available. Eligible communities will be given a reasonable time to revise

flood plain management regulations to comply with any such changes.

14. Subpart B is amended to read as follows:

Subpart B—Additional Considerations in Managing Flood-Prone, Mudslide (i.e., Mudflow)-Prone, and Flood-Related Erosion-Prone Areas

15. By revising § 1910.21 to read as follows:

§ 1910.21 Purpose of this subpart.

The purpose of this subpart is to encourage the formulation and adoption of overall comprehensive management plans for flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone areas.

16. By revising § 1910.22 to read as follows:

§ 1910.22 State and local development goals.

State and local flood plain management regulations should contribute to social and economic development goals by:

(a) Diverting unwarranted and unwise development away from flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion-prone areas;

(b) Encouraging flood, mudslide (i.e., mudflow) and flood-related erosion control and damage abatement efforts through public and private means;

(c) Deterring the unnecessary or improper installation of public utilities and public facilities in flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone areas;

(d) Requiring construction and land use practices that will reduce flooding resulting from surface runoff, improper drainage, or inadequate storm sewers, and reduce the potential for mudslides (i.e., mudflow) flood-related erosion.

By revising § 1910.23, in part, to read as follows:

§ 1910.23 Planning considerations for flood-prone areas.

(a) The goals of the flood plain management regulations adopted by a community for flood-prone areas should be—

(1) To encourage only that development of flood-prone areas which (i) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (ii) is an acceptable social and economic use of the land in relation to the hazards involved, and (iii) does not increase the danger to human life;

(2) To discourage all other development.

(b) In formulating community development goals and in adopting flood plain management regulations, each community should consider at least the following factors—

(1) Human Safety;

(2) Importance of diverting future development to areas not exposed to flooding;

(3) Possible reservation of flood-prone areas for open space purposes;

(4) Possible adverse effects of flood plain development on other flood-prone areas;

(5) Need to encourage floodproofing to reduce the flood hazard;

(6) Need for flood warning and emergency preparedness plans;

(7) Need to provide alternative vehicular access and escape routes to be utilized when normal routes are blocked or destroyed by flooding;

(8) Need to establish minimum floodproofing and access requirements for schools, hospitals, nursing homes, penal institutions, fire stations, police stations, communications centers, water and sewage pumping stations, and other public or quasi-public institutions already located in the flood-prone area to enable them to withstand flood damage, and to facilitate emergency operations;

(9) Need to improve local drainage and to control any increased runoff that might increase the danger of flooding elsewhere in the area;

(10) Need to coordinate local plans with neighboring flood plain area management and conservation programs;

(11) Possibilities of acquiring land or land development rights for public purposes consistent with effective flood plain management;

(12) State and local water pollution control requirements;

(13) For riverine areas, the need for requiring subdividers to furnish delineations of limits of floodways before approving a subdivision;

(14) For coastal areas, the need for preserving natural barriers to flooding, such as sand dunes, wetlands and vegetation;

(15) Need to prohibit any drainage, alteration or relocation of a watercourse, except as part of an overall drainage basin plan.

(16) Need to assure consistency between state, areawide and local comprehensive plans (particularly the land use element thereof) and flood plain area management and conservation programs.

By revising § 1910.24 to read as follows:

§ 1910.24 Planning considerations for mudslide (i.e., mudflow)-prone areas.

The planning process for areas identified in Part 1915 of this subchapter as containing mudslide (i.e., mudflow) areas having special mudslide hazards or which indicate in their applications for flood insurance coverage pursuant to § 1909.22 of this subchapter that they have a history of, or potential for, mudslide (i.e., mudflow) problems, should consider—

(a) The existence and extent of the hazard as evaluated by competent professionals;

(b) The potential effects of inappropriate hillside development, including (1) loss of life and personal injuries, and (2) public and private property losses, costs, liabilities, and exposures resulting

from potential mudslide (i.e., mudflow) hazards;

(c) The means of avoiding the hazard, including the (1) availability of land which is not mudslide (i.e., mudflow)-prone and the feasibility of developing such land instead of further encroaching upon mudslide (i.e., mudflow) areas, (2) possibility of public acquisition of land, easements, and development rights to assure the proper development of hill-sides, mountainsides, cliffs, and palisades, and (3) advisability of preserving mudslide (i.e., mudflow) areas as open space;

(d) The means of adjusting to the hazard, including the (1) establishment by ordinance of site exploration, investigation, design, grading, construction, filling, compacting, foundation, sewerage, drainage, subdrainage, planting, inspection and maintenance standards and requirements that promote proper land use, and (2) provision for proper drainage and subdrainage on public property and the location of public utilities and service facilities, such as sewer, water, gas and electrical systems and streets in a manner designed to minimize exposure to mudslide (i.e., mudflow) hazards and prevent their aggravation;

(e) Coordination of land use, sewer, and drainage regulations and ordinances with fire prevention, flood plain, mudslide (i.e., mudflow), soil, land, and water regulation in neighboring areas;

(f) Planning subdivisions and other developments in such a manner as to avoid exposure to mudslide (i.e., mudflow) hazards and the control of public facility and utility extension to discourage inappropriate development;

(g) Public facility location and design requirements with higher site stability and access standards for schools, hospitals, nursing homes, correctional and other residential institutions, fire and police stations, communication centers, electric power transformers and substations, water and sewer pumping stations, and any other public or quasi-public institutions located in the mudslide (i.e., mudflow) area, to enable them to withstand mudslide (i.e., mudflow) damage and to facilitate emergency operations; and

(h) Provision for emergencies, including (1) warning, evacuation, abatement, and access procedures in the event of mudslide (i.e., mudflow), (2) enactment of public measures and initiation of private procedures to limit danger and damage from continued or future mudslides (i.e., mudflow), (3) fire prevention procedures in the event of the rupture of gas or electrical distribution systems by mudslides, (4) provisions to avoid contamination of water conduits or deterioration of slope stability by the rupture of such systems, (5) similar provisions for sewers which in the event of rupture pose both health and site stability hazards, and (6) provisions for alternative vehicular access and escape routes when normal routes are blocked or destroyed by mudslides (i.e., mudflow).

(l) The means for assuring consistency between state, areawide, and local comprehensive plans (particularly the land use element thereof) with the plans developed for mudslide (i.e., mudflow)-prone areas.

19. Section 1910.25 is revised completely to read as follows:

§ 1910.25 Planning considerations for flood-related erosion prone areas.

The planning process for communities identified in Part 1915 of this subchapter as containing flood-related erosion areas having special erosion hazards or which indicate in their applications for flood insurance coverage pursuant to § 1909.22 of this subchapter that they have a history of, or potential for, flood-related erosion problems, should consider:

(a) The importance of directing future development to areas not exposed to flood-related erosion;

(b) The possibility of reserving flood-related erosion-prone areas for open space purposes;

(c) The coordination of all planning for the flood-related erosion-prone areas with planning at the State level, and with planning at the level of neighboring communities;

(d) The possibility of preventive action in high-risk flood-related erosion zones where the recession rate has been established by professionals. The means available for preventive action include shore protection works, relocation of structures clearly in the path of flood-related erosion, acquisition of flood-related erosion-prone land by the community for public purposes, and others;

(e) The need to assure consistency of plans for flood-related erosion-prone areas with comprehensive plans at the state, areawide, and local levels (particularly the land use element thereof).

20. Section 1910.26 is a new section incorporating § 1910.25 with certain amendments, as follows:

§ 1910.26 State coordination.

(a) State participation in furthering the objectives of this part should include—

(1) Encouraging and assisting communities in qualifying for participation in the program;

(2) Enacting flood plain management regulations which regulate flood plains, mudslide (i.e., mudflow) areas and flood-related erosion areas;

(3) Enacting where necessary, legislation to enable counties and municipalities to regulate flood plain, mudslide (i.e., mudflow) areas and flood-related erosion area development;

(4) Designating an agency of the State government to be responsible for coordinating Federal, State, and local aspects of flood plain, mudslide (i.e., mudflow) area and Flood-Related erosion area management activities in the State;

(5) Assisting in the delineation of flood-related erosion area, mudslide (i.e., mudflow) areas, riverine floodways, and

coastal high hazard areas and providing all relevant technical data to the Administrator;

(6) Establishing minimum State flood plain, mudslide (i.e., mudflow) and flood-related erosion regulatory standards consistent with those established in this part;

(7) Guiding and assisting municipal and county public bodies and agencies in developing flood plain, mudslide (i.e., mudflow) and flood-related erosion area management plans and flood plain management regulations;

(8) Recommending priorities for rate-making studies among those communities of the State which qualify for such studies;

(9) Communicating flood plain, mudslide (i.e., mudflow) and flood-related erosion area information to local governments and to the general public;

(10) Participating in flood, mudslide (i.e., mudflow) and flood-related erosion warning and emergency preparedness programs;

(11) Assisting communities in disseminating information on minimum elevations for structures permitted in flood plain areas having special hazards, and in disseminating other information relating to mudslide (i.e., mudflow) and flood-related erosion areas having special hazards;

(12) Advising public and private agencies (particularly those whose activities or projects might obstruct drainage or the flow of rivers or streams or increase slope instability) on the avoidance of unnecessary aggravation of flood, mudslide (i.e., mudflow) and flood-related erosion hazards;

(13) Requiring that proposed uses of flood plain, mudslide (i.e., mudflow) and flood-related erosion areas conform to standards established by State environmental and water pollution control agencies to assure that proper safeguards are being provided to prevent pollution;

(14) Providing local communities with information on the program, with particular emphasis on the coordination of State and Federal requirements pertaining to the management of flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion-prone areas;

(15) Assuring coordination and consistency of flood plain management and planning with comprehensive planning at the state, areawide and local levels (particularly the land use element thereof).

(b) For States whose flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management program substantially encompass the activities described in paragraph (a) of this section, the Administrator will—

(1) Give special consideration to State priority recommendations before selecting communities for ratemaking studies from the register described in § 1909.23 of this subchapter;

(2) Seek State approval of local flood plain management regulations before finally accepting such regulations as meeting the requirements of this part.

21. Section 1910.27 is added to incorporate present § 1910.26.

§ 1910.27 Local coordination.

(a) Local flood plain, mudslide (i.e., mudflow) and flood-related erosion area management, flood forecasting, flood, mudslide and erosion emergency preparedness, and flood, mudslide and erosion control and damage abatement programs should be coordinated with relevant Federal, State, and regional programs.

(b) A locality adopting flood plain management regulations pursuant to these criteria should arrange for coordination with the appropriate State agency of its program of information and education designed to promote public acceptance and use of sound flood plain, mudslide (i.e., mudflow) and flood-related erosion area management practices.

PART 1911—INSURANCE COVERAGE AND RATES

§ 1911.1 [Reserved]

22. Section 1911.1 is deleted and reserved.

23. Section 1911.4 is amended, in part, to read as follows:

§ 1911.4 Limitations on coverage.

(b) Insurance under the program is available only for loss due to flood, as defined in § 1909 of this subchapter. The policy covers damage from a general condition of flooding in the area which results from other than natural causes, such as the breaking of a dam, but does not cover damage which results from causes on the insured's own property or within his control or from any condition which causes damage, which condition is substantially confined to the insured premises or properties immediately adjacent thereto.

(c) The policy does not cover losses from rain, snow, sleet, hail, or water spray. It covers losses from freezing or thawing, or from the pressure of weight of ice and water, only where they occur simultaneously with and as a part of flood damage. It covers mudslide but does not cover damage from earthquakes or similar earth movements which are volcanic or tectonic in origin. The policy does not cover normal erosion, claims resulting from losses already in progress at the time of application for coverage, or losses caused by lands slippage rather than mudslide (see definition of mudslide/mudflow in § 1909.1 of this subchapter). With certain exceptions, seepage and sewer backup losses are not covered unless a general and temporary condition of flooding exists. Abnormal erosion caused by high water levels accompanied by violent wave action along a lake or other body of water is considered a flood (see definition of erosion in § 1909.1 of this subchapter). However, there is no coverage where normal, continuous wave action, accompanied by ordinary erosion or the gradual and anticipated wearing away of the land is the proximate cause of property damage.

(d) The policy protects against loss to contents only at the location described in the application, except that contents nec-

essarily removed from the premises for preservation from a flood are protected against loss or damage from flood at the new location pro rata for a period of 30 days.

24. Section 1911.5 is amended, in part, to read as follows:

§ 1911.5 Special terms and conditions.

(a) No flood insurance is available for properties declared by a duly constituted State or local zoning or other authority to be in violation of any flood plain, mudslide (i.e., mudflow) or flood-related erosion area management or control law, regulation, or ordinance.

(e) Payment for a loss under the policy does not reduce the amount of insurance applicable to any other loss during the policy term which arises out of a separate flood occurrence, but all losses arising out of a continuous or protracted occurrence are deemed to have arisen out of a single occurrence.

(g) The following are not insurable under the program: land, gas or liquid storage tanks, fences, retaining walls, outdoor swimming pools, bulkheads, wharves, piers, bridges, roads, docks, personal property in the open, accounts, bills, currency, deeds, evidences of debt, money, securities, bullion, manuscripts or other valuable papers or records, and numismatic or philatelic property.

(h) The contents coverage for premises used for residential purposes excludes birds, fish, animals, most motor vehicles, boats, trailers, business property, and certain other types of property. It provides only limited amounts of protection for certain other items, such as paintings and jewelry.

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

25. Section 1914.1 is amended to read as follows:

§ 1914.1 Purpose of part.

(a) 42 U.S.C. 4101 and 4014 contemplate that flood insurance under the regular program will be offered in communities only after the Administrator has identified the areas of special flood, mudslide (i.e., mudflow) and flood-related erosion hazards within the community under Part 1915 of this subchapter and has completed a rate-making study for the applicant community. A period of 15 years ending July 31, 1983, was allotted for this purpose. The priorities for conducting such ratemaking studies are set forth in §§ 1909.22 and 1910.26 of this subchapter. A purpose of this part is periodically to list those communities in which ratemaking studies have been completed, actuarial rates have been established, and the sale of insurance under the regular program has been authorized.

(b) U.S.C. 4054 authorizes an emergency implementation of the National Flood Insurance Program whereby, for a period ending on December 31, 1975, the Administrator may make subsidized coverage available to eligible communities prior to the completion of ratemaking studies for such areas. This part also describes procedures under the emergency program and lists communities which become eligible under that program.

26. Section 1914.2 is amended in part, to read as follows:

§ 1914.2 Flood insurance maps.

(a) The following maps may be prepared for use by the Administrator and the eligible community in connection with the sale of flood insurance:

(1) [Reserved]

(2) *Flood Insurance Rate Map (FIRM)*. This map is prepared after the ratemaking study for the community has been completed and actuarial rates have been established, and enables the Administrator to authorize the sale of flood insurance under the regular program. It indicates the actuarial rate zones applicable to the community. The symbols used to designate these zones are as follows:

Zone symbol:	Category
A	Area of special flood hazards and without base flood elevations determined.
A1-A30	Area of special flood hazards with base flood elevations. Zones are assigned according to flood hazard factors.
AO	Area of special flood hazards that have shallow base flood elevation depths and/or unpredictable flow paths.
V (V1-V30)	Area of special flood hazards, with velocity, that are inundated by tidal floods. Zones are assigned according to flood hazard factors.
B	Area of moderate flood hazards.
C	Area of minimal hazards.
D	Area of undetermined but possible, flood hazards.
M	Area of special mudslide (i.e., mudflow) hazards.
N	Area of moderate mudslide (i.e., mudflow) hazards.
P	Area of undetermined, but possible, mudslide hazards.
E	Area of special flood-related erosion hazards.

Areas identified as subject to more than one hazard; i.e., flood, mudslide (i.e., mudflow), flood-related erosion, will be designated by use of the proper symbols in combination. Areas subject to only one hazard or where more than one hazard is minimal will be identified by only one symbol.

(3) *Flood Hazard Boundary Map (FHBM)*. This map is issued and approved by the Administrator for use in determining whether individual properties are within or without the flood plain

area having special flood hazards, the mudslide (i.e., mudflow) area having special mudslide hazards or the flood-related erosion area having special erosion hazards. Notice of the issuance or approval of new Flood Hazard Boundary Maps is given in Part 1915 of this subchapter.

(b) The Flood Hazard Boundary Map (FHBM) and the Flood Insurance Rate Map (FIRM) shall be maintained for public inspection at the following locations:

(5) The office of the flood insurance servicing company for the State.

(6) The H.U.D. Regional Office.

27. By revising § 1914.3 to read as follows:

§ 1914.3 Procedures under the emergency and regular programs.

(a) In order to expedite a community's qualification for flood insurance under the emergency program, the Administrator may authorize the sale of such insurance without first designating either the entire community or any part thereof as a flood plain area having special flood hazards, a mudslide (i.e., mudflow) area having special mudslide hazards and/or a flood-related erosion area having special erosion hazards, provided the community has previously adopted flood plain management regulations meeting the requirements of § 1910.3(a), § 1910.4(a) or § 1910.5(a) of this subchapter. When the Administrator has obtained sufficient technical information to delineate the special flood, mudslide (i.e., mudflow) or flood-related erosion hazard areas with reasonable accuracy, he shall delineate the tentative boundaries of the specific areas having special flood, mudslide (i.e., mudflow) or erosion hazards on a Flood Hazard Boundary Map (FHPM).

(b) After the effective date of the Flood Insurance Rate Map (FIRM), or December 31, 1974, whichever is later, flood insurance will be available at chargeable rates for newly constructed or substantially improved properties only if they are located outside of the areas then delineated as having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards. Newly constructed or substantially improved properties located within the areas having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards delineated on the Flood Insurance Rate Map (FIRM) will be eligible for flood insurance coverage only at actuarial rates.

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

28. By revising § 1915.1 to read as follows:

§ 1915.1 Purpose of this part.

Section 42 U.S.C. 4101 authorizes the Administrator to identify and publish information with respect to all flood plain areas having special flood hazards, mudslide (i.e., mudflow) areas having

special mudslide hazards and flood-related erosion areas having special erosion hazards. The purpose of this part is to list those communities and the areas thereof which have been identified by the Administrator as having such special flood, mudslide (i.e., mudflow) or flood-related erosion hazards. Additional communities will be added to this list from time to time as the necessary information becomes available.

§ 1915.2 [Reserved]

29. Section 1915.2 is deleted and revised.

30. By revising § 1915.3 to read as follows:

§ 1915.3 List of communities with special hazards areas.

NOTE.—For the list of communities and the designated flood, mudslide (i.e., mudflow) or flood-related erosion hazard areas issued under this section and not carried in the Code of Federal Regulations, see the List of CFR Sections Affected.

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

31. Section 1917.3 is amended, in part, to read as follows:

§ 1917.3 Establishment and maintenance of a flood elevation determination docket (FEDD).

(j) Copies of any flood plain management regulations in effect in the community at the time of the proposed flood elevation determination;

32. Section 1917.11 is amended to read as follows:

§ 1917.11 Rates during pendency of final determination.

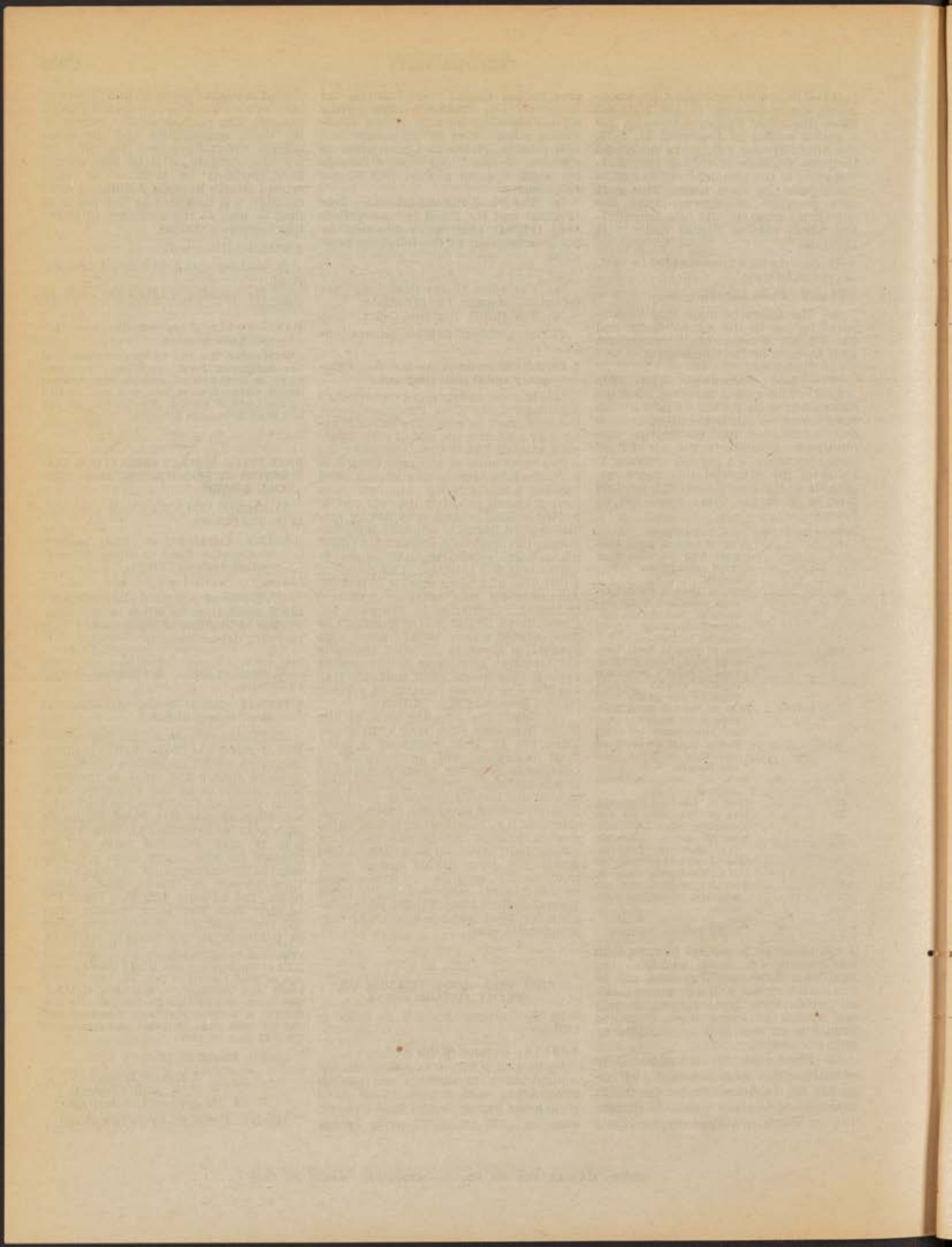
Until such time as a final determination is made and proper notice is given, no person within an eligible community shall be denied the right to purchase flood insurance at the subsidized rate. After the final determination and upon the effective date of a Flood Insurance Rate Map, or December 31, 1974, whichever is later, actuarial rates will be charged for new construction and substantial improvements of existing structures located in special flood hazard areas. The effective date of a Flood Insurance Rate Map is six months after the final flood elevation determination as published in the FEDERAL REGISTER.

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

Issued: March 20, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-7765 Filed 3-25-75; 8:45 am]



federal register

WEDNESDAY, MARCH 26, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 59

PART III



DEPARTMENT OF LABOR

Occupational Safety and
Health Administration



TELECOMMUNICATIONS

Safety and Health Standards

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Telecommunications; Vehicle-Mounted Elevating and Rotating Platforms; and Helicopters

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations, is hereby amended by revising §§ 1910.67 and 1910.70, by redesignating §§ 1910.183 and 1910.184 as §§ 1910.189 and 1910.190 respectively; by redesignating §§ 1910.268 and 1910.269 as §§ 1910.274 and 1910.275 respectively, by adding new §§ 1910.183 and 1910.268, and by revising new § 1910.275 in the manner set forth below. These amendments provide special requirements for work performed in the telecommunications industry, and in addition provide safety requirements for helicopters and vehicle-mounted elevating and rotating platforms when used in general industry.

I. Background. On August 28, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23038) which contained proposed occupational safety and health standards relating to work involved in providing telecommunications services. The proposed regulations were based substantially upon the recommendations of a voluntary committee consisting of representatives from telephone companies, communications unions and other affected groups. In addition to regulations for telecommunications, it was also proposed to apply to all industries certain construction safety standards contained in 29 CFR Part 1926 relating to the use of helicopters and vehicle-mounted elevating and rotating platforms, since the use of this equipment is quite extensive in telecommunications work and other operations which do not involve construction work.

The notice of proposed rulemaking invited interested persons to submit written data, views and arguments concerning the proposal, and set a hearing which was held on October 24, 1973, in order to receive oral presentations and additional related information. Nine persons testified at the hearing and 33 exhibits were received into evidence. At the hearing, time was allowed for interested persons to make submissions for an additional period of 45 days. The presiding administrative law judge certified the record of the proceedings on or about January 14, 1974.

The written comments received in response to the notice of proposed rulemaking, the testimony and exhibits received at the hearing, and the post-hearing comments have been reviewed carefully and constitute the record upon which the decision in this case has been based. The major issues raised in the comments and at the hearing are discussed below.

II. Discussion of major issues.—A. Vehicle-mounted elevating and rotating platforms. Vehicle-mounted elevating and rotating platforms (aerial devices) are widely used in many industries, as well as in construction work. However, the standards regulating their use in 29 CFR 1926 are considerably more comprehensive than their counterparts in 29 CFR Part 1910. Therefore, it was proposed to amend § 1910.67 in order to include the more comprehensive requirements of § 1926.556, which provide greater protection to employees. Most of the comments which addressed this proposed amendment favored the inclusion of the new requirements. However, some commenters raised issues with various individual requirements, as discussed separately below.

1. Ten-foot clearance rule. Section 1910.67(b)(4) of the proposal provided, in part, that where aerial lifts were operated near energized electric power lines, a minimum clearance of ten feet between the aerial device and the lines was to be maintained.

The reason for this requirement is to protect employees who lack familiarity with and training in hazards associated with working near electric power lines. A similar clearance rule can be found in § 1910.180(j) dealing with the operation of crawler locomotive, and truck cranes near electric lines and in § 1926.550(a)(15) for cranes and derricks.

Several commenters interpreted this proposed requirement to apply to all persons operating aerial lifts near power lines. (Comment Nos. 30, 46, 58; the comment numbers refer to the official listing of comments, which list is part of the record.) However, this was not the intent of the proposed standard. Telecommunications workers, electric utility workers and line-clearance tree trimmers, because of their training and experience, are familiar with the hazards and techniques associated with working on or near energized lines, and it is often necessary for these types of employees to work closer than ten feet to the lines. Therefore, the final rule provides an exception from the ten foot clearance requirement in § 1910.67 for telecommunications, electric utility, and line-clearance tree trimming operations (§ 1910.67(b)(4)(i)(C)) to clearly reflect the intent of the proposal. And, as proposed, separate clearance distances have been established for these employees in Tables R-2 (telecommunications workers) and R-3 (line-clearance tree trimmers) of the new § 1910.268. Clearance distances for electric utility workers are found in Tables V-1 and V-2 of Subpart V of Part 1926. These special requirements take into account the training and experience of the employees, and the nature of the work being performed.

2. Ladder trucks and tower trucks. Proposed § 1910.67(c)(1) prescribed the means by which ladders were to be secured to trucks before such trucks were moved for highway travel. The standard would have required, in part, that the ladder be secured at the base by a manually operated device.

One commenter claimed that manually operated devices are not the only effective means of securing the ladder at the base, and that the standard as proposed would inhibit technology (Comment No. 21). It was recommended that other proven effective means of securing ladders, such as cradles in combination with hydraulic cylinders or screw actuators, also be permitted. Since the requirement in the proposal for a manually operated device was not intended to exclude the use of other devices which would be equally safe, the recommendation has been accepted, and the final rule requires ladders to be secured at the base by a manually operated device or by other equally effective means.

3. Platform controls. Several comments were received concerning the scope of the proposed requirement set forth in § 1910.67(c)(2)(ix) which requires upper and lower controls for extensible and articulating boom platforms which are primarily designed as personnel carriers (Comment Nos. 35, 81, and Hearing Exhibit #31). The commenters were concerned whether derrick trucks or other lifting equipment which are not primarily designed as personnel carriers, but to which personnel platforms may occasionally be attached, would be required to have upper controls when the equipment is used for lifting or carrying personnel. The proposed standard, as well as § 1926.556(b)(2)(ix), were intended to apply only to articulating boom and extensible boom platforms primarily designed as personnel carriers. The final standard, which is the same as the proposal in this regard, clearly limits application of the requirement to such boom platforms when they are primarily designed as personnel carriers. Accordingly, equipment which is designed primarily for purposes other than lifting personnel is not required to have upper controls, and does not fall within the scope of § 1910.67(c)(2)(ix).

B. Helicopters. Section 1910.183 was proposed (as § 1910.185) for inclusion in Part 1910, because there are many applications for helicopter use in general industries, such as aerial photography and survey, firefighting, rescue operations, transportation of personnel to elevated jobsites, and delivery of emergency supplies. The requirements contained in the proposal were the same as the requirements presently contained in § 1926.551 of the construction standards.

Application of the same requirements to general industry will provide similar protection to non-construction employees. There was no significant opposition to this proposed section and no issues were raised regarding it. Accordingly, the standard on helicopters is adopted in § 1910.183 as proposed with minor modifications. Where the language of the final standard differs from the proposal or from § 1926.551, these differences are intended merely to clarify or make more explicit the employer's obligations which exist in the construction standard and which were encompassed within the proposal.

C. Telecommunications.—1. General. The proposed telecommunications standards dealt primarily with the practices,

methods, operations, installations and processes involved in telecommunications work. These proposed regulations were contained in a separate Subpart T of Part 1910, since it was intended to develop standards which addressed the unique characteristics of the telecommunications industry. With respect to the uniqueness of the telecommunication standards, several commenters suggested that the proposed requirements were applicable to industries other than telecommunications, while other commenters indicated that the regulations already contained in Parts 1910 and 1926 adequately addressed the safety hazards associated with telecommunications work.

It has been decided to place the regulations setting forth the unique safety requirements for the telecommunications industry in § 1910.268, which is within Subpart R of Part 1910—Special Industries. This section contains standards which are addressed to the special hazards and special circumstances which exist in the telecommunications industry. However, this section only encompasses those standards which we believe to be unique to telecommunications, and does not contain all the standards which may apply to telecommunications operations. Thus, as provided in § 1910.268(a)(3), and consistent with § 1910.5(c)(2), any standard in Part 1910 applies to the telecommunications industry, to the extent that none of the provisions in § 1910.268 apply. For example, the general standards regarding noise exposure in § 1910.95 applies to telecommunications operations. Several portions of the proposal which merely referenced specific applicable Part 1910 standards, such as proposed § 1910.331(a)(1), have been deleted from the final rule so as to make it clear that all relevant Part 1910 standards apply to telecommunications, unless there are provisions covering the matter in § 1910.268. Where, however, § 1910.268 does contain standards which apply to unique employment conditions in telecommunications, they will prevail over any general standards in Part 1910.

Although most of these regulations are considered to be unique to the characteristics of the telecommunications industry, some may also have general applicability to other industries (e.g. tree-trimming). Those regulations which may have applicability to other industries are currently being studied. Where it appears that a standard has general applicability and therefore may be more appropriate in another subpart of Part 1910, rulemaking proceedings will be undertaken to propose the standard for inclusion in the appropriate general subpart and to remove it from the specialized industries subpart of Part 1910. Similarly, where it appears that standards contained in § 1910.268 are relevant for the construction industry, rulemaking proceedings will be undertaken to revise or amend the standards in Part 1926, where appropriate.

Several portions of the proposed telecommunications standard were the subject of controversy both in the written

comments and at the hearing. These issues, and the manner in which they were resolved, are discussed below.

2. *Existing equipment.* Several commenters requested that proposed § 1910.330(a) include an exemption from the telecommunications regulation for equipment and installations currently in existence. Others suggested that only new equipment, tools and facilities, and facilities substantially altered after the effective date of the standard be required to comply with the regulation. (Comment No. 32; Transcript pages 125, 126, 197.) While exemptions for existing equipment are appropriate in certain cases because of the practical difficulties of requiring retrofitting, a blanket exemption for all existing equipment is not warranted. Therefore, rather than grant a total exemption to all existing facilities and equipment, or require compliance for existing equipment and facilities only when there has been a substantial modification, it better fits the purposes of the Act to grant exemptions where it appears that retrofitting is impractical or impossible. Accordingly, when an exemption has been considered to be necessary and appropriate, it has been included with the particular requirement.

3. *Construction work.* Some commenters interpreted the requirements of the proposal to apply to construction work. However, this was not the intent, and the final rule, in § 1910.268(a)(2) and (a)(3) clearly states that § 1910.268 does not apply to operations involving construction work. Rather, the requirements of Part 1926 apply to all construction work in the telecommunications industry.

4. *Approach distances to exposed energized power conductors.* Table T-1, contained in § 1910.331(g) of the proposal, prescribed the minimum safety distances to be maintained by employees working near energized power conductors. Several commenters suggested that the requirement be clarified, since it could be interpreted to apply to telecommunications equipment, as well as electric power lines. (Comment Nos. 17, 34, 44.) This table was intended to apply only to overhead electric utility power lines and equipment, and not to telecommunication lines. In order to clarify this intent, the final rule as contained in § 1910.268(b)(7), and the title of the relevant table, now Table R-2, have been changed to clearly indicate that the requirement applies only to overhead power lines and parts, and not to telecommunication lines and equipment. In addition, the requirement in proposed § 1910.331(h) for special protection where employees work closer than 6' from energized power lines has been deleted from the final standard, since equivalent protection is provided in other portions of the standards.

5. *Training program.* The proposed § 1910.332 provided that employees must receive training pursuant to an established written program before being permitted to engage in telecommunications-related activities. Numerous commenters objected to the proposed

requirement because they interpreted it to preclude on-the-job, demonstration-type instruction as an acceptable form of training. (Comment Nos. 21, 41; Exhibit 33; Transcript page 200.) Others indicated that the proposal could be interpreted as requiring training as a prerequisite to employment. (Comment No. 52.) Some interpreted the requirement to mean that the only acceptable form of training would be where the subject matter was presented in a textbook-classroom form.

The intent of the proposed standard was to require a written description of the training program, rather than requiring employees to be trained exclusively by means of formal, written, textbook-classroom instruction. Accordingly, the final rule, in § 1910.268(c), expressly provides that either on-the-job training, classroom instruction, or both are acceptable forms of training. The final rule further clarifies the intent of the proposal by requiring such instruction to include apprising the employee of the necessary safety precautions and emergency procedures associated with telecommunications work. The employer is required to maintain a written description of the training program and of the types of employees to which such training applies. He is also required to maintain records of employees who have received such instruction.

6. *Personal protective equipment.* Section 1910.334 of the proposal provided that employees be required to use and inspect personal protective equipment, protective devices, and tools required for their work. Some commenters asserted that this provision placed the responsibility for inspection upon the employer rather than the employee. (Comment No. 52; Transcript pages 60, 61.) This was not the intent of the proposed standard, and the final rule contained in § 1910.268(e) clearly places this responsibility on the employer.

7. *Rubber insulating equipment.* Section 1910.335 of the proposal provided that rubber insulating equipment required for use in telecommunications work meet the requirements contained in ANSI J6.6-1971, "Standard Specifications for Rubber Insulating Gloves," and ANSI J6.4-1971 "Standard Specifications for Rubber Insulating Blankets," with the exception that a Modified Class I glove would be permitted in telecommunications operations. The proposal also set forth the electrical-test voltage requirements for the Modified Class I glove. Several persons objected to the use of the Modified Class I glove as proposed. Those commenters recommended that a Class I rubber glove, as defined in ANSI J6.6-1971, be required instead. (Comment No. 52.)

Testimony from those favoring the use of this Modified Class I glove indicates that these gloves are currently in widespread use in the telecommunications industry and that no electrical accidents have been attributed to their use. (Transcript pages 131, 174, 175.) In addition, no contrary data has been submitted to indicate that the proposed modified glove

is hazardous when used for telecommunications work.

The difference between the proposed Modified Class I glove and the ANSI J6.6-1971 Class I glove is shown by the following comparison:

	Minimum breakdown voltage (root mean square)	Maximum proof-test current
Modified class I.....	17,000	16 mA
ANSI J6.6 class I....	20,000	10 mA

ANSI is presently proposing a revision to its standard which would increase the maximum proof-test current to 14 mA for a Class I glove (Transcript pages 28, Comment No. 77).

In view of this proposed change in the ANSI standard, the final standard contained in § 1910.268(f) (1) requires that rubber gloves conform to the ANSI J6.6-1971 standard, with the exception that the Class I glove maximum proof-test current be not greater than 14 mA. In effect, these are the same requirements contained in the proposed ANSI standard. However, because of the extensive use of the modified glove, and in view of the evidence noted above, the final rule permits the use of existing Modified Class I gloves, provided such gloves meet the retest requirements of § 1910.268(f) (5).

One comment suggested that the final standard require rubber gloves to be inspected and air tested before each day's use (Comment No. 36). Since each inspection and testing will further indicate the condition of the gloves, and will be helpful in determining when such gloves must be taken out of service, it has been incorporated into the final rule.

8. *Safety belts and straps.* Proposed § 1910.336(b) (1) contained design requirements and test procedures for line-man's body belts, safety straps, and lanyards. Some commenters interpreted this section to require each body belt, safety strap, and lanyard to be tested by the employer. However, these tests were not intended to be performed by the user, nor is each body belt, safety strap, and lanyard required to be tested. Rather, these are laboratory tests of production samples. The final rule, in § 1910.268(g) (2) (i), makes clear the original intent. In addition to the testing of samples, which is required only for new equipment, acquired after the effective date of this requirement, the proposal required that all safety belts, straps and lanyards be examined at least semi-annually. This requirement for inspection of all such safety equipment is retained but the final standard requires that it be performed before each day's use. In view of the reliance placed on this safety equipment by the employee and in view of the relative ease with which these tests can be performed, daily inspections were considered appropriate to provide a safe workplace.

9. *Ladders.* § 1910.337(c) of the proposal provided, in part, that portable wood ladders intended for general use shall not be painted but may be coated with a translucent nonconductive coat-

ing. One witness supporting the proposal indicated that painted wooden ladders hide defects, and that the use of such ladders may result in employee injuries. The witness further indicated that the utility industry does not allow the use of painted ladders (Transcript page 41). However, another witness suggested that there are ways to determine whether a painted ladder is defective, other than by visual inspection. He indicated that such methods have been used successfully for many years. (Transcript page 166.) Furthermore, no data was offered into evidence to show that painted wooden ladders had caused injuries in the telecommunications industry.

In view of the above considerations, the final rule, in § 1910.268(h) (3), has been modified for existing ladders and now conforms with § 1910.25 which permits the use of painted wooden ladders. However, after the effective date of this standard, wooden ladders may not be painted but may be coated with a non-conductive translucent coating.

10. *Potentially energized vehicles.* Section 1910.343(k) (6) (iii) of the proposal would have permitted an employee to enter a potentially energized vehicle by cleanly jumping onto it. This would have been permitted only when other safe means of entry, such as first stepping onto an insulated blanket, were not available. Some witnesses interpreted this standard as providing that an employer could require an employee to jump cleanly onto an energized vehicle.

However, this procedure was intended only as a voluntary act in an emergency situation where necessary to save a fellow employee's life. This is, admittedly, a dangerous and difficult operation and, therefore, could not be made mandatory. Accordingly, this provision has not been included in the final rule.

11. *Guarding manholes.* Proposed § 1910.344(a) (2) provided that while work is being performed in manholes, a person trained in first aid shall be immediately available to render assistance if there is cause to believe that a hazard exists and such hazards could not be abated by certain specified means. There was some opposition to this provision by commenters advocating that the presence of an additional person be required whenever work was being performed in a manhole. They asserted that this hazard was recognized by the National Safety Council in its data sheet #260 (Comment No. 63).

In addition, it was shown that one state has a statute containing such a provision, as does one collective bargaining agreement (Comment No. 63; Exhibit 19).

However, there was also significant support for the proposal as written. One witness indicated that where portable ventilating equipment is properly employed and the employee follows his training instructions in assessing the manhole's atmosphere, the major hazards associated with manholes are eliminated (Transcript page 146). Other witnesses indicated that where manhole fatalities occur, the victim is usually the

person guarding the manhole, not the employee working in the manhole (Transcript pages 79, 129). These deaths usually result from persons being struck by motor vehicles. One witness stated that fatalities to employees guarding manholes were at least six times the number of fatalities to employees working in manholes (Transcript page 163).

Therefore, in view of the above considerations and the state of the evidence, the final rule in § 1910.268(o) (1) (ii), like the proposal, recognizes that in certain instances an additional employee must be present while work is being performed in a manhole, while in other instances the presence of an additional employee is unnecessary. The need for an additional employee is based on the existence of the safety hazard and on the adequacy of alternative means of protecting the employee in the manhole. Since it is impossible to delineate every situation in which an additional person must be present, the standard requires this person to be present when "there is cause for believing that a hazard exists". Examples are given of the types of situations in which such hazards are deemed to exist.

One commenter argued that the standard as written was vague. However, we do not believe this to be the case. There are situations other than those stated in the standard when an additional employee should be present, and the examples given adequately enables the employer to determine what these situations are. It is incumbent upon the employer, in such situations, to insure that the additional employee is present.

12. *Microwave radiation exposure.* Section 1910.345 of the proposal provided requirements for controlling employee exposure to microwave radiation. It provided, in part, that employees would not be permitted to enter areas where the power radiated density exceeded 10 mW/cm² unless the employees were equipped with personal protective equipment.

This proposal concurred with ANSI C95.1-1966, "Safety Level of Electromagnetic Radiation with Respect to Personnel," which also provides for a 10 mW/cm² exposure level. The ANSI standard indicated that under certain climatic conditions of high temperature and humidity, the permissible exposure level should be reduced. In an attempt to incorporate this consideration, calculations involving the temperature humidity index (THI) were proposed. However, numerous comments were received which indicated that this index was too restrictive and too difficult to determine and utilize (Comment Nos. 22, 59). Furthermore, these commenters stated that the formulation of this THI is based on data which the scientific community has challenged as erroneous. Therefore, the provisions involving the THI have not been included in the final rule.

Several commenters objected to the requirements for microwave protection garments because adequate procurement specifications for the garments were not included in the proposal (Comment Nos. 22, 59). Since such specifications are not

available, the requirements concerning microwave protection garments have not been included in the final rule, although protective garments or other personal protective equipment may, if effective, be used to reduce exposures.

The proposal would have permitted hotpatching either when protective garments were worn or by an alternate method set forth in § 1910.345(d) (1) and (2) of the proposal. However, since the requirements for protective garments have not been included in the final rule, and rather than allow only one method for hotpatching operations, it was considered to be more practicable to allow hotpatching provided such operations do not expose the employee to microwave radiation in excess of 10 mW/cm². Therefore, the specific requirement pertaining to hotpatching has not been included in the final rule, although hotpatching is permitted provided employee exposure does not exceed 10 mW/cm².

The final rule references the radiation protective guide contained in § 1910.97, and provides procedures to be taken to protect employees in this environment.

13. Tree trimming. Proposed § 1910.346 provided various requirements for tree trimming operations near energized lines. Several comments were received requesting clarification of the scope of the proposed rule. Some expressed the view that the standard required telecommunication employees to consider telecommunication wires energized with potentially fatal voltages when performing tree trimming operations incidental to their normal work. Since telecommunication workers are trained in the hazards and techniques associated with working on communication wires, they should not be precluded from contacting communication wires. The requirements of this section were derived from the American National Standard ANSI Z 133.1-1972, "Safety Requirements for Tree Pruning, Trimming, Repairing, or Removal." However, since the ANSI standard addressed tree trimmers and the proposal was intended to address telecommunication workers, there was some confusion as to the applicability of these requirements. Therefore, these requirements have been reworded to specifically address both telecommunication employees and other employees engaged in line-clearance tree trimming who perform work on behalf of a telecommunications system operator/owner.

Another commenter stated that it was questionable whether line-clearance tree trimmers should be subject to the clearance requirements contained in Table T-3 of proposed § 1910.346, rather than the clearance requirements contained in Table T-1 of § 1910.331 of the proposal which pertains to telecommunication employees (Comment No. 020). The nature of line-clearance tree trimming requires employees who perform this work to approach closer to electric power lines than employees who are engaged only in normal telecommunication work. Since employees qualified in line-clearance tree trimming are trained to work near electric power conductors, they are permitted to utilize the distances prescribed in Table R-3. It should be noted that these

distances are the same as given in ANSI Z133.1-1972, and apply to personnel who are qualified in line-clearance tree trimming.

14. Buried Facilities. Several commenters expressed the need for standards covering situations where telecommunication lines are buried in the same trench with electrical power conductors (Tr. 130, Comment Nos. 19, 20). A recommendation was made that a section be reserved for this purpose and that a task force be assigned to address this issue in the near future. This is an area which needs attention and the recommendation has been adopted. Accordingly, § 1910.268(r) has been reserved for this purpose.

15. Retiring rooms. Two comments were received recommending the inclusion of a requirement for retiring rooms contending that unique circumstances exist in the telecommunication industry (Comment Nos. 68, 20). However, medical evidence was submitted which indicated that retiring rooms do not enhance employee safety, and may, in fact, jeopardize it because an employee may choose to rest in such an area rather than seek proper medical attention which may be necessary (Exhibit 31). In addition, although certain scheduling practices may be common in this industry, they are by no means unique.

This matter was properly addressed in a previous hearing relating to a general industry requirement on retiring rooms and was not adopted based on that record (38 FR 9078). Since no persuasive evidence was submitted which established that the need for retiring rooms is unique to the telecommunication industry, and since such a requirement was not contained in the proposal, a provision for retiring rooms has not been included in the final rule.

Accordingly, upon consideration of the whole record of this proceeding, and pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations is hereby amended as follows:

1. In § 1910.67, paragraph (b) is revised and a new paragraph (c) is added, to read as follows:

§ 1910.67 Vehicle-mounted elevating and rotating work platforms.

(b) *General requirements.* (1) Unless otherwise provided in this section, aerial devices (aerial lifts) acquired on or after July 1, 1975, shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including appendix. Aerial lifts acquired for use before July 1, 1975 which do not meet the requirements of ANSI A92.2-1969, may not be used after July 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial devices include the following

types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground: (i) Extensible boom platforms, (ii) aerial ladders, (iii) articulating boom platforms, (iv) vertical towers, and (v) a combination of any of the above. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(2) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer, provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section, and to be at least as safe as the equipment was before modification.

(3) The requirements of this section do not apply to firefighting equipment or to the vehicles upon which aerial devices are mounted, except with respect to the requirement that a vehicle be a stable support for the aerial device.

(4) When operating aerial lifts proximate to, under, over, by or near electric power lines, the requirements of this paragraph (b) (4) shall apply.

(i) The following clearances shall be maintained:

(A) For lines rated at 50kV or less, the minimum clearance between the lines and any part of the aerial lift shall be at least 10 feet;

(B) When the lines are rated in excess of 50 kV, the minimum clearance between the lines and any part of the aerial lift shall be at least 10 feet plus 0.4 inch for each kilovolt in excess of 50kV, or twice the length of the line insulator, but never less than 10 feet;

(C) the requirements set forth in paragraph (b) (4) (i) of this section do not apply (1) where the work is performed from an aerial device insulated for the work, and the work is performed by either telecommunication employees, line-clearance tree-trimming employees, or electric utility employees; or (2) where the electric power transmission or distribution lines have been de-energized and visibly grounded at the point of work, or where insulating barriers, not a part of or an attachment to the aerial lift, have been erected to prevent physical contact with the lines.

(ii) Proximity warning devices may be used, but not in lieu of meeting the requirements contained in paragraph (b) (4) (i) of this section.

(iii) The owner of the lines or his authorized representative shall be notified and provided with all pertinent information before the commencement of operations near electrical lines.

(iv) Any overhead wire shall be considered to be an energized line until the owner of the line or his authorized representative states that it is deenergized.

(c) *Specific requirements*—(1) *Ladder trucks and tower trucks.* Before the truck is moved for highway travel, aerial ladders shall be secured in the lower traveling position by the locking device

above the truck cab, and the manually operated device at the base of the ladder, or by other equally effective means (e.g., cradles which prevent rotation of the ladder in combination with positive acting linear actuators).

(2) *Extensible and articulating boom platforms.* (i) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only trained persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and outriggers, when used, shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline.

(viii) An aerial lift truck may not be moved when the boom is elevated in a working position with men in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of paragraphs (b)(1) and (b)(2) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position, except as provided in paragraph (c)(2)(viii) of this section.

(3) *Electrical tests.* Electrical tests shall be made in conformance with the requirements of ANSI A92.2-1969, Section 5. However, equivalent DC voltage tests may be used in lieu of the AC voltage test specified in A92.2-1969. DC voltage tests which are approved by the equipment manufacturer or equivalent entity shall be considered an equivalent test for the purpose of this paragraph (c)(3).

(4) *Bursting safety factor.* All critical hydraulic and pneumatic components shall comply with the provisions of the American National Standards Institute standard, ANSI A92.2-1969, Section 4.9

Bursting Safety Factor. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least two to one.

(5) *Welding standards.* All welding shall conform to the following Automotive Welding Society (AWS) Standards, as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

(iii) Standard Qualification of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-69.

(iv) Specifications for Welding Highway and Railway Bridges, AWS D2.0-69.

2. Section 1910.70 is revised to read as follows:

§ 1910.70 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization.

American National Standards Institute
1430 Broadway
New York, New York 10018
American Welding Society
2501 NW 7th Street
Miami, Florida 33125

3. A new § 1910.183 is added to read as follows:

§ 1910.183 Helicopters.

(a) *Helicopter regulations.* Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(b) *Briefing.* Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(c) *Slings and tag lines.* Loads shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into the rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(d) *Cargo hooks.* All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The employer shall ensure that the hooks are tested prior to each day's operation by a competent person to determine that the release functions properly, both electrically and mechanically.

(e) *Personal protective equipment.* (1) Personal protective equipment shall be provided and the employer shall ensure its use by employees receiving the load. Personal protective equipment shall consist of complete eye protection and hardhats secured by chinstraps.

(2) Loose-fitting clothing likely to flap in rotor downwash, and thus be snagged on the hoist line, may not be worn.

(f) *Loose gear and objects.* The employer shall take all necessary precautions to protect employees from flying objects in the rotor downwash. All loose

gear within 100 feet of the place of lifting the load or depositing the load, or within all other areas susceptible to rotor downwash, shall be secured or removed.

(g) *Housekeeping.* Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(h) *Load safety.* The size and weight of loads, and the manner in which loads are connected to the helicopter shall be checked. A lift may not be made if the helicopter operator believes the lift cannot be made safely.

(i) *Hooking and unhooking loads.* When employees perform work under hovering craft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. Employees may not be permitted to perform work under hovering craft except when necessary to hook or unhook loads.

(j) *Static charge.* Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, unless protective rubber gloves are being worn by all ground personnel who may be required to touch the suspended load.

(k) *Weight limitation.* The weight of an external load shall not exceed the helicopter manufacturer's rating.

(l) *Ground lines.* Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(m) *Visibility.* Ground personnel shall be instructed and the employer shall ensure that when visibility is reduced by dust or other conditions, they shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate, as far as practical, the dust or other conditions reducing the visibility.

(n) *Signal systems.* The employer shall instruct the aircrew and ground personnel on the signal systems to be used and shall review the system with the employees in advance of hoisting the load. This applies to both radio and hand signal systems. Hand signals, where used, shall be as shown in Figure N-1.

(o) *Approach distance.* No employee shall be permitted to approach within 50 feet of the helicopter when the rotor blades are turning, unless his work duties require his presence in that area.

(p) *Approaching helicopter.* The employer shall instruct employees, and shall ensure, that whenever approaching or leaving a helicopter which has its blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. No employee shall be permitted to work in the area from the cockpit or cabin rearward while blades are rotating, unless authorized by the helicopter operator to work there.

(q) *Personnel.* Sufficient ground personnel shall be provided to ensure that helicopter loading and unloading operations can be performed safely.

(r) *Communications.* There shall be constant reliable communication between the pilot and a designated employee of the ground crew who acts as a signalman during the period of loading

and unloading. This signalman shall be clearly distinguishable from other ground personnel.

(s) *Fires.* Open fires shall not be permitted in areas where they could be spread by the rotor downwash.

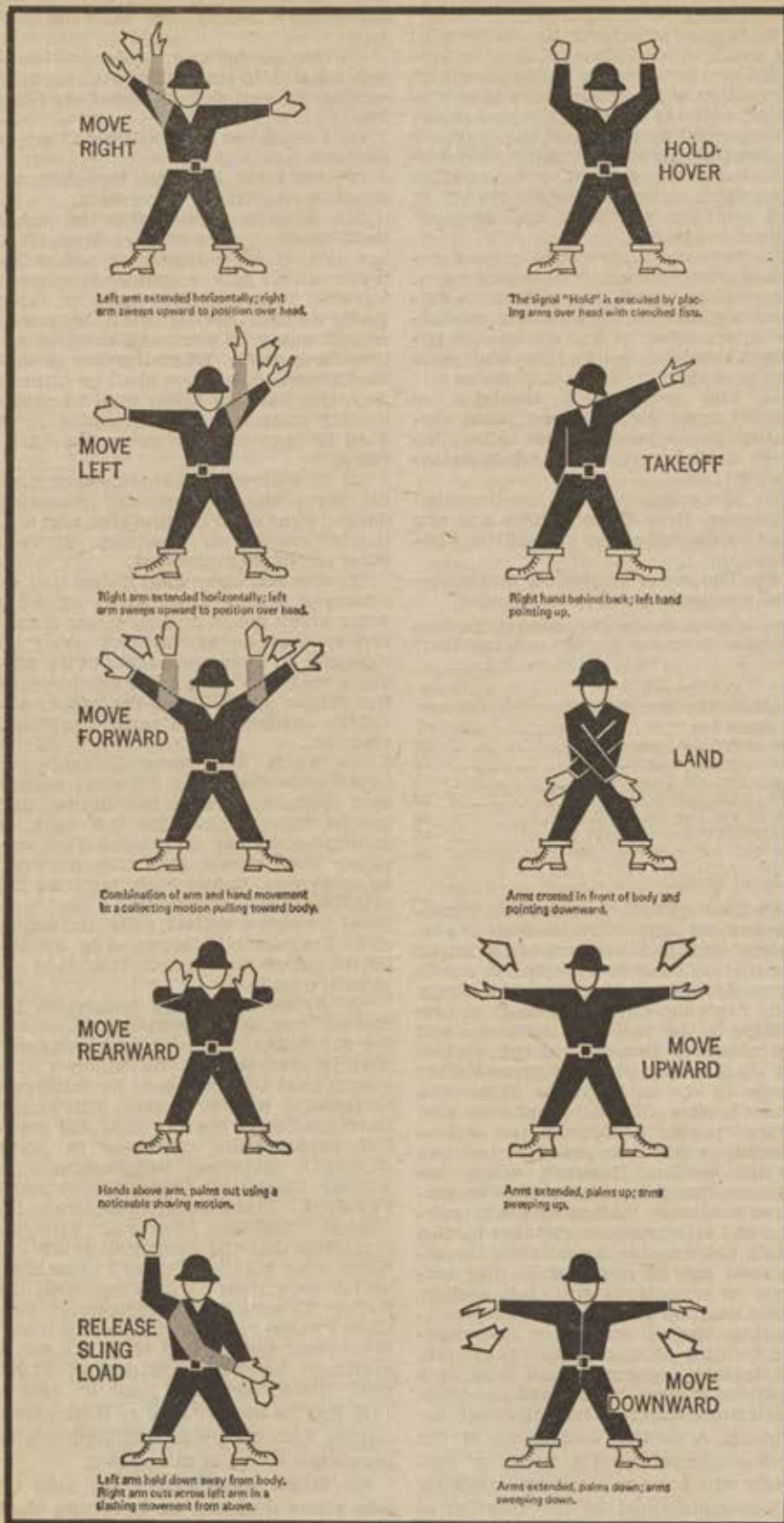


FIGURE N-1 HELICOPTER HAND SIGNAL

§ 1910.189 [Redesignated]

4. Section 1910.183, *Sources of standards*, is redesignated as § 1910.189.

§ 1910.190 [Redesignated]

5. Section 1910.184, *Standards organizations*, is redesignated as § 1910.190.

6. A new § 1910.268 is added to read as follows:

§ 1910.268 *Telecommunications.*

(a) *Application.* (1) This section sets forth safety and health standards that apply to the work conditions, practices, means, methods, operations, installations and processes performed at telecommunications centers and at telecommunications field installations, which are located outdoors or in building spaces used for such field installations. "Center" work includes the installation, operation, maintenance, rearrangement, and removal of communications equipment and other associated equipment in telecommunications switching centers. "Field" work includes the installation, operation, maintenance, rearrangement, and removal of conductors and other equipment used for signal or communication service, and of their supporting or containing structures, overhead or underground, on public or private rights of way, including buildings or other structures.

(2) These standards do not apply: (i) To construction work, as defined in § 1910.12, nor (ii) to installations under the exclusive control of electric utilities used for the purpose of communications or metering, or for generation, control, transformation, transmission, and distribution of electric energy, which are located in buildings used exclusively by the electric utilities for such purposes, or located outdoors on property owned or leased by the electric utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(3) Operations or conditions not specifically covered by this section are subject to all the applicable standards contained in this Part 1910. See § 1910.5(c). Operations which involve construction work, as defined in § 1910.12 are subject to all the applicable standards contained in Part 1926 of this chapter.

(b) *General.*—(1) *Buildings containing telecommunications centers.*—(i) *Illumination.* Lighting in telecommunication centers shall be provided in an adequate amount such that continuing work operations, routine observations, and the passage of employees can be carried out in a safe and healthful manner. Certain specific tasks in centers, such as splicing cable and the maintenance and repair of equipment frame lineups, may require a higher level of illumination. In such cases, the employer shall install permanent lighting or portable supplemental lighting to attain a higher level of illumination shall be provided as needed to permit safe performance of the required task.

(ii) *Working surfaces.* Guard rails and toe boards may be omitted on distribution frame mezzanine platforms to permit access to equipment. This exemption applies only on the side or sides of

the platform facing the frames and only on those portions of the platform adjacent to equipped frames.

(iii) *Working spaces.* "Maintenance aisles," or "wiring aisles," between equipment frame lineups are working spaces and are not a means of egress for purposes of § 1910.35(a).

(iv) *Special doors.* When blastproof or power actuated doors are installed in specially designed hardsite security buildings and spaces, they shall be designed and installed so that they can be used as a means of egress in emergencies.

(v) *Equipment, machinery and machine guarding.* When power plant machinery in telecommunications centers is operated with commutators and couplings uncovered, the adjacent housing shall be clearly marked to alert personnel to the rotating machinery.

(2) *Battery handling.* (i) Eye protection devices which provide side as well as frontal eye protection for employees shall be provided when measuring storage battery specific gravity or handling electrolyte, and the employer shall ensure that such devices are used by the employees. The employer shall also ensure that acid resistant gloves and aprons shall be worn for protection against spattering. Facilities for quick drenching or flushing of the eyes and body shall be provided unless the storage batteries are of the enclosed type and equipped with explosion proof vents, in which case sealed water rinse or neutralizing packs may be substituted for the quick drenching or flushing facilities. Employees assigned to work with storage batteries shall be instructed in emergency procedures such as dealing with accidental acid spills.

(ii) Electrolyte (acid or base, and distilled water) for battery cells shall be mixed in a well ventilated room. Acid or base shall be poured gradually, while stirring, into the water. Water shall never be poured into concentrated (greater than 75 percent) acid solutions. Electrolyte shall never be placed in metal containers nor stirred with metal objects.

(iii) When taking specific gravity readings, the open end of the hydrometer shall be covered with an acid resistant material while moving it from cell to cell to avoid splashing or throwing the electrolyte.

(3) *Medical and first aid.* First aid supplies recommended by a consulting physician shall be placed in weather-proof containers (unless stored indoors) and shall be easily accessible. Each first aid kit shall be inspected at least once a month. Expended items shall be replaced.

(4) *Hazardous materials.* Highway mobile vehicles and trailers stored in garages in accordance with § 1910.110 may be equipped to carry more than one LP-gas container, but the total capacity of LP-gas containers per work vehicle stored in garages shall not exceed 100 pounds of LP-gas. All container valves shall be closed when not in use.

(5) *Compressed gas.* When using or transporting nitrogen cylinders in a hori-

zontal position, special compartments, racks, or adequate blocking shall be provided to prevent cylinder movement. Regulators shall be removed or guarded before a cylinder is transported.

(6) *Support structures.* No employee, or any material or equipment, may be supported or permitted to be supported on any portion of a pole structure, platform, ladder, walkway or other elevated structure or aerial device unless the employer ensures that the support structure is first inspected by a competent person and it is determined to be adequately strong, in good working condition and properly secured in place.

(7) *Approach distances to energized overhead power lines and parts.* The employer shall ensure that no employee approaches or takes any conductive object closer to any electrically energized overhead power lines and parts than prescribed in Table R-2, unless:

(i) The employee is insulated or guarded from the energized parts (insulating gloves rated for the voltage involved shall be considered adequate insulation), or

(ii) The energized parts are insulated or guarded from the employee and any other conductive object at a different potential, or

(iii) The power conductors and equipment are deenergized and grounded.

TABLE R-2—APPROACH DISTANCES TO EXPOSED ENERGIZED OVERHEAD POWER LINES AND PARTS

Voltage range (phase to phase, RMS)	Approach distance (inches)
300 V and less	(¹)
Over 300V, not over 750V	12
Over 750V not over 2 kV	18
Over 2 kV, not over 15 kV	24
Over 15 kV, not over 37 kV	36
Over 37 kV, not over 87.5 kV	42
Over 87.5 kV, not over 121 kV	48
Over 121 kV, not over 140 kV	54

¹ Avoid contact.

(8) *Illumination of field work.* Whenever natural light is insufficient to adequately illuminate the worksite, artificial illumination shall be provided to enable the employee to perform the work safely.

(c) *Training.* Employers shall provide training in the various precautions and safe practices described in this section and shall insure that employees do not engage in the activities to which this section applies until such employees have received proper training in the various precautions and safe practices required by this section. However, where the employer can demonstrate that an employee is already trained in the precautions and safe practices required by this section prior to his employment, training need not be provided to that employee in accordance with this section. Where training is required, it shall consist of on-the-job training or classroom-type training or a combination of both. The training program shall include a list of the subject courses and the types of personnel required to receive such instruction. A written description of the training program and a record of employees who have received such training shall be maintained for the duration of

the employee's employment and shall be made available upon request to the Assistant Secretary for Occupational Safety and Health. Such training shall, where appropriate, include the following subjects:

(1) Recognition and avoidance of dangers relating to encounters with harmful substances, and animal, insect, or plant life.

(2) Procedures to be followed in emergency situations, and

(3) First aid training, including instruction in artificial respiration.

(d) *Employee protection in public work areas.* (1) Before work is begun in the vicinity of vehicular or pedestrian traffic which may endanger employees, warning signs and/or flags or other traffic control devices shall be placed conspicuously to alert and channel approaching traffic. Where further protection is needed, barriers shall be utilized. At night, warning lights shall be prominently displayed, and excavated areas shall be enclosed with protective barricades.

(2) If work exposes energized or moving parts that are normally protected, danger signs shall be displayed and barricades erected, as necessary, to warn other personnel in the area.

(3) The employer shall insure that an employee finding any crossed or fallen wires which create or may create a hazardous situation at the work area: (i) Remains on guard or adopts other adequate means to warn other employees of the danger and (ii) has the proper authority notified at the earliest practical moment.

(e) *Tools and personal protective equipment—Generally.* Personal protective equipment, protective devices and special tools needed for the work of employees shall be provided and the employer shall ensure that they are used by employees. Before each day's use the employer shall ensure that these personal protective devices, tools, and equipment are carefully inspected by a competent person to ascertain that they are in good condition.

(f) *Rubber insulating equipment.* (1) Rubber insulating equipment designed for the voltage levels to be encountered shall be provided and the employer shall ensure that they are used by employees as required by this section. This equipment shall meet the electrical and physical requirements contained in ANSI J6.6-1971 "Standard Specifications for Rubber Insulating Gloves," and ANSI J6.4-1971 "Standard Specifications for Rubber Insulating Blankets," with the exception that the maximum proof test current for a 14 inch Class I glove shall be no more than 14 mA, and with the further exception that existing 14 inch Class I rubber gloves that meet a maximum proof test current of 16 mA and a minimum breakdown voltage of 17,000 volts (RMS) acquired prior to July 1, 1975 may be used as long as these gloves comply with the retest requirements of paragraph (f) (5) of this section.

(2) When these gloves are used on jobs where they may be torn, they shall

be protected with heavy outer canvas or leather gloves.

(3) Insulating gloves may be of multiply construction with contrasting colors to aid in the detection of cuts, cracks, and deep abrasions.

(4) Protective equipment fabricated of material other than rubber shall provide electrical and mechanical protection at least equal to that of the rubber equipment.

(5) The employer is responsible for the periodic retesting of all insulating gloves, blankets, and other rubber insulating equipment. This retesting shall be electrical, visual and mechanical. The following maximum retesting intervals shall apply:

Gloves, blankets, and other insulating equipment	Natural rubber		Synthetic rubber	
	Months	Months	Months	Months
New.....	12	18	12	18
Re-issued.....	9	15	9	15

(6) Gloves and blankets shall be marked to indicate compliance with the retest schedule, and shall be marked with the date the next test is due. Gloves found to be defective in the field or by the tests set forth in paragraph (f) (5) of this section shall be destroyed by cutting them open from the finger to the gauntlet.

(7) When not being used, insulating gloves shall be stored in glove bags or in their original containers. Insulating blankets shall be stored in a canister or other device which offers equivalent protection.

(8) Insulating gloves and blankets shall be stored away from direct sunlight, steam pipes, radiators and other sources of excessive heat. Gloves and blankets shall not be folded while in storage; however, blankets may be rolled for storage.

(9) Rubber gloves shall be visually inspected and air tested prior to each day's use.

(g) Personal climbing equipment.

(1) *General.* Safety belts and straps shall be provided and the employer shall ensure their use when work is performed at positions more than 4 feet above ground, on poles, and on towers, except as provided in paragraphs (n) (7) and (n) (8) of this section. No safety belts, safety straps or lanyards acquired after July 1, 1975 may be used unless they meet the tests set forth in paragraph (g) (2) of this section. The employer shall ensure that all safety belts and straps are inspected by a competent person prior to each day's use to determine that they are in safe working condition.

(2) *Telecommunication lineman's body belts, safety straps, and lanyards.*—(i) *General requirements.* (A) Hardware for lineman's body belts, safety straps, and lanyards shall be drop forged or pressed steel and shall have a corrosion resistant finish tested to meet the requirements of the American Society for Testing and Materials B117-64 (50-hour test). Surfaces shall be smooth and free of sharp

edges. Production samples of lineman's safety straps, body belts and lanyards shall be approved by a nationally recognized testing laboratory, as having been tested in accordance with and as meeting the requirements of this paragraph.

(B) All buckles shall withstand a 2,000-pound tensile test with a maximum permanent deformation no greater than one sixty-fourth inch.

(C) D rings shall withstand a 5,000-pound tensile test without cracking or breaking.

(D) Snaphooks shall withstand a 5,000-pound tensile test, or shall withstand a 3,000-pound tensile test and a 180° bend test. Tensile failure is indicated by distortion of the snaphook sufficient to release the keeper; bend test failure is indicated by cracking of the snaphook.

(ii) *Specific requirements.* (A) (1) All fabric used for safety straps shall be capable of withstanding an A.C. dielectric test for not less than 25,000 volts per foot "dry" for 3 minutes, without visible deterioration.

(2) All fabric and leather used shall be tested for leakage current. Fabric or leather may not be used if the leakage current exceeds 1 milliamperes when a potential of 3,000 volts is applied to the electrodes positioned 12 inches apart.

(3) In lieu of alternating current tests, equivalent direct current tests may be performed.

(B) The cushion part of the body belt shall:

(1) Contain no exposed rivets on the inside. This provision does not apply to belts used by craftsmen not engaged in line work.

(2) Be at least three inches in width;

(3) Be at least five thirty-seconds (5/32) inch thick, if made of leather; and

(4) Have pocket tabs that extend at least 1 1/2 inches down and three inches back of the inside of the circle of each D ring for riveting on plier or tool pockets. On shifting D ring belts, this measurement for pocket tabs shall be taken when the D ring section is centered.

(C) There may be no more than four tool loops on any body belt.

(D) Suitable copper, steel, or equivalent liners shall be used around the bars of D rings to prevent wear between these members and the leather or fabric enclosing them.

(E) All stitching shall be done with a minimum 42-pound weight nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge may not be less than three-sixteenths (3/16) inch from the edge of the narrowest member caught by the thread. The use of cross stitching on leather is prohibited.

(F) The keepers of snaphooks shall have a spring tension that will not allow the keeper to begin to open when a weight of 2 1/2 pounds or less is applied, but the keepers shall begin to open when a weight of four pounds is applied. In making this determination, the weight shall be supported on the keeper against the end of the nose.

(G) Safety straps, lanyards, and body belts shall be tested in accordance with the following procedure:

(1) Attach one end of the safety strap or lanyard to a rigid support, and the other end to a 250-pound canvas bag of sand;

(2) Allow the 250-pound canvas bag of sand to free fall 4 feet when testing safety straps and 6 feet when testing lanyards. In each case, the strap or lanyard shall stop the fall of the 250-pound bag;

(3) Failure of the strap or lanyard shall be indicated by any breakage or slippage sufficient to permit the bag to fall free from the strap or lanyard.

(4) The entire "body belt assembly" shall be tested using one D ring. A safety strap or lanyard shall be used that is capable of passing the "impact loading test" described in paragraph (g) (2) (ii) (G) (2) of this section and attached as required in paragraph (g) (2) (ii) (G) (1) of this section. The body belt shall be secured to the 250-pound bag of sand at a point which simulates the waist of a man and shall be dropped as stated in paragraph (g) (2) (ii) (G) (2) of this section. Failure of the body belt shall be indicated by any breakage or slippage sufficient to permit the bag to fall free from the body belt.

(3) *Pole climbers.* (i) Pole climbers may not be used if the gaffs are less than 1 1/4 inches in length as measured on the underside of the gaff. The gaffs of pole climbers shall be covered with safety caps when not being used for their intended use.

(ii) The employer shall ensure that pole climbers are inspected by a competent person for the following conditions: Fractured or cracked gaffs or leg irons, loose or dull gaffs, broken straps or buckles. If any of these conditions exist, the defect shall be corrected before the climbers are used.

(iii) Pole climbers shall be inspected as required in this paragraph (g) (3) before each day's use and a gaff cut-out test performed at least weekly when in use.

(iv) Pole climbers may not be worn when:

(A) Working in trees (specifically designed tree climbers shall be used for tree climbing),

(B) Working on ladders,

(C) Working in an aerial lift,

(D) Driving a vehicle, nor

(E) Walking on rocky, hard, frozen, brushy or hilly terrain.

(h) *Ladders.* (1) The employer shall ensure that no employee nor any material or equipment may be supported or permitted to be supported on any portion of a ladder unless it is first determined, by inspections and checks conducted by a competent person that such ladder is adequately strong, in good condition, and properly secured in place, as required in Subpart D of this part and as required in this section.

(2) The spacing between steps or rungs permanently installed on poles and towers shall be no more than 18 inches

(36 inches on any one side). This requirement also applies to fixed ladders on towers, when towers are so equipped. Spacing between steps shall be uniform above the initial unstepped section, except where working, standing, or access steps are required. Fixed ladder rungs and step rungs for poles and towers shall have a minimum diameter of $\frac{5}{8}$ ". Fixed ladder rungs shall have a minimum clear width of 12 inches. Steps for poles and towers shall have a minimum clear width of $4\frac{1}{2}$ inches. The spacing between detachable steps may not exceed 30 inches on any one side, and these steps shall be properly secured when in use.

(3) After April 30, 1975, portable wood ladders intended for general use may not be painted but may be coated with a translucent nonconductive coating. Portable wood ladders may not be longitudinally reinforced with metal.

(4) Portable wood ladders that are not being carried on vehicles and are not in active use shall be stored where they will not be exposed to the elements and where there is good ventilation.

(5) The provisions of § 1910.25(c)(5) shall apply to rolling ladders used in telecommunications centers, except that such ladders shall have a minimum inside width, between the side rails, of at least eight inches.

(6) Climbing ladders or stairways on scaffolds used for access and egress shall be affixed or built into the scaffold by proper design and engineering, and shall be so located that their use will not disturb the stability of the scaffold. The rungs of the climbing device shall be equally spaced, but may not be less than 12 inches nominal nor more than 16 inches nominal apart. Horizontal end rungs used for platform support may also be utilized as a climbing device if such rungs meet the spacing requirement of this paragraph (h)(6), and if there is sufficient clearance between the rung and the edge of the platform to afford an adequate handhold. If a portable ladder is affixed to the scaffold, it shall be securely attached and shall have rungs meeting the spacing requirements of this paragraph (h)(6). Clearance shall be provided in the back of the ladder of not less than 6 inches from center of rung to the nearest scaffold structural member.

(7) When a ladder is supported by an aerial strand, and ladder hooks or other supports are not being used, the ladder shall be extended at least 2 feet above the strand and shall be secured to it (e.g. lashed or held by a safety strap around the strand and ladder side rail). When a ladder is supported by a pole, it shall be securely lashed to the pole unless the ladder is specifically designed to prevent movement when used in this application.

(8) The following requirements apply to metal manhole ladders. (i) Metal manhole ladders shall be free of structural defects and free of accident hazards such as sharp edges and burrs. The metal shall be protected against corrosion unless inherently corrosion-resistant.

(ii) These ladders may be designed with parallel side rails, or with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base to increase stability.

(iii) The spacing of rungs or steps shall be on 12-inch centers.

(iv) Connections between rungs or steps and siderails shall be constructed to insure rigidity as well as strength.

(v) Rungs and steps shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.

(vi) Ladder hardware shall meet the strength requirements of the ladder's component parts and shall be of a material that is protected against corrosion unless inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action.

(i) *Other tools and personal protective equipment*—(1) *Head protection*. Head protection meeting the requirements of ANSI Z89.2-1971, "Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B" shall be provided whenever there is exposure to possible high voltage electrical contact, and the employer shall ensure that the head protection is used by employees.

(2) *Eye protection*. Eye protection meeting the requirements of § 1910.133 (a) (2) thru (a) (6) shall be provided and the employer shall ensure its use by employees where foreign objects may enter the eyes due to work operations such as but not limited to:

(i) Drilling or chipping stone, brick or masonry, breaking concrete or pavement, etc. by hand tools (sledgehammer, etc.) or power tools such as pneumatic drills or hammers;

(ii) Working on or around high speed emery or other grinding wheels unprotected by guards;

(iii) Cutting or chipping terra cotta ducts, tile, etc.;

(iv) Working under motor vehicles requiring hammering;

(v) Cleaning operations using compressed air, steam, or sand blast;

(vi) Acetylene welding or similar operations where sparks are thrown off;

(vii) Using powder actuated stud drivers;

(viii) Tree pruning or cutting underbrush;

(ix) Handling battery cells and solutions, such as taking battery readings with a hydrometer and thermometer;

(x) Removing or rearranging strand or open wire; and

(xi) Performing lead sleeve wiping and while soldering.

(3) *Tent heaters*. Flame-type heaters may not be used within ground tents or on platforms within aerial tents unless:

(i) The tent covers are constructed of fire resistant materials, and

(ii) Adequate ventilation is provided to maintain safe oxygen levels and avoid harmful buildup of combustion products and combustible gases.

(4) *Torches*. Torches may be used on aerial splicing platforms or in buckets

enclosed by tents provided the tent material is constructed of fire resistant material and the torch is turned off when not in actual use. Aerial tents shall be adequately ventilated while the torch is in operation.

(5) *Portable power equipment*. Nominal 120V, or less, portable generators used for providing power at work locations do not require grounding if the output circuit is completely isolated from the frame of the unit.

(6) *Vehicle-mounted utility generators*. Vehicle-mounted utility generators used for providing nominal 240V AC or less for powering portable tools and equipment need not be grounded to earth if all of the following conditions are met:

(i) One side of the voltage source is solidly strapped to the metallic structure of the vehicle;

(ii) Grounding-type outlets are used, with a "grounding" conductor between the outlet grounding terminal and the side of the voltage source that is strapped to the vehicle;

(iii) All metallic encased tools and equipment that are powered from this system are equipped with three-wire cords and grounding-type attachment plugs, except as designated in paragraph (i) (7) of this section.

(7) *Portable lights, tools, and appliances*. Portable lights, tools, and appliances having noncurrent-carrying external metal housing may be used with power equipment described in paragraph (i) (5) of this section without an equipment grounding conductor. When operated from commercial power such metal parts of these devices shall be grounded, unless these tools or appliances are protected by a system of double insulation, or its equivalent. Where such a system is employed, the equipment shall be distinctively marked to indicate double insulation.

(8) *Soldering devices*. Grounding shall be omitted when using soldering irons, guns or wire-wrap tools on telecommunications circuits.

(9) *Lead work*. The wiping of lead joints using melted solder, gas fueled torches, soldering irons or other appropriate heating devices, and the soldering of wires or other electrical connections do not constitute the welding, cutting and brazing described in Subpart Q of this part. When operated from commercial power the metal housing of electric solder pots shall be grounded. Electric solder pots may be used with the power equipment described in paragraph (i) (5) of this section without a grounding conductor. The employer shall ensure that wiping gloves or cloths and eye protection are used in lead wiping operations. A drip pan to catch hot lead drippings shall also be provided and used.

(j) *Vehicle-mounted material handling devices and other mechanical equipment*—(1) *General*. (i) The employer shall ensure that visual inspections are made of the equipment by a competent person each day the equipment is to be used to ascertain that it is in good condition.

(ii) The employer shall ensure that tests shall be made at the beginning of each shift by a competent person to insure the vehicle brakes and operating systems are in proper working condition.

(2) *Scrapers, loaders, dozers, graders and tractors.* (i) All rubber-tired, self-propelled scrapers, rubber-tired front end loaders, rubber-tired dozers, agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in telecommunications work shall have rollover protective structures that meet the requirements of Subpart W of Part 1926 of this Title.

(ii) Eye protection shall be provided and the employer shall ensure that it is used by employees when working in areas where flying material is generated.

(3) *Vehicle-mounted elevating and rotating work platforms.* These devices shall not be operated with any conductive part of the equipment closer to exposed energized power lines than the clearances set forth in Table R-2 of this section.

(4) *Derrick trucks and similar equipment.* (i) This equipment shall not be operated with any conductive part of the equipment closer to exposed energized power lines than the clearances set forth in Table R-2 of this section.

(ii) When derricks are used to handle poles near energized power conductors, these operations shall comply with the requirements contained in paragraphs (b) (7) and (n) (11) of this section.

(iii) Moving parts of equipment and machinery carried on or mounted on telecommunications line trucks shall be guarded. This may be done with barricades as specified in paragraph (d) (2) of this section.

(iv) Derricks and the operation of derricks shall comply with the following requirements: (A) Manufacturer's specifications, load ratings and instructions for derrick operation shall be strictly observed.

(B) Rated load capacities and instructions related to derrick operation shall be conspicuously posted on a permanent weather-resistant plate or decal in a location on the derrick that is plainly visible to the derrick operator.

(C) Prior to derrick operation the parking brake must be set and the stabilizers extended if the vehicle is so equipped. When the vehicle is situated on a grade, at least two wheels must be chocked on the downgrade side.

(D) Only persons trained in the operation of the derrick shall be permitted to operate the derrick.

(E) Hand signals to derrick operators shall be those prescribed by ANSI B30.6-1969, "Safety Code for Derricks".

(F) The employer shall ensure that the derrick and its associated equipment are inspected by a competent person at intervals set by the manufacturer but in no case less than once per year. Records shall be maintained including the dates of inspections, and necessary repairs made, if corrective action was required.

(G) Modifications or additions to the derrick and its associated equipment that

alter its capacity or affect its safe operation shall be made only with written certification from the manufacturer, or other equivalent entity, such as a nationally recognized testing laboratory, that the modification results in the equipment being safe for its intended use. Such changes shall require the changing and posting of revised capacity and instruction decals or plates. These new ratings or limitations shall be as provided by the manufacturer or other equivalent entity.

(H) Wire rope used with derricks shall be of improved plow steel or equivalent. Wire rope safety factors shall be in accordance with American National Standards Institute B30.6-1969.

(I) Wire rope shall be taken out of service, or the defective portion removed, when any of the following conditions exist: (1) The rope strength has been significantly reduced due to corrosion, pitting, or excessive heat, or

(2) The thickness of the outer wires of the rope has been reduced to two-thirds or less of the original thickness, or

(3) There are more than six broken wires in any one rope lay, or

(4) There is excessive permanent distortion caused by kinking, crushing, or severe twisting of the rope.

(K) *Materials handling and storage—*

(1) *Poles—*When working with poles in piles or stacks, work shall be performed from the ends of the poles as much as possible, and precautions shall be taken for the safety of employees at the other end of the pole. During pole hauling operations, all loads shall be secured to prevent displacement. Lights, reflectors and/or flags shall be displayed on the end and sides of the load as necessary. The requirements for installation, removal, or other handling of poles in pole lines are prescribed in paragraph (n) of this section which pertains to overhead lines. In the case of hoisting machinery equipped with a positive stop load-holding device, it shall be permissible for the operator to leave his position at the controls (while a load is suspended) for the sole purpose of assisting in positioning the load prior to landing it. Prior to unloading steel, poles, crossarms, and similar material, the load shall be thoroughly examined to ascertain that the load has not shifted, that binders or stakes have not broken, and that the load is not otherwise hazardous to employees.

(2) *Cable reels.* Cable reels in storage shall be checked or otherwise restrained when there is a possibility that they might accidentally roll from position.

(1) *Cable fault locating and testing.*

(1) Employees involved in using high voltages to locate trouble or test cables shall be instructed in the precautions necessary for their own safety and the safety of other employees.

(2) Before the voltage is applied, cable conductors shall be isolated to the extent practicable. Employees shall be warned, by such techniques as briefing and tagging at all affected locations, to stay clear while the voltage is applied.

(m) *Grounding for employee protection—pole lines—*(1) *Power conductors.* Electric power conductors and equipment shall be considered as energized unless the employee can visually determine that they are bonded to one of the grounds listed in paragraph (m) (4) of this section.

(2) *Nonworking open wire.* Nonworking open wire communications lines shall be bonded to one of the grounds listed in paragraph (m) (4) of this section.

(3) *Vertical power conduit, power ground wires and street light fixtures.* (i) Metal power conduit on joint use poles, exposed vertical power ground wires, and street light fixtures which are below communications attachments or less than 20 inches above these attachments, shall be considered energized and shall be tested for voltage unless the employee can visually determine that they are bonded to the communications suspension strand or cable sheath.

(ii) If no hazardous voltage is shown by the voltage test, a temporary bond shall be placed between such street light fixture, exposed vertical power grounding conductor, or metallic power conduit and the communications cable strand. Temporary bonds used for this purpose shall have sufficient conductivity to carry at least 500 amperes for a period of one second without fusing.

(4) *Suitable protective grounding.* Acceptable grounds for protective grounding are as follows:

(i) A vertical ground wire which has been tested, found safe, and is connected to a power system multigrounded neutral or the grounded neutral of a power secondary system where there are at least three services connected;

(ii) Communications cable sheath or shield and its supporting strand where the sheath or shield is:

(A) Bonded to an underground or buried cable which is connected to a central office ground, or

(B) Bonded to an underground metallic piping system, or

(C) Bonded to a power system multigrounded neutral or grounded neutral of a power secondary system which has at least three services connected;

(iii) Guys which are bonded to the grounds specified in paragraphs (m) (4) (i) and (ii) of this section and which have continuity uninterrupted by an insulator; and

(iv) If all of the preceding grounds are not available, arrays of driven ground rods where the resultant resistance to ground will be low enough to eliminate danger to personnel or permit prompt operation of protective devices.

(5) *Attaching and removing temporary bonds.* When attaching grounds (bonds), the first attachment shall be made to the protective ground. When removing bonds, the connection to the line or equipment shall be removed first. Insulating gloves shall be worn during these operations.

(6) *Temporary grounding of suspension strand.* (i) The suspension strand shall be grounded to the existing grounds

listed in paragraph (m) (4) of this section when being placed on jointly used poles or during thunderstorm activity.

(ii) Where power crossings are encountered on nonjoint lines, the strand shall be bonded to an existing ground listed in paragraph (m) (4) of this section as close as possible to the crossing. This bonding is not required where crossings are made on a common crossing pole unless there is an upward change in grade at the pole.

(iii) Where roller-type bonds are used, they shall be restrained so as to avoid stressing the electrical connections.

(iv) Bonds between the suspension strand and the existing ground shall be at least No. 6AWG copper.

(v) Temporary bonds shall be left in place until the strand has been tensioned, dead-ended, and permanently grounded.

(vi) The requirements of paragraphs (m) (6) (i) through (m) (6) (v) of this section do not apply to the installation of insulated strand.

(7) *Antenna work-radio transmitting stations 3-30 MHz.* (i) Prior to grounding a radio transmitting station antenna, the employer shall insure that the rigger in charge:

(A) Prepares a danger tag signed with his signature,

(B) Requests the transmitting technician to shutdown the transmitter and to ground the antenna with its grounding switch,

(C) Is notified by the transmitting technician that the transmitter has been shutdown, and

(D) Tags the antenna ground switch personally in the presence of the transmitting technician after the antenna has been grounded by the transmitting technician.

(ii) Power shall not be applied to the antenna, nor shall the grounding switch be opened under any circumstances while the tag is affixed.

(iii) (A) Where no grounding switches are provided, grounding sticks shall be used, one on each side of line, and tags shall be placed on the grounding sticks, antenna switch, or plate power switch in a conspicuous place.

(B) When necessary to further reduce excessive radio frequency pickup, ground sticks or short circuits shall be placed directly on the transmission lines near the transmitter in addition to the regular grounding switches.

(C) In other cases, the antenna lines may be disconnected from ground and the transmitter to reduce pickup at the point in the field.

(iv) All radio frequency line wires shall be tested for pickup with an insulated probe before they are handled either with bare hands or with metal tools.

(v) The employer shall insure that the transmitting technician warn the riggers about adjacent lines which are, or may become energized.

(vi) The employer shall insure that when antenna work has been completed, the rigger in charge of the job returns to the transmitter, notifies the transmitting technician in charge that work has been

completed, and personally removes the tag from the antenna ground switch.

(n) *Overhead lines—(1) Handling suspension strand.* (i) The employer shall insure that when handling cable suspension strand which is being installed on poles carrying exposed energized power conductors, employees shall wear insulating gloves and shall avoid body contact with the strand until after it has been tensioned, dead-ended and permanently grounded.

(ii) The strand shall be restrained against upward movement during installation:

(A) On joint-use poles, where there is an upward change in grade at the pole, and

(B) On non-joint-use poles, where the line crosses under energized power conductors.

(2) *Need for testing wood poles.* Unless temporary guys or braces are attached, the following poles shall be tested in accordance with paragraph (n) (3) of this section and determined to be safe before employees are permitted to climb them:

(i) Dead-end poles, except properly braced or guyed "Y" or "T" cable junction poles,

(ii) Straight line poles which are not storm guyed and where adjacent span lengths exceed 165 feet,

(iii) Poles at which there is a downward change in grade and which are not guyed or braced corner poles or cable junction poles,

(iv) Poles which support only telephone drop wire, and

(v) Poles which carry less than ten communication line wires. On joint use poles, one power line wire shall be considered as two communication wires for purposes of this paragraph (n) (2) (v).

(3) *Methods for testing wood poles.* One of the following methods or an equivalent method shall be used for testing wood poles:

(i) Rap the pole sharply with a hammer weighing about 3 pounds, starting near the ground line and continuing upwards circumferentially around the pole to a height of approximately 6 feet. The hammer will produce a clear sound and rebound sharply when striking sound wood. Decay pockets will be indicated by a dull sound and/or a less pronounced hammer rebound. When decay pockets are indicated, the pole shall be considered unsafe. Also, prod the pole as near the ground line as possible using a pole prod or a screwdriver with a blade at least 5 inches long. If substantial decay is encountered, the pole shall be considered unsafe.

(ii) Apply a horizontal force to the pole and attempt to rock it back and forth in a direction perpendicular to the line. Caution shall be exercised to avoid causing power wires to swing together. The force may be applied either by pushing with a pike pole or pulling with a rope. If the pole cracks during the test, it shall be considered unsafe.

(4) *Unsafe poles or structures.* Poles or structures determined to be unsafe

by test or observation may not be climbed until made safe by guying, bracing or other adequate means. Poles determined to be unsafe to climb shall, until they are made safe, be tagged in a conspicuous place to alert and warn all employees of the unsafe condition.

(5) *Test requirements for cable suspension strand.* (i) Before attaching a splicing platform to a cable suspension strand, the strand shall be tested and determined to have strength sufficient to support the weight of the platform and the employee. Where the strand crosses above power wires or railroad tracks it may not be tested but shall be inspected in accordance with paragraph (n) (6) of this section.

(ii) The following method or an equivalent method shall be used for testing the strength of the strand: A rope, at least-eighths inch in diameter, shall be thrown over the strand. On joint lines, the rope shall be passed over the strand using tree pruner handles or a wire raising tool. If two employees are present, both shall grip the double rope and slowly transfer their entire weight to the rope and attempt to raise themselves off the ground. If only one employee is present, one end of the rope which has been passed over the strand shall be tied to the bumper of the truck, or other equally secure anchorage. The employee then shall grasp the other end of the rope and attempt to raise himself off the ground.

(6) *Inspection of strand.* Where strand passes over electric power wires or railroad tracks, it shall be inspected from an elevated working position at each pole supporting the span in question. The strand may not be used to support any splicing platform, scaffold or cable car, if any of the following conditions exist:

(i) Corrosion so that no galvanizing can be detected,

(ii) One or more wires of the strand are broken,

(iii) Worn spots, or

(iv) Burn marks such as those caused by contact with electric power wires.

(7) *Outside work platforms.* Unless adequate railings are provided, safety straps and body belts shall be used while working on elevated work platforms such as aerial splicing platforms, pole platforms, ladder platforms and terminal balconies.

(8) *Other elevated locations.* Safety straps and body belts shall be worn when working at elevated positions on poles, towers or similar structures, which do not have adequately guarded work areas.

(9) *Installing and removing wire and cable.* Before installing or removing wire or cable, the pole or structure shall be guyed, braced, or otherwise supported, as necessary, to prevent failure of the pole or structure.

(10) *Avoiding contact with energized power conductors or equipment.* When cranes, derricks, or other mechanized equipment are used for setting, moving, or removing poles, all necessary precautions shall be taken to avoid contact with energized power conductors or equipment.

(11) *Handling poles near energized power conductors.* (i) Joint use poles may not be set, moved, or removed where the nominal voltage of open electrical power conductors exceeds 34.5kV phase to phase (20kV to ground).

(ii) Poles that are to be placed, moved or removed during heavy rains, sleet or wet snow in joint lines carrying more than 8.7kV phase to phase voltage (5kV to ground) shall be guarded or otherwise prevented from direct contact with overhead energized power conductors.

(iii) (A) In joint lines where the power voltage is greater than 750 volts but less than 34.5kV phase to phase (20 kV to ground), wet poles being placed, moved or removed shall be insulated with either a rubber insulating blanket, a fiberglass box guide, or equivalent protective equipment.

(B) In joint lines where the power voltage is greater than 8.7 kV phase to phase (5kV to ground) but less than 34.5kV phase to phase (20 kV to ground), dry poles being placed, moved, or removed shall be insulated with either a rubber insulating blanket, a fiberglass box guide, or equivalent protective equipment.

(C) Where wet or dry poles are being removed, insulation of the pole is not required if the pole is cut off 2 feet or more below the lowest power wire and also cut off near the ground line.

(iv) Insulating gloves shall be worn when handling the pole with either hands or tools, when there exists a possibility that the pole may contact a power conductor. Where the voltage to ground of the power conductor exceeds 15kV to ground, Class II gloves (as defined in ANSI J6.6-1971) shall be used. For voltages not exceeding 15kV to ground, insulating gloves shall have a breakdown voltage of at least 17kV.

(v) The guard or insulating material used to protect the pole shall meet the appropriate 3 minute proof test voltage requirements contained in the ANSI J6.4-1971.

(vi) When there exists a possibility of contact between the pole or the vehicle-mounted equipment used to handle the pole, and an energized power conductor, the following precautions shall be observed:

(A) When on the vehicle which carries the derrick, avoid all contact with the ground, with persons standing on the ground, and with all grounded objects such as guys, tree limbs, or metal sign posts. To the extent feasible, remain on the vehicle as long as the possibility of contact exists.

(B) When it is necessary to leave the vehicle, step onto an insulating blanket and break all contact with the vehicle before stepping off the blanket and onto the ground. As a last resort, if a blanket is not available, the employee may jump cleanly from the vehicle.

(C) When it is necessary to enter the vehicle, first step onto an insulating blanket and break all contact with the ground, grounded objects and other persons before touching the truck or derrick.

(12) *Working position on poles.* Climbing and working are prohibited above the level of the lowest electric power conductor on the pole (exclusive of vertical runs and street light wiring), except:

(i) where communications facilities are attached above the electric power conductors, and a rigid fixed barrier is installed between the electric power facility and the communications facility, or

(ii) where the electric power conductors are cabled secondary service drops carrying less than 300 volts to ground and are attached 40 inches or more below the communications conductors or cables.

(13) *Metal tapes and ropes.* (i) Metal measuring tapes, metal measuring ropes, or tapes containing conductive strands may not be used when working near exposed energized parts.

(ii) Where it is necessary to measure clearances from energized parts, only nonconductive devices shall be used.

(o) *Underground lines.* The provisions of this paragraph apply to the guarding of manholes and street openings, and to the ventilation and testing for gas in manholes and unvented vaults, where telecommunications field work is performed on or with underground lines.

(1) *Guarding manholes and street openings.* (i) When covers of manholes or vaults are removed, the opening shall be promptly guarded by a railing, temporary cover, or other suitable temporary barrier which is appropriate to prevent an accidental fall through the opening and to protect employees working in the manhole from foreign objects entering the manhole.

(ii) While work is being performed in the manhole, a person with basic first aid training shall be immediately available to render assistance if there is cause for believing that a safety hazard exists, and if the requirements contained in paragraphs (d) (1) and (o) (1) (i) of this section do not adequately protect the employee(s). Examples of manhole worksite hazards which shall be considered to constitute a safety hazard include, but are not limited to:

(A) Manhole worksites where safety hazards are created by traffic patterns that cannot be corrected by provisions of paragraph (d) (1) of this section.

(B) Manhole worksites that are subject to unusual water hazards that cannot be abated by conventional means.

(C) Manhole worksites that are occupied jointly with power utilities as described in paragraph (o) (3) of this section.

(2) *Requirements prior to entering manholes and unvented vaults.* (i) Before an employee enters a manhole, the following steps shall be taken:

(A) The internal atmosphere shall be tested for combustible gas and, except when continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(B) When unsafe conditions are detected by testing or other means, the work area shall be ventilated and otherwise made safe before entry.

(ii) An adequate continuous supply of air shall be provided while work is performed in manholes under any of the following conditions:

(A) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation,

(B) Where organic solvents are used in the work procedure,

(C) Where open flame torches are used in the work procedure,

(D) Where the manhole is located in that portion of a public right of way open to vehicular traffic and/or exposed to a seepage of gas or gases, or

(E) Where a toxic gas or oxygen deficiency is found.

(iii) (A) The requirements of paragraphs (o) (2) (i) and (ii) of this section do not apply to work in central office cable vaults that are adequately ventilated.

(B) The requirements of paragraphs (o) (2) (i) and (ii) of this section apply to work in unvented vaults.

(3) *Joint power and telecommunication manholes.* While work is being performed in a manhole occupied jointly by an electric utility and a telecommunication utility, an employee with basic first aid training shall be available in the immediate vicinity to render emergency assistance as may be required. The employee whose presence is required in the immediate vicinity for the purposes of rendering emergency assistance is not to be precluded from occasionally entering a manhole to provide assistance other than in an emergency. The requirement of this paragraph (o) (3) does not preclude a qualified employee, working alone, from entering for brief periods of time, a manhole where energized cables or equipment are in service, for the purpose of inspection, housekeeping, taking readings, or similar work if such work can be performed safely.

(4) *Ladders.* Ladders shall be used to enter and exit manholes exceeding 4 feet in depth.

(5) *Flames.* When open flames are used in manholes, the following precautions shall be taken to protect against the accumulation of combustible gas:

(i) A test for combustible gas shall be made immediately before using the open flame device, and at least once per hour while using the device; and

(ii) a fuel tank (e.g., acetylene) may not be in the manhole unless in actual use.

(p) *Microwave transmission.*—(1) *Eye protection.* Employers shall insure that employees do not look into an open waveguide which is connected to an energized source of microwave radiation.

(2) *Hazardous area.* Accessible areas associated with microwave communication systems where the electromagnetic radiation level exceeds the radiation protection guide given in § 1910.97 shall be posted as described in that section. The lower half of the warning symbol shall include the following:

Radiation in this area may exceed hazard limitations and special precautions are required. Obtain specific instruction before entering.

(3) *Protective measures.* When an employee works in an area where the electromagnetic radiation exceeds the radiation protection guide, the employer shall institute measures that insure that the employee's exposure is not greater than that permitted by the radiation guide. Such measures shall include, but not be limited to those of an administrative or engineering nature or those involving personal protective equipment.

(q) *Tree trimming—electrical hazards—(1) General.* (i) Employees engaged in pruning, trimming, removing, or clearing trees from lines shall be required to consider all overhead and underground electrical power conductors to be energized with potentially fatal voltages, never to be touched (contacted) either directly or indirectly.

(ii) Employees engaged in line-clearing operations shall be instructed that:

(A) A direct contact is made when any part of the body touches or contacts an energized conductor, or other energized electrical fixture or apparatus.

(B) An indirect contact is made when any part of the body touches any object in contact with an energized electrical conductor, or other energized fixture or apparatus.

(C) An indirect contact can be made through conductive tools, tree branches, trucks, equipment, or other objects, or as a result of communications wires, cables, fences, or guy wires being accidentally energized.

(D) Electric shock will occur when an employee, by either direct or indirect contact with an energized conductor, energized tree limb, tool, equipment, or other object, provides a path for the flow of electricity to a grounded object or to the ground itself. Simultaneous contact with two energized conductors will also cause electric shock which may result in serious or fatal injury.

(iii) Before any work is performed in proximity to energized conductors, the system operator/owner of the energized conductors shall be contacted to ascertain if he knows of any hazards associated with the conductors which may not be readily apparent. This rule does not apply when operations are performed by or on behalf of, the system operator/owner.

(2) *Working in proximity to electrical hazards.* (i) Employers shall ensure that a close inspection is made by the employee and by the foreman or supervisor in charge before climbing, entering, or working around any tree, to determine whether an electrical power conductor passes through the tree, or passes within reaching distance of an employee working in the tree. If any of these conditions exist either directly or indirectly, an electrical hazard shall be considered to exist unless the system operator/owner has caused the hazard to be removed by deenergizing the lines, or installing protective equipment.

(ii) Only qualified employees or trainees, familiar with the special techniques and hazards involved in line clearance, shall be permitted to perform the work

if it is found that an electrical hazard exists.

(iii) During all tree working operations aloft where an electrical hazard of more than 750V exists, there shall be a second employee or trainee qualified in line clearance tree trimming within normal voice communication.

(iv) Where tree work is performed by employees qualified in line-clearance tree trimming and trainees qualified in line-clearance tree trimming, the clearances from energized conductors given in Table R-3 shall apply.

TABLE R-3—Minimum working distances from energized conductors for line-clearance tree trimmers and line-clearance tree-trimmer trainees

Voltage range (phase to phase) (kilovolts)	Minimum working distance
2.1 to 15.0	2 ft. 0 in.
15.1 to 35.0	2 ft. 4 in.
35.1 to 46.0	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121.0	3 ft. 4 in.
121.1 to 145.0	3 ft. 6 in.
145.1 to 169.0	3 ft. 8 in.
169.1 to 242.0	5 ft. 0 in.
242.1 to 362.0	7 ft. 0 in.
362.1 to 552.0	11 ft. 0 in.
552.1 to 765.0	15 ft. 0 in.

(v) Branches hanging on an energized conductor may only be removed using appropriately insulated equipment.

(vi) Rubber footwear, including line-man's overshoes, shall not be considered as providing any measure of safety from electrical hazards.

(vii) Ladders, platforms, and aerial devices, including insulated aerial devices, may not be brought in contact with an electrical conductor. Reliance shall not be placed on their dielectric capabilities.

(viii) When an aerial lift device contacts an electrical conductor, the truck supporting the aerial lift device shall be considered as energized.

(3) *Storm work and emergency conditions.* (i) Since storm work and emergency conditions create special hazards, only authorized representatives of the electric utility system operator/owner and not telecommunication workers may perform tree work in these situations where energized electrical power conductors are involved.

(ii) When an emergency condition develops due to tree operations, work shall be suspended and the system operator/owner shall be notified immediately.

(r) *Buried facilities—Communications lines and power lines in the same trench [Reserved]*

(s) *Definitions—(1) Aerial lifts* Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground:

- (i) Extensible boom platforms,
- (ii) Aerial ladders,
- (iii) Articulating boom platforms,
- (iv) Vertical towers,

(v) A combination of any of the above defined in ANSI A92.2-1969. These de-

vices are made of metal, wood, fiberglass reinforced plastic (FRP), or other material; are powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(2) *Aerial splicing platform.* This consists of a platform, approximately 3 ft. x 4 ft., used to perform aerial cable work. It is furnished with fiber or synthetic ropes for supporting the platform from aerial strand, detachable guy ropes for anchoring it, and a device for raising and lowering it with a handline.

(3) *Aerial tent.* A small tent usually constructed of vinyl coated canvas which is usually supported by light metal or plastic tubing. It is designed to protect employees in inclement weather while working on ladders, aerial splicing platforms, or aerial devices.

(4) *Alive or live (energized).* Electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of the earth in the vicinity. The term "live" is sometimes used in the place of the term "current-carrying," where the intent is clear, to avoid repetition of the longer term.

(5) *Barricade.* A physical obstruction such as tapes, cones, or "A" frame type wood and/or metal structure intended to warn and limit access to a work area.

(6) *Barrier.* A physical obstruction which is intended to prevent contact with energized lines or equipment, or to prevent unauthorized access to work area.

(7) *Bond.* An electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing suitable conductivity for fault current or for mitigation of leakage current and electrolytic action.

(8) *Cable.* A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

(9) *Cable sheath.* A protective covering applied to cables.

NOTE.—A cable sheath may consist of multiple layers of which one or more is conductive.

(10) *Circuit.* A conductor or system of conductors through which an electric current is intended to flow.

(11) *Communication lines.* The conductors and their supporting or containing structures for telephone, telegraph, railroad signal, data, clock, fire, police-alarm, community television antenna and other systems which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. When communications lines operate at less than 150 volts to ground, no limit is placed on the capacity of the system. Specifically designed communications cables may include communication circuits not complying with the preceding

limitations, where such circuits are also used incidentally to supply power to communication equipment.

(12) *Conductor*. A material, usually in the form of a wire, cable, or bus bar, suitable for carrying an electric current.

(13) *Effectively grounded*. Intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the build-up of voltages which may result in undue hazard to connected equipment or to persons.

(14) *Equipment*. A general term which includes materials, fittings, devices, appliances, fixtures, apparatus, and similar items used as part of, or in connection with, a supply or communications installation.

(15) *Ground (reference)*. That conductive body, usually earth, to which an electric potential is referenced.

(16) *Ground (as a noun)*. A conductive connection, whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(17) *Ground (as a verb)*. The connecting or establishment of a connection, whether by intention or accident, of an electric circuit or equipment to reference ground.

(18) *Ground tent*. A small tent usually constructed of vinyl coated canvas supported by a metal or plastic frame. Its purpose is to protect employees from inclement weather while working at buried cable pedestal sites or similar locations.

(19) *Grounded conductor*. A system or circuit conductor which is intentionally grounded.

(20) *Grounded systems*. A system of conductors in which at least one conductor or point (usually the middle wire, or the neutral point of transformer or generator windings) is intentionally grounded, either solidly or through a current-limiting device (not a current-interrupting device).

(21) *Grounding electrode conductor (Grounding conductor)*. A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(22) *Insulated*. Separated from other conducting surfaces by a dielectric substance (including air space) offering a high resistance to the passage of current.

NOTE.—When any object is said to be insulated, it is understood to be insulated in suitable manner for the conditions to which it is subjected. Otherwise, it is, within the purpose of these rules, uninsulated. Insulating coverings of conductors is one means of making the conductor insulated.

(23) *Insulation (as applied to cable)*. That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(24) *Joint use*. The sharing of a common facility, such as a manhole, trench or pole, by two or more different kinds of utilities (e.g., power and telecommunications).

(25) *Ladder platform*. A device designed to facilitate working aloft from

an extension ladder. A typical device consists of a platform (approximately 9' x 18") hinged to a welded pipe frame. The rear edge of the platform and the bottom cross-member of the frame are equipped with latches to lock the platform to ladder rungs.

(26) *Ladder seat*. A removable seat used to facilitate work at an elevated position on rolling ladders in telecommunication centers.

(27) *Manhole*. A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining submersible equipment and/or cable.

(28) *Manhole platform*. A platform consisting of separate planks which are laid across steel platform supports. The ends of the supports are engaged in the manhole cable racks.

(29) *Microwave transmission*. The act of communicating or signaling utilizing a frequency between 1 GHz (gigahertz) and 300 GHz inclusively.

(30) *Nominal voltage*. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The actual voltage may vary above or below this value.

(31) *Pole balcony or seat*. A balcony or seat used as a support for workmen at pole-mounted equipment or terminal boxes. A typical device consists of a bolted assembly of steel details and a wooden platform. Steel braces run from the pole to the underside of the balcony. A guard rail (approximately 30" high) may be provided.

(32) *Pole platform*. A platform intended for use by a workman in splicing and maintenance operations in an elevated position adjacent to a pole. It consists of a platform equipped at one end with a hinged chain binder for securing the platform to a pole. A brace from the pole to the underside of the platform is also provided.

(33) *Qualified employee*. Any worker who by reason of his training and experience has demonstrated his ability to safely perform his duties.

(34) *Qualified line-clearance tree trimmer*. A tree worker who through related training and on-the-job experience is familiar with the special techniques and hazards involved in line clearance.

(35) *Qualified line-clearance tree-trimmer trainee*. Any worker regularly assigned to a line-clearance tree-trimming crew and undergoing on-the-job training who, in the course of such training, has demonstrated his ability to perform his duties safely at his level of training.

(36) *System operator/owner*. The person or organization that operates or controls the electrical conductors involved.

(37) *Telecommunications center*. An installation of communication equipment under the exclusive control of an organization providing telecommunications service, that is located outdoors or in a vault, chamber, or a building space used primarily for such installations.

NOTE.—Telecommunication centers are facilities established, equipped and arranged in

accordance with engineered plans for the purpose of providing telecommunications service. They may be located on premises owned or leased by the organization providing telecommunication service, or on the premises owned or leased by others. This definition includes switch rooms (whether electromechanical, electronic, or computer controlled), terminal rooms, power rooms, repeater rooms, transmitter and receiver rooms, switchboard operating rooms, cable vaults, and miscellaneous communications equipment rooms. Simulation rooms of telecommunication centers for training or developmental purposes are also included.

(38) *Telecommunications derricks*. Rotating or nonrotating derrick structures permanently mounted on vehicles for the purpose of lifting, lowering, or positioning hardware and materials used in telecommunications work.

(39) *Telecommunication line truck*. A truck used to transport men, tools, and material, and to serve as a traveling workshop for telecommunication installation and maintenance work. It is sometimes equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or men.

(40) *Telecommunication service*. The furnishing of a capability to signal or communicate at a distance by means such as telephone, telegraph, police and fire-alarm, community antenna television, or similar system, using wire, conventional cable, coaxial cable, wave guides, microwave transmission, or other similar means.

(41) *Unvented vault*. An enclosed vault in which the only openings are access openings.

(42) *Vault*. An enclosure above or below ground which personnel may enter, and which is used for the purpose of installing, operating, and/or maintaining equipment and/or cable which need not be of submersible design.

(43) *Vented vault*. An enclosure as described in paragraph (s) (42) of this section, with provision for air changes using exhaust flue stack(s) and low level air intake(s), operating on differentials of pressure and temperature providing for air flow.

(44) *Voltage of an effectively grounded circuit*. The voltage between any conductor and ground unless otherwise indicated.

(45) *Voltage of a circuit not effectively grounded*. The voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an autotransformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, in which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction.

§ 1910.274 [Redesignated]

7. Section 1910.268, *Sources of standards*, is redesignated as § 1910.274.

8. Section 1910.269, *Standards of organizations*, is redesignated as § 1910.275, and is revised to read as follows:

§ 1910.275 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and addresses of the issuing organizations are as follows:

American National Standards Institute
(ANSI)
1430 Broadway
New York, New York 10018
National Fire Protection Association (NFPA)
470 Atlantic Avenue
Boston, Massachusetts 02210

American Society of Mechanical Engineers,
Inc., United Engineering Center
345 East 47th Street
New York, New York 10017
Institute of Makers of Explosives
420 Lexington Avenue
New York, New York 10017
Underwriters' Laboratories, Inc.
207 East Ohio Street
Chicago, Illinois 60611
American Society for Testing & Materials
(ASTM)
1916 Race Street
Philadelphia, Pennsylvania 19107

Effective date. Except as otherwise specifically provided, these amendments shall become effective on April 30, 1975.

(Secs. 6(b) and 8(c), Pub. L. 91-596, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754); 29 CFR Part 1911)

Signed at Washington, D.C., this 20th day of March 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc. 75-7872 Filed 3-25-75; 8:45 am]

federal register

WEDNESDAY, MARCH 26, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 59

PART IV



DEPARTMENT OF LABOR

Office of the Secretary



HIGH UNEMPLOYMENT AREAS

Comprehensive Manpower
Program and Grants

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 94, 95, 96, 98]

COMPREHENSIVE MANPOWER PROGRAM
AND GRANTS TO AREAS OF HIGH UN-
EMPLOYMENT

Notice of Proposed Rulemaking: Correction

In FR Doc. 75-6069, appearing at page 10828 in the issue for Friday, March 7, 1975, the material set forth below was inadvertently omitted. The proposed regulations should be corrected by adding the following material:

PART 94—GENERAL PROVISIONS FOR
PROGRAMS UNDER THE COMPREHEN-
SIVE EMPLOYMENT AND TRAINING ACT

In § 94.3 add the following entries to the consolidated table of contents.

§ 94.3 Consolidated table of contents for Parts 94-99.

PART 97—SPECIAL FEDERAL PROGRAMS AND RE-
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97.101 Scope and purpose of Title III, section 302, programs.
97.102 Scope and purpose of this subpart.
97.103 Definitions.
97.104 Eligibility for funds; allocation of funds.

GRANT PLANNING, APPLICATION AND
MODIFICATION PROCEDURES

97.110 Grant planning, application and modification procedures in general.
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97.112 Prime sponsor designation.
97.113 Planning process; advisory councils.
97.114 Content and description of grant application.
97.115 Comment and publication procedures relating to submission of grant application.
97.116 Submission of grant application.
97.117 Standards for reviewing grant applications.
97.118 Application approval, grant application.
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97.120 Use of alternative prime sponsors; services by the Secretary.
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97.131 Basic responsibilities of prime sponsors.
97.132 Eligibility for participation in a Title III, section 302, program.
97.133 Types of manpower program activity available.
97.134 Training allowances.
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97.136 General benefits for program participants.
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97.140 Training for lower wage industries; relocation of industries.
97.141 Prime sponsor contracts and subgrants.
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97.151 Payment.
97.152 Letter of Credit.
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97.160 Reallocation of Funds.
97.161 Allowable Federal costs.
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97.163 Basic personnel standards for prime sponsors.
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97.166 Grant closeout procedures.
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97.168 Program income.
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Assessment and Evaluation

97.180 Assessment and evaluation in general.
97.181 Responsibilities of the prime sponsor.
97.182 Responsibilities of the Secretary.
97.183 Limitation.
97.184 Consultation with the Secretary of Health, Education, and Welfare.

Hearings and Judicial Review

97.190 Purpose and policy.
97.191 Review of plans and applications; violations.
97.192 Complaints; filing of formal allegation; dismissal.
97.193 Form.
97.194 Contents of formal allegations; amendment.
97.195 Investigations.
97.196 Opportunity for hearings; when required.
97.197 Hearings.
97.198 Initial certification, decisions and notices.
97.199 Judicial review.

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EMPLOYED FARMWORKER PROGRAMS

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97.201 Scope and purpose of Title III, Section 303 Programs.
97.202 Scope and purpose of this subpart.
97.203 Definitions.
97.204 Allocation of funds.
97.205 Eligibility for allocable funds.

Grant planning and application procedures

97.210 Grant planning and application procedures in general.
97.211 Announcement of invitation to submit Qualifications Statement.
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97.218 Notification of selection.
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97.234 Training allowances.
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97.257 Allocation of allowable costs among program activities.
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97.280 Assessment and evaluation.

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PART 95—PROGRAMS UNDER TITLE I OF
THE COMPREHENSIVE EMPLOYMENT
AND TRAINING ACT

1. In § 95.53, paragraphs (c) and (d) are added to read as follows:

§ 95.53 Application approval and disapproval; grant agreement.

(c) An application for a special grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any

other applicable law. All other conditions set forth in § 95.19 shall apply to the disapproval of special grants.

(d) Upon approval, the Governor shall provide a summary of the Special Grant to each prime sponsor in the State.

2. Section 95.54 is added as follows:

§ 95.54 Modifications; limitations on use of funds.

A modification to a Governor's special grant may be accomplished in three different ways depending upon the magnitude of the modification:

(a) *Modification of grant agreement.*
(1) A modification to the grant agreement is required when the ARDM requires a change in (i) the term of the grant, (ii) the amount funded by the grant, or (iii) the assurances and certifications included in the grant agreement (sections 105 and 108).

(2) When the term or allotment funded by the grant is changed, the prime sponsor shall also submit revised portions of its special Grant Plan to specifically identify the changes.

(3) When the term or allotment funded by a grant is changed, the Governor shall provide a summary of the change to each prime sponsor in the State.

(4) The request for modification will consist of the following: A grant signature sheet; a Project Operating Plan (one for the total project and one for each prime sponsor whose plan is changed); and a program narrative explaining the proposed modification.

(5) A denial of a prime sponsor's request for a grant modification shall be subject to the appeal procedures set out in Part 98.

(b) *Major plan modification.* (1) When a plan modification falls into one of the following categories, it will be considered to be major plan modification:

(i) When the cumulative amount of transfers among cost categories exceeds \$10,000 or 5 percent of the grant, whichever is greater; or

(ii) When there is a 15 percent cumulative change in the number of program participants.

(iii) A Governor desiring a major modification shall submit a revised Project Operating Plan and a narrative explanation of the proposed changes to the ARDM. The ARDM shall notify the prime sponsor of final approval or of tentative disapproval within 10 days of receipt of the proposed modification. Final ARDM action on disapproval shall be taken within 30 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in Part 98 of this chapter.

(c) *Minor modifications.* Any other modifications shall be considered a minor modification and as such can be made without the prior notification and approval of the ARDM. Such a modification shall be included in the Quarterly Progress Report and a revised Project Operating Plan reflecting only the items to

be modified shall be submitted to the ARDM along with the Quarterly Progress Report

(d) *Limitation on use of funds.*—(1) Funds for vocational education services may not be used for any other activities included in this special grant.

(2) Funds for State Manpower Services Councils may be used for State manpower services to the extent such funds are not needed for this council.

3. Section 95.55 is added to read as follows:

§ 95.55 Governor's distribution of vocational education funds.

(a) Upon notification of the funds available to his State for vocational education, the Governor shall inform the State Vocational Education Board and each prime sponsor of the amount of funds available to be spent in each prime sponsor's area. If a prime sponsor elects not to use all or part of the funds provided for its area, it shall notify the Governor who will redistribute the funds among other eligible prime sponsors.

(b) The Governor shall determine the amount of funds to be made available in each prime sponsor's area assuring that such funds do not increase by more than 20 percent the amount of funds available to that prime sponsor's area under the basic allocation formula set out in § 95.2(b).

4. Section 95.56 is added to read as follows:

§ 95.56 Program operations.

(a) *Vocational education services and activities.*—(1) The Governor shall provide vocational education funds he receives by special grant to the State Vocational Education Board as described in § 95.55. The State Vocational Education Board will then provide the training and services detailed in a nonfinancial agreement with the prime sponsor as described in § 95.58. This agreement will be developed at the local level between prime sponsors and the State Vocational Education Board to provide vocational education and services to prime sponsor participants eligible under this Part 95 which are consistent with provisions of the prime sponsors' comprehensive plan. The agreement will then be forwarded to the Governor, to become part of his special grant application which shall be submitted to the ARDM.

(2) Vocational education services which may be provided by a State Vocational Education Board include, but are not limited to, basic or general education, educational programs conducted for offenders, institutional training, and supportive services as defined in § 95.33(d)(5) or as authorized as supportive services in vocational education programs administered by a State Vocational Education Board. The services provided must be consistent with the provisions of the Act and regulations. Vocational education funds allocated under this Subpart D may also be utilized, as appropriate, for the payment of allowances to participants in vocational

education training and for administrative costs incurred for the vocational education programs funded under the Act.

(3) If no Vocational Education Board exists within a State, the Governor may provide financial assistance to an alternate agency which serves the same purpose as a State Vocational Education Board.

(b) *State Manpower Services Council.* The Governor shall, from funds available under § 95.2(b)(2), provide staff and other necessary services in support of the Manpower Services Council in performing its functions under § 95.13(d).

(c) *State manpower services.* Funds provided under § 95.2(c)(2) of these regulations are to be used for the following:

(1) Activities required to be performed by State prime sponsors:

(i) Assurance that the State agencies providing manpower and manpower-related services either independently or as subgrantees or contractors will cooperate with prime sponsors and eligible applicants in implementation of the program.

(ii) Development of methods for the sharing of resources and facilities in order to carry out manpower programs throughout the State. The administration of such programs will be designed to meet the needs of the area with minimum duplication and in the most efficient and economical manner.

(iii) Coordination of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services to achieve their full occupational potential in accordance with the policies of the Act;

(iv) Arrangements to assist the Secretary under 38 U.S.C. 2012(a) in requiring each Federal contractor and subcontractor programs under the Act to list all suitable employment openings in the State Employment Service local offices. Fulfillment of this responsibility shall be based upon information developed by the Secretary (sec. 106(b)(5));

(v) Arrangements for any planning areas to service geographical regions within the State, including a description of the roles and responsibilities of the planning area with particular emphasis on the steps taken to assure that plans of all State agencies for delivery of services have been effectively coordinated.

(vi) Coordination of the manpower and related services to be provided by the State in areas to be serviced by prime sponsors other than the State, and that provision has been made for the establishment of mechanisms to (A) provide for the exchange of information between States and local governments on State, intrastate, and regional planning in areas such as economic development, human resource development, education,

and such other areas that may be relevant to manpower planning; and (B) promote the coordination of all manpower plans in a State so as to eliminate conflict, duplication, and overlapping between manpower services under the Act and manpower services provided under other statutory authority.

(2) Activities which may be provided at the option of the State (sec. 106(c)) are as follows:

(i) Provision of allowable services under the Act which are being delivered throughout the State by State agencies responsible for employment and training and related services;

(ii) The provision of financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(iii) Development and publication of information regarding economic, industrial, and labor market conditions, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupations, and economic and business development and location trends;

(iv) Provision of services without reimbursement and upon request to any prime sponsor serving an area within the State, such information and technical assistance to assist any such prime sponsor in developing and implementing its programs under the Act; and

(v) Development of special model training and employment programs and related services, including programs for offenders similar to programs described in section 301(c) of this Act.

5. Section 95.57 is added to read as follows:

§ 95.57 Funding; grant administration.

(a) *Funding.* Special grants will be funded in the same way as basic grants under this Part 95.

(b) *Grant administration.* The requirements relating to grant administration contained in Part 98 are applicable to special grants to Governors except as provided in Subpart D of this Part 95.

(1) The overall 20 percent limitation on funds used for administration as set out in § 98.12(f) (6) shall not apply to the special grant.

(i) Funds provided for vocational education services through the special grant are subject to the provisions of the 20 percent limitation on use of funds § 98.12(f) (6).

(ii) There is no administrative cost limitation on funds for State Manpower

Services Council or State manpower services.

(2) When funds for vocational education services are used for the payment of allowances to participants, the method of payment utilized must be that of the prime sponsor whose participants are receiving such allowances.

(i) Where the prime sponsor has an established delivery system for the payment of allowances pursuant to § 95.34, the State Vocational Education Board shall transfer the required funds to the agency administering that system.

(ii) Where the prime sponsor has no allowance payment delivery system, the method of payment shall be developed between the prime sponsor and the State Vocational Education Board, subject to the requirements of § 95.34.

(c) *Reports for special grants.*—(1) A Quarterly Progress Report containing financial and statistical data is required. The Governor will supply to each prime sponsor to which he is providing services a Quarterly Progress Report for funds expended in its area and will submit a summary Quarterly Progress Report, with copies of the individual prime sponsor reports attached, to the ARDM. These reports will be submitted for each Federal fiscal year quarter, to be submitted no later than 30 days after the end of the reporting quarter. Instructions for completion of this report are in the "Forms Preparation Handbook."

6. Section 95.58 is added to read as follows:

§ 95.58 Nonfinancial agreement between prime sponsor and State Vocational Education Board.

(a) Upon notification of the funds available for its area, the prime sponsor shall develop a financial, statistical, and narrative plan for the expenditure of such funds by the Vocational Education Board in the prime sponsor's area. This plan shall be developed consistent with the prime sponsor's Comprehensive Manpower Plan and shall be submitted to the Vocational Education Board for its approval. When approved, the plan will be signed by both the prime sponsor and the Board and will constitute a nonfinancial agreement.

(b) The Vocational Education Board shall provide services to the prime sponsor upon receipt of the necessary funds from the Governor. The nonfinancial agreement will consist of the following three sections:

(1) Prime sponsor vocational education nonfinancial agreement signature sheet;

(2) Vocational education Project Operating Plan; and

(3) Vocational education program narrative.

(c) After the agreement is signed, a copy will be sent to the Governor for his review and approval.

(d) The Governor shall develop procedures for the prime sponsors and the Vocational Education Board to follow when they desire to modify the nonfinancial agreement.

(e) The Governor shall develop procedures to assure that the Vocational Education Board provides services consistent with the Governor's vocational education plan and the nonfinancial agreements between the Board and the prime sponsors.

7. Section 95.59 is added to read as follows:

§ 95.59 Coordination with prime sponsor.

(a) The financial and statistical information from the approved Nonfinancial Agreement Project Operating Plan will be entered into the relevant columns of the prime sponsor's basic grant Project Operating Plan as provided in the "Forms Preparation Handbook". If the Comprehensive Manpower grant has been signed prior to final approval of the Vocational Education Agreement, a modified prime sponsor's grant Project Operating Plan will be submitted when the vocational education information is available.

(b) Information provided by the Vocational Education Quarterly Progress Report, supplied to the prime sponsor from the Governor, will be entered in the prime sponsor's basic grant Quarterly Progress Report.

Limited extension of comment period. In view of this omission, the comment period on the omitted material set forth above is extended to April 17, 1975. This does not affect the comment period for the material published on March 7; that period ends on April 7. However, the Manpower Administration will accept comments on the original material insofar as it may be affected by the material published today until April 17, 1975.

Signed at Washington, D.C., this 21st day of March 1975.

BEN BURDETSKY,
Assistant Secretary of Labor.

[FR Doc. 75-7890 Filed 3-25-75; 8:45 am]

federal register

WEDNESDAY, MARCH 26, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 59

PART V



OFFICE OF TRADE NEGOTIATIONS

■

GENERALIZED SYSTEM OF PREFERENCES

List of Articles Which Will Be
Considered For Designation as
Eligible Articles

OFFICE OF TRADE NEGOTIATIONS
ARTICLES WHICH WILL BE CONSIDERED
FOR DESIGNATION AS ELIGIBLE ARTICLES
FOR PURPOSES OF THE GENERALIZED SYSTEM OF PREFERENCES

Title V of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978, hereinafter referred to as the "Trade Act") sets forth the procedures and conditions under which the President may establish a Generalized System of Preferences (GSP) providing duty-free treatment for eligible articles from beneficiary developing countries. In conformity with sections 503(a) and 131(a) of the Trade Act, notice is hereby given of articles which will be considered for designation as eligible articles for purposes of the GSP.

I. *List of articles which will be considered for designation as eligible articles.* The articles listed below will be considered for designation as eligible articles for purposes of the GSP. The listed articles are identified by reference to five-digit item numbers of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) and consist of all articles in such listed item numbers except as limited by the addition of two-digit statistical suffixes of the United States Tariff Schedules Annotated (1975)¹ and by

¹ For sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; also available for inspection at any field office of the U.S. Customs Service or the Department of Commerce.

footnote descriptions. The list does not include any articles which are excluded from eligibility by subparagraphs (c) (1) (A), (c) (1) (B), (c) (1) (E), and (c) (2) of section 503 of the Trade Act. The list includes articles which, pursuant to subparagraphs (c) (1) (C), (c) (1) (D), (c) (1) (F) and (c) (1) (G) of section 503 of the Trade Act, may not be designated as eligible articles if the President determines them to be import-sensitive. No decisions with respect to the import-sensitivity of any of the listed articles will be made until after public hearings have been held and advice has been received from the International Trade Commission on the probable economic effect of the institution of the GSP for the articles listed in this notice on industries producing like or directly competitive products and on consumers.

III. *Supplemental notices.* From time to time as may be appropriate, other notices may be published for the purpose of informing the public of proposed actions under Title V of the Trade Act which are not announced in this notice.

IV. *Public hearings.* Sections 503(a) and 133 of the Trade Act require that the President afford an opportunity for any interested person to present his views concerning the possible designation of any article listed in this notice as an eligible article for purposes of the GSP, any article which should be listed

for such possible designation, or any other matter relevant to the GSP. The time and place of these hearings, to be held by the Office of the Special Representative for Trade Negotiations through an interagency committee to be designated by the Special Representative for that purpose, will be announced in the near future.

V. *Advice of the International Trade Commission.* In accordance with sections 503(a) and 131 of the Trade Act, the International Trade Commission is being furnished this notice with the list of articles published in paragraph I, and the lists of countries published in paragraph II, of this notice. Sections 503(a) and 131 require that with respect to each article the Commission, within six months following receipt of the list of articles, advise the President of its judgment as to the probable economic effect of the institution of the GSP on industries producing like or directly competitive articles and on consumers. The Commission is being requested to take into account, in preparing its advice, not only the designated beneficiary developing countries listed in paragraph IIA of this notice, but also the potential designations as beneficiaries of the countries listed in paragraph IIB of this notice.

Gerard R. Ford

TSUS or TSUSA Item

100.25	117.65	135.40	145.12
100.31	117.67	135.50	145.24
100.95	119.50	135.51	145.28
105.84	119.55	135.70	145.30
106.40	120.17	135.80	145.52
106.60	121.10	135.90	145.53
106.70	121.15	135.92	145.54
106.75	121.20	135.94	145.60
106.80	121.25	136.00	146.12
106.85	121.30	136.20	146.22
107.10	121.35	136.22	146.24
107.15	121.40	136.80	146.42
107.20	121.45	136.90	146.44
107.25	121.50	136.98	146.66
107.40	121.52	136.99	146.75 .40
107.45	121.54	137.01	146.80
107.50	121.57	137.10	147.21
107.65	121.60	137.40	147.29
107.70	121.65	137.75	147.33
107.75	123.50	137.85 .40 1/	147.36
107.80	124.20	138.00 2/	147.40
110.28	124.25	140.09	147.48
110.35	124.30	140.10	147.64
110.45	124.40	140.11	147.66
111.15	124.60	140.14	147.72
111.18	124.65	140.16	147.77
111.56	124.70	140.21	147.80
111.92	124.80	140.46	147.85
112.03	125.30	140.55	147.90
112.36	125.70	140.75	148.15
112.40	125.80	141.05	148.20
112.94	126.41	141.20	148.25
113.01	127.10	141.35	148.30
113.30	130.20	141.45	148.35
113.40	130.30	141.50	148.72
113.50	130.35	141.55	148.77
113.60	130.40	141.60	148.90
114.05	130.65	141.70	148.93
114.25	131.20	141.79	149.15
114.55	131.35	145.02	
	132.55	145.08	
	135.30	145.09	

1/ Only brussels sprouts.

2/ Only cauliflower, okra, and broccoli.

TSUS or TSUSA Item

149,26	161,15	176,01	188,50
149,28	161,19	176,02	190,10
149,50	161,37	176,30	190,25
149,60	161,43	176,33	190,68
150,50	161,45	176,50	191,15
152,00	161,53	176,70	192,25
152,14	161,61	177,40	192,45
152,18	161,65	177,58	192,70
152,22	161,69	177,62	192,85
152,30	161,71	177,67	200,06
152,46 ^{1/}	161,75	177,69	200,45
152,54	161,79	177,72	200,91
152,58	161,83	178,10	200,95
152,62	161,92	178,30	202,38
152,72	161,94	182,05	202,40
152,74 ^{.40}	161,96	182,10	202,54
153,00 ^{1/}	162,03	182,11	202,56
153,08	162,07	182,15	202,60
153,16	162,11	182,20	202,62
153,24	162,15	182,30	202,66
153,28	165,25	182,32	203,10
153,32	165,55	182,35	203,20
154,10	166,10	182,36	203,30
154,30	166,30	182,40	204,05
154,40	166,40	182,45	204,10
154,50	167,05	182,46	204,20
154,55	167,15	182,52	204,30
154,60	167,25	182,58	204,35
155,20	167,34	182,90	204,40
155,30	167,40	182,95	204,50
155,35	167,50	184,50	206,30
155,40	168,15	184,52	206,45
155,60	168,17	184,65	206,47
155,70	168,19 ^{2/}	184,75	206,50
155,75	168,20 ^{2/}	186,10	206,52
156,25	168,21 ^{2/}	186,15	206,53
156,30	168,22 ^{2/}	186,20	206,54
156,35	168,25	186,30	206,60
156,40	168,35	186,40	206,65
156,43	168,50	186,50	206,67
156,47	168,55	188,30	206,85
157,10	175,51	188,34	206,87

^{1/} Except papaya.

^{2/} Only pisco and singani.

TSUS or TSUSA Item

206,95	240,30	252,57	254,70
206,97	240,32	252,59	254,75
207,00	240,34	252,61	254,80
220,10	240,36	252,63	254,85
220,15	240,38	252,67	254,90
220,20	240,40	252,70	254,95
220,25	240,50	252,73	256,05
220,31	240,52	252,75	256,10
220,35	240,54	252,77	256,13
220,38	240,56	252,79	256,15
220,40	240,58	252,81	256,20
220,45	240,60	252,84	256,25
220,50	245,00	252,86	256,30
222,10	245,10	252,90	256,35
222,30	245,20	253,03	256,40
222,32	245,30	253,10	256,42
222,34	245,45	253,15	256,44
222,36	245,50	253,20	256,48
222,40	245,60	253,25	256,52
222,41	245,70	253,30	256,54
222,42	245,80	253,35	256,56
222,44	251,10	253,40	256,58
222,50	251,15	253,45	256,60
222,55	251,20	254,05	256,65
222,57	251,25	254,09	256,67
222,60	251,30	254,15	256,70
222,62	251,45	254,18	256,75
222,64	251,49	254,20	256,80
240,00	252,05	254,25	256,85
240,02	252,10	254,30	256,90
240,03	252,13	254,35	270,45
240,04	252,15	254,40	270,50
240,06	252,17	254,42	273,30
240,10	252,20	254,44	273,50
240,12	252,25	254,46	273,55
240,14	252,27	254,48	273,65
240,16	252,30	254,50	273,70
240,17	252,35	254,54	273,75
240,19	252,40	254,56	273,85
240,21	252,42	254,58	273,90
240,23	252,45	254,63	273,95
240,25	252,50	254,65	274,00

TSUS or TSUSA Item

274,09	306,82	355,20	405,10
274,10	307,02	355,42	405,15
274,15	307,04	355,53	405,20
274,20	307,06	360,35	405,23
274,23	307,16	360,36	405,30
274,27	308,06	360,75.25	405,35
274,29	308,10	360,75.45	405,40
274,33	308,16	360,80.25	405,45
274,35	308,18	360,80.45	405,55
274,60	308,20	361,53	406,02
274,65	308,30	364,11.40	406,04
274,70	308,35	364,12.40	406,10
274,75	308,40	364,15.40	406,50
274,80	308,45	364,25	406,60
274,85	308,47	364,35	406,70
274,90	308,50	365,05	406,80
304,04	308,51	365,10.50	407,02
304,10	308,55	365,10.90	407,04
304,12	308,80	365,85.50	407,06
304,14	308,90	365,85.90	407,08
304,20	312,10	370,17	407,10
304,22	312,30	370,19	407,12
304,40	312,40	370,20.40	407,20
304,44	312,50	385,95	407,25
304,48	315,75	390,12.40	407,30
304,58	316,50	403,02	407,32
305,20	316,70	403,04	407,35
305,22	319,01	403,06	407,40
305,28	319,03	403,08	407,45
305,30	319,05	403,10	407,50
305,40	319,07	403,40	407,55
305,50	335,50	403,42	407,60
306,42	335,80.20	403,44	407,70
306,52	335,90.20	403,46	407,72
306,53	339,10	403,48	407,75
306,60	347,20	403,48	407,80
306,61	347,25.40	403,50	407,85
306,70	347,30	403,60	407,90
306,71	347,35	403,70	408,05
306,72	347,72	403,75	408,10
306,80	347,75	403,78	408,15
306,81	355,04	403,80	408,20
		403,90	408,25
		405,04	408,30
		405,06	

TSUS or TSUSA Item

408,35	417,80	419,54	421,14
408,40	417,90	419,60	421,16
408,45	417,92	419,70	421,18
408,60	418,00	419,74	421,22
408,70	418,14	419,76	421,34
408,75	418,18	419,80	421,36
408,80	418,22	419,82	421,44
409,00	418,24	419,84	421,46
415,20	418,26	419,90	421,52
415,27	418,28	420,00	421,54
415,50	418,30	420,02	421,56
416,05	418,32	420,04	421,60
416,10	418,40	420,06	421,62
416,30	418,42	420,08	421,72
416,40	418,44	420,14	421,74
416,45	418,50	420,16	421,76
417,10	418,52	420,18	421,84
417,14	418,60	420,20	421,86
417,16	418,62	420,22	421,90
417,18	418,68	420,24	422,00
417,20	418,72	420,26	422,10
417,22	418,74	420,28	422,12
417,24	418,76	420,30	422,14
417,26	418,78	420,32	422,20
417,28	418,80	420,34	422,24
417,30	418,94	420,36	422,26
417,32	419,00	420,40	422,30
417,34	419,02	420,54	422,40
417,36	419,04	420,60	422,42
417,38	419,10	420,68	422,58
417,40	419,20	420,70	422,60
417,42	419,22	420,78	422,62
417,44	419,24	420,82	422,70
417,50	419,28	420,84	422,72
417,52	419,32	420,86	422,74
417,54	419,34	420,88	422,76
417,64	419,38	420,94	422,78
417,70	419,40	420,98	422,80
417,72	419,42	421,04	422,82
417,74	419,44	421,06	422,90
417,76	419,50	421,08	422,92
417,78	419,52	421,10	422,94

TSUS or TSUSA Item

423,00	426,00	427,18	428,44
423,80	426,04	427,20	428,46
423,84	426,08	427,22	428,50
423,86	426,10	427,24	428,52
423,88	426,12	427,25	428,54
423,92	426,14	427,28	428,58
423,94	426,18	427,30	428,62
423,96	426,22	427,40	428,64
425,00	426,24	427,42	428,66
425,02	426,26	427,44	428,68
425,04	426,28	427,45	428,72
425,06	426,32	427,46	428,80
425,08	426,34	427,48	428,82
425,09	426,36	427,53	428,84
425,10	426,42	427,54	428,86
425,12	426,44	427,56	428,88
425,14	426,46	427,58	428,90
425,18	426,52	427,60	428,92
425,20	426,54	427,62	428,94
425,22	426,56	427,64	428,96
425,24	426,58	427,70	429,00
425,26	426,62	427,72	429,10
425,28	426,64	427,74	429,12
425,30	426,72	427,82	429,20
425,32	426,76	427,84	429,22
425,34	426,77	427,92	429,24
425,36	426,78	427,94	429,26
425,38	426,82	427,97	429,28
425,41	426,84	427,98	429,30
425,42	426,86	428,04	429,32
425,52	426,88	428,06	429,34
425,70	426,92	428,12	429,38
425,72	426,94	428,20	429,42
425,74	426,96	428,22	429,44
425,76	426,98	428,24	429,46
425,78	427,02	428,26	429,47
425,82	427,04	428,30	429,48
425,84	427,06	428,32	429,52 ^{1/}
425,86	427,08	428,34	429,60
425,88	427,12	428,36	429,70
425,94	427,14	428,40	429,85
425,98	427,16	428,42	429,95

^{1/} Only isoprene having a purity of 95 percent or more by weight and those hydrocarbons that are not derived in whole or in part from petroleum, shale oil, or natural gas.

TSUS or TSUSA Item

430.00 ^{1/}	437.86	455.38	465.70
432.00 ^{1/}	438.01	455.40	465.75
435.10	438.02	455.42	465.80
435.70	439.30	455.44	465.85
436.00	439.50	455.46	465.87
437.02	440.00	460.10	465.90
437.04	445.05	460.15	465.92
437.06	445.10	460.25	465.95
437.10	445.15	460.30	466.05
437.12	445.20	460.35	466.10
437.13	445.25	460.40	466.15
437.14	445.30	460.45	466.20
437.16	445.35	460.50	466.25
437.18	445.40	460.55	466.30
437.20	445.45	460.60	470.15
437.22	445.50	460.65	470.25
437.24	445.75	460.70	470.55
437.30	446.10	460.75	470.57
437.32	446.12	460.80	470.85
437.36	446.15	460.85	472.06
437.38	446.30	460.90	472.10
437.40	450.10	461.05	472.14
437.44	450.20	461.10	472.24
437.49	452.24	461.15	472.30
437.50	452.28	461.20	472.40
437.51	452.34	461.30	472.42
437.52	452.44	461.35	472.44
437.54	452.48	461.40	472.48
437.55	452.54	461.45	472.50
437.56	452.58	465.05	473.02
437.57	452.80	465.10	473.06
437.58	455.02	465.15	473.10
437.60	455.06	465.20	473.12
437.64	455.16	465.25	473.14
437.65	455.18	465.30	473.16
437.68	455.20	465.35	473.18
437.69	455.22	465.40	473.19
437.70	455.24	465.45	473.20
437.72	455.30	465.50	473.24
437.74	455.32	465.55	473.28
437.82	455.34	465.60	473.30
437.84	455.36	465.65	473.32

^{1/} Only those mixtures that are not in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil, or natural gas.

TSUS or TSUSA Item

473,36	485,10	511,25	516,24
473,38	485,20	511,31	516,71
473,44	485,30	511,41	516,73
473,46	490,05	511,51	516,74
473,48	490,10	511,61	516,76
473,50	490,24	511,71	516,91
473,52	490,30	512,24	516,94
473,54	490,32	512,31	517,11
473,56	490,40	512,35	517,21
473,58	490,42	512,41	517,24
473,60	490,44	512,44	517,27
473,62	490,46	513,21	517,51
473,66	490,48	513,36	517,61
473,70	490,50	513,41	517,71
473,72	490,90	513,51	517,74
473,74	490,92	513,74	517,81
473,76	490,94	513,81	517,91
473,78	493,10	513,84	518,21
473,80	493,16	513,94	518,41
473,82	493,18	514,11	518,44
473,84	493,20	514,21	518,51
473,86	493,21	514,24	519,11
473,88	493,22	514,34	519,14
473,90	493,25	514,41	519,31
474,02	493,26	514,44	519,37
474,04	493,30	514,51	519,51
474,06	493,46	514,54	519,83
474,08	493,47	514,57	519,84
474,20	493,50	514,61	519,86
474,22	493,67	514,65	519,91
474,26	493,68	514,81	519,93
474,30	493,82	515,11	519,95
474,35	494,04	515,14	519,97
474,40	494,30 ^{1/}	515,24	520,31
474,42	494,40	515,31	520,32
474,44	494,52	515,34	520,33
474,46	494,60	515,51	520,35
474,50	495,05	515,54	520,37
474,60	495,10	515,61	520,39
474,62	495,15	515,64	520,51
475,55	495,20	516,11	520,54
475,60	511,11	516,21	520,61

^{1/} Only those mixtures that are not in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil, or natural gas.

TSUS or TSUSA Item

520.71	533.41	540.47	543.69
521.87	533.51	540.51	544.11
522.41	533.63	540.55	544.14
522.45	533.65	540.61	544.16
522.71	533.66	540.63	544.18
522.81	533.68	540.65	544.31
523.31	533.69	540.67	544.41
523.33	533.71 ^{1/}	540.71	544.51
523.35	533.73 ^{1/}	541.11	544.54
523.37	533.75 ^{1/}	541.21	544.61
523.51	533.77	541.31	544.64
523.61	534.11	542.11	545.11
523.91	534.21	542.13	545.17
523.94	534.31	542.21	545.21
531.01	534.74	542.23	545.25
531.04	534.76	542.25	545.27
531.11	534.81	542.31	545.31
531.21	534.84	542.33	545.34
531.24	534.87	542.35	545.35
531.33	534.91	542.37	545.37
531.35	534.94	542.42	545.53
531.37	534.97	542.44	545.55
531.39	535.11	542.46	545.57
532.14	535.12	542.48	545.61
532.21	535.14	542.57	545.63
532.24	535.21	542.67	545.65
532.27	535.24	542.71	545.67
532.31	535.27	542.73	545.81
532.41	535.31	542.75	545.85
532.61	535.41	542.77	545.87
533.11	536.11	542.92	546.11
533.14	536.15	542.94	546.13
533.16	540.11	542.96	546.17
533.23	540.13	542.98	546.21
533.25	540.14	543.11	546.23
533.26	540.15	543.21	546.25
533.28 ^{1/}	540.21	543.23	546.35
533.31 ^{1/}	540.27	543.27	546.38
533.33 ^{1/}	540.33	543.31	546.40
533.35 ^{1/}	540.37	543.61	546.42
533.36 ^{1/}	540.41	543.63	546.43
533.38 ^{1/}	540.43	543.67	546.44

^{1/} Only ceramic articles which are not temporarily provided for in TSUS items 923.01 to 923.15, inclusive.

TSUS or TSUSA Item

546.46	605.06	610.80	613.06
546.48	605.08	612.02	613.08
546.49	605.48	612.03	613.10
546.50	605.60	612.05	613.11
546.52	605.65	612.06	613.12
546.54	605.66	612.08	613.15
546.56	607.01	612.10	613.18
546.58	607.02	612.15	618.10
546.59	607.03	612.17	618.15
547.11	607.04	612.20	618.17
547.13	607.12	612.30	618.20
547.15	607.18	612.31	618.22
547.21	607.35	612.32	618.25
547.31	607.36	612.34	618.27
547.37	607.37	612.35	618.29
547.41	607.45	612.36	618.40
547.43	607.51	612.38	618.42
547.51	607.57	612.39	618.47
547.53	608.04	612.40	620.08
547.55	608.05	612.41	620.10
548.01	608.06	612.43	620.12
548.03	608.08	612.44	620.16
548.05	608.10	612.45	620.20
601.27	608.25	612.50	620.22
601.33	608.27	612.52	620.26
602.10	608.30	612.55	620.30
602.20	608.32	612.56	620.40
602.28	609.12	612.60	620.42
602.30	609.13	612.61	620.46
603.10	609.15	612.62	620.50
603.15	609.88	612.63	622.15
603.25	609.90	612.64	622.17
603.30	610.56	612.70	622.20
603.40	610.58	612.71	622.22
603.45	610.62	612.72	622.25
603.49	610.63	612.73	622.35
603.50	610.65	612.80	622.40
603.54	610.66	612.81	624.02
603.55	610.70	612.82	624.04
603.70	610.71	613.02	624.10
605.03	610.74	613.03	624.12
605.05		613.04	

TSUS or TSUSA Item

624,14	628,90	642,52	644,56
624,16	628,95	642,54	644,60
624,18	629,05	642,56	644,64
624,20	629,10	642,58	644,68
624,22	629,20	642,60	644,72
624,24	629,25	642,62	644,76
624,30	629,26	642,64	644,80
624,32	629,35	642,66	644,84
624,34	629,50	642,68	644,88
624,40	629,60	642,70	644,92
624,42	629,65	642,72	644,95
624,50	632,02	642,74	644,98
624,52	632,04	642,76	646,02
624,54	632,12	642,78	646,04
626,04	632,18	642,80	646,06
626,15	632,34	642,82	646,17
626,17	632,42	642,85	646,20
626,18	632,60	642,87	646,22
626,20	632,62	642,93	646,27
626,22	632,66	644,02	646,28
626,24	633,00	644,06	646,30
626,30	640,05	644,08	646,32
626,31	640,10	644,09	646,34
626,35	640,20	644,11	646,36
626,40	640,25	644,12	646,40
626,42	640,30	644,15	646,41
626,45	640,35	644,17	646,42
628,05	640,40	644,18	646,45
628,10	642,06	644,20	646,47
628,15	642,08	644,22	646,49
628,20	642,10	644,24	646,51
628,25	642,12	644,26	646,53
628,30	642,14	644,28	646,54
628,35	642,16	644,30	646,56
628,40	642,18	644,32	646,57
628,45	642,20	644,36	646,58
628,50	642,25	644,38	646,60
628,55	642,27	644,40	646,63
628,59	642,30	644,42	646,65
628,70	642,45	644,46	646,72
628,74	642,47	644,48	646,74
	642,50	644,52	646,75

TSUS or TSUSA Item

646.76	649.05	650.05	651.01
646.77	649.07	650.07	651.03
646.78	649.11	650.08	651.04
646.80	649.14	650.09	651.07
646.81	649.17	650.10	651.09
646.82	649.19	650.12	651.11
646.83	649.21	650.13	651.13
646.84	649.23	650.15	651.15
646.85	649.24	650.17	651.21
646.86	649.25	650.19	651.23
646.87	649.26	650.21	651.25
646.88	649.27	650.31	651.27
646.89	649.29	650.35	651.29
646.90	649.31	650.37	651.31
646.92	649.32	650.38	651.33
646.95	649.33	650.39	651.37
646.97	649.35	650.40	651.45
646.98	649.37	650.42	651.47
647.01	649.39	650.43	651.49
647.03	649.41	650.45	651.51
647.05	649.43	650.47	651.53
647.10	649.44	650.49	651.55
648.51	649.46	650.51	651.60
648.53	649.47	650.53	651.62
648.55	649.48	650.54	651.64
648.57	649.49	650.55	651.75
648.61	649.53	650.56	652.03
648.63	649.57	650.57	652.06
648.67	649.67	650.61	652.09
648.69	649.71	650.63	652.12
648.71	649.73	650.65	652.15
648.73	649.75	650.71	652.18
648.75	649.77	650.73	652.21
648.81	649.79	650.75	652.24
648.85	649.81	650.77	652.27
648.89	649.83	650.79	652.30
648.91	649.85	650.81	652.33
648.93	649.87	650.83	652.35
648.95	649.89	650.85	652.36
648.97	649.91	650.87	652.38
649.01	650.01	650.89	652.41
649.03	650.03	650.91	652.42

TSUS or TSUSA Item

652,45	654,10	661,09	668,50
652,50	654,15	661,10	670,00
652,55	654,20	661,12	670,02
652,60	656,05	661,15	670,04
652,65	656,10	661,20	670,06
652,70	656,15	661,25	670,12
652,72	656,20	661,30	670,14
652,75	656,25	661,35	670,16
652,80	656,30	661,40	670,17
652,84	656,35	661,45	670,18
652,86	657,10	661,50	670,19
652,88	657,15	661,55	670,20
652,90	657,20	661,65	670,22
652,92	657,30	661,70	670,23
652,93	657,35	661,85	670,25
652,98	657,40	661,90	670,27
653,02	657,50	661,92	670,29
653,03	657,60	661,95	670,33
653,05	657,70	662,10	670,35
653,07	657,75	662,15	670,40
653,10	657,80	662,18	670,41
653,15	657,90	662,20	670,42
653,20	658,00	662,26	670,43
653,25	660,10	662,30	670,50
653,30	660,15	662,35	670,52
653,35	660,20	662,50	670,54
653,37	660,22	664,05	670,56
653,39	660,25	664,10	670,58
653,45	660,30	666,10	670,60
653,50	660,35	666,25	670,62
653,60	660,42	668,00	670,64
653,62	660,44	668,02	670,66
653,65	660,46	668,04	670,68
653,70	660,52	668,06	670,70
653,75	660,54	668,07	670,72
653,80	660,65	668,10	670,74
653,85	660,70	668,15	670,90
653,90	660,75	668,20	672,10
653,95	660,80	668,32	672,15
653,97	660,85	668,34	672,20
654,00	660,92	668,36	672,22
654,05	660,94	668,38	672,25

TSUS or TSUSA Item

674.10	680.33	683.65	688.10
674.20	680.35	683.70	688.12
674.30	680.35.04	683.80	688.15
674.32	680.35.07	683.90	688.20
674.35	680.35.10	683.95	688.25
674.40	680.35.14	684.10	688.30
674.42	680.35.18	684.15	688.35
674.50	680.35.22	684.20	688.40
674.52	680.35.26	684.30	690.05
674.53	680.35.30	684.40	690.10
674.55	680.35.50	684.50	690.15
674.56	680.35.50	684.62	690.20
674.60	680.40	684.64	690.35
674.70	680.45	684.70	690.40
674.75	680.47	685.10	692.02
674.80	680.48	685.20	692.04
674.90	680.50	685.23	692.10
676.07	680.52	685.25	692.14
676.10	680.54	685.30	692.16
676.12	680.57	685.32	692.20
676.15	680.60	685.40	692.22
676.20	680.70	685.42	692.27
676.22	680.90	685.50	692.35
676.23	682.05	685.60	692.40
676.25	682.07	685.70	692.45
676.30	682.20	685.80	692.50
676.50	682.25	685.90	692.55
676.52	682.30	686.10	692.60
678.20	682.40	686.22	694.15
678.30	682.50	686.24	694.20
678.32	682.52	686.30	694.30
678.35	682.55	686.40	694.40
678.40	682.60	686.50	694.50
678.45	682.70	686.60	694.60
678.50	682.80	686.70	694.70
680.05	682.80	686.80	696.05
680.07	682.90	686.90	696.10
680.12	682.95	687.10	696.15
680.15	683.10	687.20	696.30
680.20	683.15	687.30	696.35
680.22	683.20	687.50	696.40
680.25	683.30	687.60	696.50
680.27	683.32	688.04	696.60
680.30	683.40	688.06	700.55.20
	683.50		700.83
	683.60		

TSUS or TSUSA Item

700,85	705,30	706,23	709,01
702,05.40	705,35	706,24.40	709,03
702,10.40	705,40	706,24.50	709,05
702,15	705,42	706,24.60	709,06
702,20	705,43	706,30	709,07
702,25	705,45	706,40	709,09
702,28	705,46	706,45	709,10
702,30	705,48	706,47	709,11
702,32	705,50	706,50	709,13
702,35	705,51	706,55	709,15
702,37	705,53	706,60	709,17
702,40	705,54	708,01	709,19
702,45	705,55	708,03	709,21
702,47	705,57	708,05	709,23
702,85	705,58	708,07	709,25
702,90	705,60	708,09	709,27
702,95	705,62	708,21	709,40
703,20	705,64	708,23	709,45
703,25	705,66	708,25	709,50
703,30	705,67	708,27	709,54
703,35	705,68	708,29	709,55
703,40	705,69	708,41	709,56
703,45	705,70	708,43	709,57
703,50	705,71	708,45	709,61
703,55	705,72	708,47	709,63
703,60	705,73	708,81	709,66
703,65	705,74	708,52	710,04
703,70	705,76	708,53	710,06
703,72	705,78	708,55	710,08
703,75	705,84	708,57	710,12
703,80	705,85	708,59	710,14
703,85	705,86	708,71	710,16
704,05.85	705,90	708,72	710,20
704,10.85	706,04	708,73	710,21
704,15.85	706,05	708,75	710,26
704,35.60	706,06	708,76	710,27
704,40.85	706,08	708,78	710,30
704,45.85	706,10	708,80	710,34
704,50.85	706,11	708,82	710,36
704,75	706,12	708,85	710,40
704,80	706,14	708,87	710,42
704,95	706,20.45	708,89	710,46
		708,91	
		708,93	

TSUS or TSUSA Item

710,50	712,20	722,16	724,40
710,60	712,25	722,18	724,45
710,61	712,27	722,30	725,01
710,63	712,47	722,32	725,03
710,65	712,49	722,34	725,04
710,67	713,05	722,40	725,06
710,68	713,07	722,42	725,10
710,70	713,09	722,44	725,12
710,72	713,11	722,46	725,14
710,76	713,15	722,50	725,16
710,78	713,17	722,52	725,18
710,80	713,19	722,55	725,20
710,86	715,20	722,56	725,22
710,88	715,25	722,60	725,24
710,90	715,27	722,64	725,26
711,04	715,29	722,70	725,30
711,08	715,31	722,72	725,32
711,25	715,33	722,75	725,34
711,30	720,02	722,78	725,36
711,34	720,04	722,80	725,38
711,36	720,06	722,82	725,40
711,37	720,08	722,83	725,46
711,40	720,10	722,85	725,47
711,42	720,12	722,86	725,50
711,45	720,14	722,88	725,52
711,47	720,16	722,90	726,05
711,49	720,18	722,92	726,10
711,55	720,32	722,94	726,15
711,60	720,33	722,96	726,20
711,67	720,34	723,05	726,25
711,82	720,36	723,10	726,40
711,83	720,80	723,15	726,45
711,84	720,82	723,20	726,50
711,86	720,92	723,25	726,52
711,88	720,94	723,30	726,55
711,90	721,10	723,32	726,60
711,93	721,12	723,35	726,62
711,98	722,02	724,10	726,63
712,05	722,04	724,12	726,65
712,10	722,10	724,20	726,70
712,12	722,12	724,25	726,75
712,15	722,14	724,35	726,80

TSUS or TSUSA Item

727.02	730.71	732.34	735.12
727.04	730.73	732.36	735.15
727.06	730.74	732.40	735.17
727.10	730.75	732.50	735.18
727.15	730.77	732.52	735.20
727.30	730.80	732.60	737.07
727.35	730.81	732.62	737.09
727.40	730.85	734.05	737.15
727.45	730.86	734.10	737.20
727.47	730.88	734.15	737.25
727.48	730.90	734.20	737.30
727.52	730.91	734.25	737.35
727.55	730.92	734.30	737.40
727.80.60	730.93	734.32	737.45
727.80.80	731.05	734.34	737.50
728.05	731.06	734.40	737.55
728.10	731.10	734.42	737.60
728.15	731.15	734.45	737.65
728.20	731.20	734.50 ^{1/}	737.70
728.25	731.22	734.54	737.80
730.05	731.24	734.56	737.90
730.15	731.26	734.60	740.05
730.17	731.30	734.70	740.10
730.19	731.42	734.71	740.30
730.23	731.44	734.72	740.34
730.25	731.50	734.75	740.35
730.27	731.60	734.77	740.38
730.29	732.02	734.80	740.50
730.31	732.04	734.85	740.55
730.37	732.06	734.86	740.60
730.39	732.08	734.87	740.70
730.41	732.10	734.88	740.75
730.43	732.12	734.90	740.80
730.45	732.14	734.91	741.06
730.51	732.16	734.93	741.10
730.53	732.18	734.95	741.15
730.55	732.20	734.96	741.20
730.57	732.22	734.97	741.25
730.59	732.24	735.05	741.30
730.61	732.26	735.09	741.35
730.63	732.30	735.10	741.40
730.65	732.32	735.11	741.50
730.67			

^{1/} Except nets of cotton.

TSUS or TSUSA Item

745.04	750.25	756.25	771.31
745.08	750.26	756.30	771.35
745.10	750.27	756.35	771.40
745.20	750.28	756.40	771.42
745.22	750.29	756.45	771.45
745.25	750.30	756.50	771.50
745.28	750.31	756.55	771.55
745.30	750.32	756.60	772.03
745.32	750.33	760.03	772.06
745.34	750.35	760.10	772.09
745.40	750.40	760.12	772.15
745.45	750.45	760.15	772.20
745.50	750.47	760.20	772.25
745.52	750.50	760.30	772.30
745.54	750.55	760.32	772.35
745.56	750.60	760.34	772.40
745.58	750.65	760.36	772.42
745.60	750.70	760.38	772.45
745.63	750.75	760.40	772.48
745.65	750.80	760.42	772.51
745.66	751.05	760.45	772.54
745.67	751.10	760.48	772.57
745.68	751.11	760.50	772.60
745.70	751.15	760.52	772.65
745.72	751.20	760.54	772.70
745.74.50	751.25	760.56	772.80
745.74.60	755.05	760.58	772.85
748.05	755.10	760.65	772.95
748.10	755.15	766.20	772.97
748.12	755.20	766.30	773.05
748.15	755.25	770.05	773.10
748.20	755.30	770.07	773.15
748.21	755.40	770.10	773.20
748.25	755.45	770.30	773.25
748.32	755.50	770.40	773.30
748.34	756.02	770.45	773.35
748.36	756.04	770.70	774.20
748.40	756.06	770.80	774.25
750.05	756.10	771.05	774.35
750.10	756.15	771.20	774.40
750.15	756.21	771.25	774.60
750.20	756.23	771.30	790.00
750.22			

TSUS or TSUSA Item

790.03	792.10
790.05	792.22
790.07	792.30
790.08	792.32
790.10	792.40
790.15	792.50
790.23	792.60
790.25	792.75
790.30	798.00
790.37	798.50
790.39	799.00
790.40	
790.45	
790.47	
790.50	
790.55	
790.59	
790.60	
790.61	
790.62	
790.63	
790.70	
791.05	
791.10	
791.15	
791.17	
791.19	
791.20	
791.25	
791.30	
791.35	
791.45	
791.48	
791.50	
791.54	
791.57	
791.60	
791.65	
791.70	
791.75	
791.80	
791.90	

II. *Beneficiary and Potential Beneficiary Developing Countries.* A. By an Executive order issued today, the countries listed below were designated as beneficiary developing countries for purposes of the United States GSP:

BENEFICIARY COUNTRIES

Afghanistan	Liberia
Argentina	Malagasy Republic
Bahamas	Malawi
Bahrain	Malaysia
Bangladesh	Maldivé Islands
Barbados	Mali
Bhutan	Malta
Bolivia	Mauritania
Botswana	Mauritius
Brazil	Mexico
Burma	Morocco
Burundi	Nauru
Cameroon	Nepal
Central African Republic	Nicaragua
Chad	Niger
Chile	Oman
Colombia	Pakistan
Congo (Brazzaville)	Panama
Costa Rica	Paraguay
Dahomey	Peru
Dominican Republic	Philippines
Egypt	Rwanda
El Salvador	Senegal
Equatorial Guinea	Sierra Leone
Ethiopia	Singapore
Fiji	Sri Lanka
Gambia	Sudan
Ghana	Swaziland
Grenada	Syria
Guatemala	Taiwan
Guinea	Tanzania
Guinea Bissau	Thailand
Guyana	Togo
Haiti	Tonga
Honduras	Trinidad & Tobago
India	Tunisia
Ivory Coast	Upper Volta
Jamaica	Uruguay
Jordan	Vietnam (South)
Kenya	Western Samoa
Khmer Republic	Yemen Arab Republic
Korea, Republic of	Yugoslavia
Laos	Zaire
Lebanon	Zambia
Lesotho	

TERRITORIES FOR WHOSE EXTERNAL RELATIONS ANOTHER COUNTRY IS RESPONSIBLE

Afars and Issas	Mozambique
French Territory of the Angola	Netherlands Antilles
Anguilla	New Caledonia
Antigua	New Hebrides
Belize	Condominium
Bermuda	Niue
British Indian Ocean Territory	Norfolk Island
British Solomon Islands	Papua New Guinea
Brunei	Pitcairn Island
Cape Verde	Portugese Timor
Cayman Islands	Saint Christopher-Nevis-Anguilla
Comoro Islands	Saint Helena
Cook Islands	Saint Lucia
Dominica	Saint Vincent
Falkland Islands (Malvina) and Dependencies	Sao Tome and Principe
French Polynesia	Seychelles
Gibraltar	Spanish Sahara
Gilbert and Ellice Islands	Surinam
Heard Island and McDonald Islands	Tokelau Islands
Macao	Trust Territory of the Pacific Islands
Montserrat	Turks and Caicos Islands
	Virgin Islands, British
	Wallis and Futuna Islands

B. That Executive order also announced that the following countries will be considered for designation as beneficiary developing countries after further consideration of the applicability of the provisions of Section 502 of the Trade Act:

Algeria	Yemen, Peoples' Democratic Republic of
Cyprus	Portugal
Ecuador	Romania
Gabon	Qatar
Greece	Saudi Arabia
Hong Kong	Somalia
Indonesia	Spain
Iran	Turkey
Iraq	Uganda
Israel	United Arab Emirates
Kuwait	Venezuela
Libya	
Nigeria	

[FR Doc.75-8035 Filed 3-24-75;4:33 pm]