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PART I

June 3, 1975—Pages 23835–23976

NOTICE TO AGENCIES

In order to minimize costs of publishing the large volume of information expected under the Privacy Act of 1974, the Office of the Federal Register will accept magnetic tape or word processing equipment input by prior arrangement only. Call the Federal Register Privacy Act coordinator on 523–5240.

HIGHLIGHTS OF THIS ISSUE

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

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reminders

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

Rules Going Into Effect Today

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

List of Public Laws

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

The following bills were vetoed by the President:

H.R. 25, Surface Mining Control and Reclamation Act of 1975. Message dated May 20, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 21.

H.R. 4481, The Emergency Employment Appropriation Act, 1975. Message dated May 28, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 22.

H.R. 5357, Commerce Department, promotion of tourist travel, appropriation authorization. Message dated May 28, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 22.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

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NOTE: This table was inadvertently omitted from the issue of June 2, 1975.

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that positions filled by individuals whose salaries are paid out of funds allocated under Pub. L. 93–567 are excepted under Schedule A.

Effective June 3, 1975, § 213.3102(r) is amended as set out below:

§ 213.3102 Entire executive civil service.

* * * * *

(r) All positions of a project nature when filled by individuals the salaries of whom are paid out of (1) funds allocated by the President under authority of Pub. L. 87–658, approved September 14, 1962, the Public Works Acceleration Act; or (2) funds allocated by the Secretary of Commerce under authority of title X of the Public Works and Economic Development Act of 1965, as amended. Employment under this authority shall be for a temporary period not to exceed 1 year. No new appointments of persons paid out of funds allocated under title X of Public Works and Economic Development Act may be made after September 30, 1976.

* * * * *

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

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

[FR Doc. 75–14389 Filed 6–2–75;8:45 am]

PERSONS INJURED ON THE JOB

Civil Service Retention Rights

On February 20, 1975, there was published in the FEDERAL REGISTER (35 FR 7465) a notice of proposed amendments to the regulations to extend to employees who are injured in performance of duty the job protections, rights, and benefits required by Pub. L. 93416 (the 1973 amendments to the Federal Employees Compensation Act). Agencies, unions, and other interested persons were invited to submit their comments, objections, or suggestions to the Commission by March 24, 1975. After giving the comments, objections, and suggestions received on the proposal due consideration, the Commission has decided to adopt the proposed amendments with the following changes (other than editorial):

Section 330.201 is amended to include on an agency's reemployment priority list employees who were separated due to compensable injury;

Section 351.701(c) is added to give injured employees the same rights in a reduction in force they would have had, had they not been injured;

A definition of "fully recovered" is added to § 353.102;

Section 353.302(b) is amended to require that an agency restore an injured employee with restoration rights immediately upon his recovery. A corollary requirement that an employee notify his agency within 15 days of his recovery is deleted;

Most of § 353.405 (General provisions governing appeals) is deleted since it duplicates material in Part 772 of this chapter.

An appropriate reference is made, instead to Part 772;

Section 772.301(a) (Agency initiated appeals) is amended to reference redesignated Subpart D of Part 353.

In consideration of the foregoing, Parts 302, 330, 351, 353, 531, 550, and 772 of chapter I of Title 5 of the Code of Federal Regulations are amended effective September 7, 1974, as follows:

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

(1) The headnotes and §§ 302.103 and 302.104 are revised, §§ 302.105 and 302.303(b) are added, and § 302.303(c) and the authority are revised as set out below:

Subpart A—General Provisions

§ 302.103 Definition.

"Person entitled to priority consideration" means a person who was separated because of a compensable injury and whose recovery takes longer than 1 year from the date compensation began. To be eligible under this part the person must apply for reappointment to his former agency within 30 days of the date of cessation of compensation.

§ 302.104 Applicability of regulations to applicants and employees.

Each agency shall follow the provisions of this part relating to examination, rating, and selection for appointment of an applicant when a qualified preference eligible or person entitled to priority consideration applies for appointment to a position covered by this part. Each agency, in its discretion, may follow these provisions in making an appointment when no preference eligible or person entitled to priority consideration applies.

§ 302.105 Special agency plans.

An agency having a position subject to this part may submit to the Commission a system for making appointments which will result in granting to a person the preference or priority consideration referred to in sections 1302(c) or 8151 of title 5, United States Code, but which does not conform to all the procedural requirements set forth in this part. However, an agency may not put such a system into effect until it has received the prior approval of the Commission.

Subpart C—Accepting, Rating, and Arranging Applications

§ 302.303 Maintenance of employment lists.

* * * * *

(b) *Reemployment list.* * * *

(3) The name of each former employee of the agency who has been furloughed or separated due to compensable injury sustained under the provisions of 5 U.S.C. chapter 81, subchapter I, and who is eligible for priority consideration under this part.

(c) *Regular employment list.* (1) The regular employment list shall consist of the names of eligible applicants who have been assigned numerical ratings and whose names are not on the agency reemployment list.

(2) A person entitled to priority consideration under this part is eligible for entry on an agency's regular employment list when he:

(i) Has a statement from his last employing agency that he cannot be placed and

(ii) Has ceased receiving compensation under 5 U.S.C. chapter 81 no more than 1 year previously for a person formerly in tenure group II and 2 years previously for a person formerly in tenure group I. Eligibility may be terminated earlier, however, upon the person's acceptance of a nontemporary, full-time position or upon his declination of full-time employment in a position equivalent to the one he held at the time of injury.

(5 U.S.C. 1302, 3301, 3302, 8151; E.O. 10577, 3 CFR 1954–1958 Comp. p. 128, unless otherwise noted.)

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

(2) Sections 330.201, 330.301(c) and 330.701 are amended as set out below:

Subpart B—Appointment From Reemployment Priority List

§ 330.201 Priority in filling vacancies.

* * * * *

(e) An agency's reemployment list shall consist of:

(1) Former employees in the competitive service in tenure groups I or II who were separated under Part 351 of this chapter; and

(2) Former employees in the competitive service in tenure groups I or II who have fully recovered from a compensable injury (as defined in subchapter I of chapter 81 of title 5, United States Code) more than 1 year after they began receiving compensation.

Subpart C—Displaced Employee Program

§ 330.301 Definition.

* * * * *

(c) Was separated or furloughed because of a compensable injury sustained under the provisions of subchapter I of chapter 81 of title 5, United States Code; or

* * * * *

§ 330.701 Coverage.

This subpart applies to each present or former employee who is not eligible for assistance under Subpart C of this part and who—

(a) Was separated or furloughed because of a compensable injury sustained under the provisions of subchapter I of chapter 81 of title 5, United States Code; or

(b) Is under 60 years of age, has been retired under section 8337 of title 5, United States Code, and is subsequently found by the Commission to have recovered from his disability or to have been restored to earning capacity.

(5 U.S.C. 1302, 3301, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

PART 351—REDUCTION IN FORCE

(3) Section 351.701 is amended by adding a new paragraph (c) as set out below:

Subpart G—Assignment Rights

§ 351.701 Qualifications for assignment.

* * * * *

(c) An employee who is carried on leave of absence because of a compensable injury and is released from his competitive level may not be denied an assignment right solely because the employee is not physically qualified for the duties of the position when the physical disqualification resulted from the compensable injury. Such an employee must be afforded appropriate assignment rights subject to his recovery as provided by 5 U.S.C. 8151 and Part 353 of this chapter.

PART 353—RESTORATION TO DUTY

(4) Part 353 is revised in its entirety.

Subpart A—General Provisions

Sec.

Subpart B—Agency Action in Employee's Absence

Subpart C—Agency Obligation to Restore

Subpart D—Appeals to the Commission

Subpart E—Restoration Rights of Taper Employees

AUTHORITY: 38 U.S.C. 2021, et seq., and 5 U.S.C. 8151.

Subpart A—General Provisions

§ 353.101 Scope.

This part sets forth rights and obligations of employees and agencies in connection with restoration following (a) military duty subject to the provisions of 38 U.S.C. 2021, et seq. (formerly section 9 of the Military Selective Service Act of 1967, as amended), and (b) employee injuries subject to the provisions of 5 U.S.C. chapter 81, subchapter 1.

§ 353.102 Definitions.

In this part:

(a) "Agency" means (1) any department, independent estblishment, agency, or corporation in the executive branch, including the U.S. Postal Service, and (2) the government of the District of Columbia.

(b) "Leave of absence" means military leave, annual leave, leave without pay, continuation of pay, or any combination of these.

(c) "Military duty" means a perlod of (1) active duty for training or for service in the Armed Forces of the United States, (2) inactive duty training in the Armed Forces of the United States, and (3) active duty in the Public Health Service that is covered by 38 U.S.C. 2024(b). For the purpose of this paragraph, full-time training or other full-time duty performed by a member of the National Guard under 32 U.S.C. 316, 503, 504, or 505 is considered active duty for training in the Armed Forces of the United States, and inactive duty training performed by a member of the National Guard under 32 U.S.C. 502 or 37 U.S.C. 206(a) or 1002(a) is considered inactive duty training in the Armed Forces of the United States.

(d) "Injury" means a compensable injury sustained under the provisions of 5 U.S.C. chapter 81, subchapter I, and includes, in addition to accidental injury, a disease proximately caused by the employment.

(e) "Fully recovered" means compensation payments have been terminated on the basis that the employee is able to perform all the duties of the position he left or an equivalent one.

§ 353.103 Persons covered.

(a) The provisions of this part concerned with military duty cover each employee of an agency who enters on military duty from:

(1) A career or career-conditional appointment in the competitive service; or

(2) An appointment without time limitation in a position outside the competitive service.

(b) Subpart E of this part covers the restoration rights of TAPER employees.

(c) The provisions of this part concerned with employee injury cover the following persons:

(1) A civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States, who was separated or furloughed from a position without time limitation as a result of a compensable injury;

(2) An individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(3) An individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber or logging operations on that reservation;

(4) An individual employed by the Government of the District of Columbia;

(5) An individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

(6) A Peace Corps Volunteer or Volunteer Leader; and

(7) Individuals enrolled in programs under title I of the Domestic Volunteer Service Act of 1973 (Pub. L. 93–113) for periods of service of at least 1 year; but do not include—

(i) A commissioned officer of the Regular Corps of the Public Health Service;

(ii) A commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(iii) A commissioned officer of the Environmental Science Services Administration; or

(iv) A member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under § 521.535 of title 4, District of Columbia Code.

§ 353.104 Agency action at time employee enters on military duty.

Each employee who enters on active duty with restoration rights under sections 2021 or 2024 (a), (b), or (c) of title 38, United States Code, shall be either separated or furloughed, at the option of his agency, when he enters on military duty, except that an agency may elect to place a member of a reserve component of the Armed Forces or a member of the National Guard on leave of absence, instead.

§ 353.105 Agency action when an employee sustains a compensable injury.

Agencies should carry injured employees on leave without pay for at least the first year the employee is receiving injury compensation under 5 U.S.C. chapter 81. Extensions of such leave may be granted, if warranted, based on review of each individual case.

§ 353.106 Notification of rights and obligations.

An agency shall notify an employee who is separated, furloughed, or given leave of absence because of military duty or injury, of his rights, obligations, and benefits relating to his Government employment.

§ 353.107 Maintenance of records.

Each agency shall identify the position vacated by an employee who is injured or leaves to enter on military duty. It shall also maintain the necessary records to assure that all such employees are preserved the rights and benefits granted by law and this part.

Subpart B—Agency Action in Employee's Absence

§ 353.201 Personnel actions.

(a) Each agency shall consider every employee absent because of compensable injury or military duty for all promotions for which he would be considered were he not absent. A promotion based on this consideration is effective on the date it would have been made if the employee were not absent.

(b) An agency shall place an employee whose position is regraded upward during his absence due to injury or military duty, in the regraded position.

(c) An agency may not demote or separate an employee absent on military duty. If the employee's position is abolished during his absence, the agency shall reassign him to another position of like seniority, status, and pay.

(d) An employee absent because of injury is subject to the same terms and conditions of employment as though he had not been injured.

§ 353.202 Transfer of function to another agency.

If the function with which an employee absent because of injury or military duty was associated at the time of his departure, is transferred to another agency and if the employee would have been transferred with the function under Part 351 of this chapter if he were not absent, the gaining agency shall retain the employee in his position or assign him to a position of like seniority, status, and pay. It shall also assume the obligation to restore the employee in accordance with law and this part.

§ 353.203 Abolishment of agency.

If an agency is abolished and its functions are not transferred to another agency, it shall furnish the Commission a list of its employees absent because of injury or military duty. For each employee, the list shall state the employee's name, date of birth, position, grade, and pay, and the name of the organizational unit in which his position was located. The agency shall note in each employee's Official Personnel Folder that notification was made under this section.

Subpart C—Agency Obligation To Restore

§ 353.301 Extent of agency's obligation and how discharged.

When an employee is entitled to restoration under sections 2021 or 2024(a), (b), or (c) of title 38, United States Code, or under 5 U.S.C. 8151, the agency shall restore him in accordance with this subpart.

§ 353.302 Time limit for restoration.

(a) An employee returning from military duty is entitled to be restored as soon as possible after his application for restoration, filed in accordance with the requirements in law, is received in the agency but, in no event, later than 30 days after his application is received.

(b) An employee who has fully recovered from an injury or disability within 1 year after the date of commencement of compensation, or from the time compensable disability recurs if the recurrence begins after the injured employee resumes regular full-time employment with the United States, is entitled to resume his former position immediately upon cessation of compensation.

§ 353.303 Position to which restored.

An employee is entitled to be restored to employment in the following order, unless the position is occupied by an employee in a higher retention subgroup under Part 351 of this chapter:

(a) To the position to which promoted while he was injured or on military duty, or, if that position is not available, to a position of like seniority, status, and pay;

(b) To the position he left because of injury or military duty, or, if that position is not available, to a position of like seniority, status, and pay;

(c) To the next best available position for which he is qualified. For purposes of this paragraph, the next best available position is one that most nearly approximates in seniority, status, and pay the position to which an employee is entitled under either paragraph (a) or (b) of this section.

§ 353.304 Physical disqualification.

(a) A returning employee who, because of a disability sustained during military duty, is disqualified for a position to which he has restoration rights, is entitled to be restored to another position in the agency for which he is qualified that will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(b) An employee who, because of compensable injury or disability, is disqualified for a position to which he has restoration rights (including an equivalent position) is entitled, within 1 year of the date he began receiving compensation, to be restored to another position in the agency for which he is qualified that will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

§ 353.305 Conflicting rights.

If two or more employees are entitled to be restored to the same position, the employee who left his position first is entitled to the prior right of restoration. Each other employee is entitled to be restored in accordance with the provisions of §§ 353.303 and 353.304.

§ 353.306 Partially recovered injured employees.

Agencies must make every effort to restore, according to the circumstances in each case, an employee who has partially recovered from a compensable injury within 1 year of the date he began receiving compensation and who is able to return to limited duty.

§ 353.307 Notice of right of appeal.

(a) When an agency refuses to restore, or determines that it is not feasible to restore an employee under the provisions of law and this part, it shall notify him in writing of the reasons for its decision, of his right to appeal to the Commission, and of the time limit applicable to the filing of an appeal. The agency shall forward a copy of the notice to the Commission.

(b) When an agency restores an employee it shall notify him that he is being restored in accordance with the requirements of § 353.303. The agency shall also inform the employee that he has 15 days in which to appeal to the Commission a restoration that he believes does not conform to the requirements of this subpart.

Subpart D—Appeals to the Commission

§ 353.401 Appeals to the Commission.

(a) *Executive branch and District of Columbia employees.* (1) An employee with a right to restoration under sections

2021 or 2024 (a), (b), or (c) of title 38 United States Code, or under 5 U.S.C. 8151 may appeal to the Commission in furtherance of this right as follows:

(i) *Failure of restoration.* If, after proper notification by the employee of his desire to exercise his restoration rights, the agency concerned fails to restore him within the time limits specified by law and in this part, the employee may appeal to the Commission not later than 15 calendar days after the expiration of such time limits.

(ii) *Not feasible to restore.* If the agency concerned decides that it is not feasible to restore an employee, he may appeal this decision to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iii) *Refusal of restoration.* If the agency concerned refuses to restore an employee, he may appeal to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iv) *Improper restoration.* If an employee considers that he has been improperly restored, he may appeal to the Commission not later than 15 calendar days after his restoration.

(v) *Former agency abolished.* If the agency in which an employee was employed when he left for military duty or was injured is abolished and its functions are not transferred to another agency, the employee may appeal to the Commission to find him employment. An employee returning from military duty must appeal not later than 15 calendar days after expiration of the period specified by law and in this part for applying for restoration. An injured employee who has fully recovered must appeal not later than 15 calendar days after receiving notice of the cessation of compensation. The 15 day period may be extended in accordance with the provisions of Part 772 of this chapter.

(2) An employee who left a position in an agency with right to return to his position under sections 2024(d) or 2024 (e) of title 38, United States Code, may appeal to the Commission in furtherance of his right to return to work in accordance with the provisions of such sections and this part.

(b) *Other employees.* An employee of another branch who is entitled by law to appeal to the Commission may do so not later than 15 calendar days after expiration of any period specified in the law for applying for restoration. If a period is not specified by law the employee may appeal to the Commission not later than 15 calendar days from the time he receives notice of an action under paragraph (a) of this section.

§ 353.402 Where appeals are filed.

Appeals under this subpart are to be filed with the appropriate office of the Federal Employee Appeals Authority.

§ 353.403 Finality of appeal decision.

The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.404 Agency action when the Commission recommends corrective action.

Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.405 General provisions governing appeals.

There is no right to a hearing in appeals under this part. Decisions of the Federal Employee Appeals Authority are made upon the written record as developed. Further information on appeals procedures may be found in Part 772 of this chapter.

Subpart E—Restoration Rights of TAPER Employees

§ 353.501 Rights of TAPER employees.

(a) *General.* Subject to the exceptions set forth in paragraph (b) of this section an employee serving in a position in the competitive service under a temporary appointment pending establishment of a register under section 316.201 of this chapter (other than an employee serving in grades GS–16, GS–17, or GS–18), is entitled to rights equivalent to those provided for employees covered by sections 2021 and 2024 of title 38, United States Code, or 5 U.S.C. 8151, and subparts A through D of this part apply to a TAPER employee.

(b) *Exceptions.* (1) Sections 353.203 and 353.401(a)(1)(v) do not apply to a TAPER employee. (2) The right of restoration of a TAPER employee is restricted to the geographical area in which the installation he left because of military duty or injury is located. (3) The prohibitions in section 2021(b)(1) and section 2024(c) of title 38, United States Code, against discharging employees without cause within 1 year or 6 months respectively after restoration from military duty do not apply to a TAPER employee; restoration of a TAPER employee may not cause his employment to extend beyond the date it would otherwise be terminated. (4) A TAPER employee who cannot be restored in his former agency does not have the right to restoration in another agency that nontemporary employees have.

PART 531—PAY UNDER THE GENERAL SCHEDULE

(5) Sections 531.404 and 531.509 are amended as set out below:

Subpart D—Within-Grade Increases

§ 531.404 Creditable service—waiting period.

* * * * *

(c)(1) Leave of absence granted to an employee because of an injury for which compensation is payable under subchapter I of chapter 81 of title 5, United States Code, is creditable service in the computation of a waiting period.

(2) An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as creditable service in the computation of a waiting period.

* * * * *

Subpart E—Salary Retention

§ 531.509 Continuous service.

The period of 2 continuous years of service immediately prior to a demotion required by section 5337(a) of title 5, United States Code, or by § 531.502(b) includes any period or periods of nonpay status occurring in the 2-year period. An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as continuous service for the purpose of satisfying the 2 continuous years requirement. Similarly, the salary retention period after demotion includes any period or periods in a nonpay status or periods during which the employee was receiving continuation of pay or compensation because of such injury.

(5 U.S.C. 5115, 5338, § 531.501 to § 531.516 also issued under 5 U.S.C. 5337, 5338, and § 531.404 and § 531.509 issued under 5 U.S.C. 8151, as well.)

PART 550—PAY ADMINISTRATION (GENERAL)

(6) Section 550.704(d) is amended as set out below:

Subpart G—Severance Pay

§ 550.704 General provisions.

* * * * *

(d) *Determination of 12 months' continuous service.* The requirement of section 5595(b) of title 5, United States Code, is met if the employee on the date of separation has been on the rolls of one or more agencies under one or more appointments without time limitation, or temporary appointments that precede or follow on appointment without time limitation, without any break in service of more than 3 calendar days for at least the preceding 12 calendar months. An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as continuous service for purposes of de-

termining whether the employee has satisfied the 12 months continuous service requirement.

(5 U.S.C. 5595; E.O. 11257, 3 CFR 1964–1965 Comp. p. 357. Section 550.704 also issued under 5 U.S.C. 8151)

PART 772—APPEALS TO THE COMMISSION

(7) Section 772.301(a) is amended as set out below:

Subpart C—Commission's Appellate Review of Actions Against Employees

§ 772.301 Coverage.

(a) *Agency-initiated actions.* Except as otherwise provided, this subpart applies to appeals to the Federal Employee Appeals Authority (hereinafter referred to as the Appeals Authority) under * * * Subpart D of Part 353 of this chapter, * * *

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

[FR Doc.75-14391 Filed 6-2-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Rev. 2]

PART 20—EXPORT SALES REPORTING REQUIREMENTS

Certain Agricultural Commodities

On May 29, 1974, revised regulations were issued (39 FR 18630) pursuant to section 812 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973, 87 Stat. 238, 7 U.S.C. 612c-3, requiring persons to report information with respect to contracts for export sales of certain agricultural commodities. This information is compiled and published weekly in compilation form. These regulations were amended effective October 18, 1974 (39 FR 37355), and March 11, 1975 (40 FR 11345).

From experience gained in the administration of this reporting program, it is believed the changes made in the regulations by this revision will improve the quality of data and facilitate both the reporting and compiling of such information.

Under this revision, mixed wheat will no longer be reportable as a separate commodity. Transactions involving certified planting seeds will not be reportable. In the definition of export sale "firm dollar and cent price" has been changed to "fixed price". Provision has been made to recognize agents of foreign buyers as reporting exporters if they purchase commodities domestically and arrange exportation for their principals. The use of a modified report to reflect no activity has also been removed.

Standard Form C. E. 06-0100, "Report of Exports for Exporter's Own Account", has been modified to provide for changes in destination, tolerances and domestic sales to other U.S. exporters. Additional contract information will be required on purchases from foreign sellers. Other minor changes have also been made to clarify several sections of these regulations.

Since the revised regulations merely provide for the submission of information in a manner which may be more readily reported and compiled, without changing the basic reporting responsibility of the exporter, it is found upon good cause that compliance with the notice, public rulemaking procedures, and the 30-day effective date provisions of 5 U.S.C. 533 is impractical, unnecessary, and contrary to the public interest, and that the revision should become effective as set forth below.

Part 20—Export Sales Reporting Requirements, Subtitle A of Title 7, is revised to read as follows:

Sec.
20.1 General.
20.2 Administration.
20.3 Delegation of authority.
20.4 Definitions.
20.5 Announcements.
20.6 Submission of reports.
20.7 Confidentiality of reports.
20.8 Failure to report.
20.9 Records.
20.10 Place of submission of reports.
20.11 Additional reports and information.
Appendix 1
Appendix 2

AUTHORITY: Sec. 812, Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86.

§ 20.1 General.

The regulations of this Part 20 are issued to implement the export sales reporting requirements of section 812 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973. Section 812 provides as follows:

All exporters of wheat and wheat flour, feed grains, oilseeds, cotton and products thereof, and other commodities the Secretary may designate produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period: (a) Type, class, and quantity of the commodity sought to be exported, (b) the marketing year of shipment, (c) destination, if known. Individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting. All exporters of agricultural commodities produced in the United States shall upon request of the Secretary of Agriculture immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as he may request. Any person (or corporation) who knowingly fails to report export sales pursuant to the requirements of this section shall be fined not more than $25,000 or imprisoned not more than one year, or both. The Secretary may, with respect to any commodity or type or class thereof during any period in which he determines that there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements, and that total supplies of such commodity in the exporting countries are estimated to be in surplus, and that anticipated exports will not result in excessive drain on domestic supplies, and that to require the reports to be made will unduly hamper export sales, provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis.

§ 20.2 Administration.

The regulations of this part will be administered by the Foreign Agricultural Service (FAS) under the general supervision of the Administrator, FAS. Information pertaining to these regulations may be obtained from the office specified in § 20.10.

§ 20.3 Delegation of authority.

Authority is hereby delegated to the Administrator to promulgate amendments and revisions to the regulations in this part.

§ 20.4 Definitions.

As used in these regulations and in all instructions, forms, and documents pertaining hereto, the words and phrases defined in this section shall have the meaning assigned to them as follows:

(a) *"Administrator."* The Administrator, Foreign Agricultural Service, U.S. Department of Agriculture.

(b) *"Buy-back contract."* A transaction under which a reporting exporter having sold a commodity for export to a foreign buyer liquidates the export sale contract by making an offsetting purchase of the same kind of commodity from the same foreign buyer.

(c) *"Commodity."* Wheat and wheat flour, feed grains, oilseeds, cotton, and products thereof and any other agricultural commodity the Secretary may designate. "Commodity" shall also mean a commodity having identifying characteristics as described in any announcement issued pursuant to § 20.5 such as class(es) of wheat, or staple length(s) of cotton. Mixed wheat shall be considered to be the predominant wheat class of the blend. This definition excludes commodities to be used for seed which have been treated in such a manner that their use is limited to seed for planting purposes or on which a certificate has been issued by a recognized seed testing laboratory setting forth variety, germination and purity.

(d) *"Country of destination."* (1) Any country outside the United States or (2) any territory or possession of the United States. Country of destination shall be the ultimate destination.

(e) *"Export."* A shipment of a commodity from the United States destined to a country specified in paragraph (d) of this section. The commodity shall be deemed to have been exported on the date of the applicable export carrier onboard bill of lading or the date the commodity is received for shipment, as specified on the bill of lading, in the case of a commodity received for shipment in a lash barge or containerized van if a through on-board bill of lading is issued for shipment to a country specified in paragraph (d) of this section.

(f) *"Export carrier."* The vessel on which a commodity is exported from the United States to a country specified in paragraph (d) of this section, or if export is by railcar, truck, or airplane, "export carrier" means such railcar, truck, or airplane.

(g) *"Exports for exporter's own account."* A transaction involving shipments made by the reporting exporter which are unsold at the time of export, shipments on consignment to selling agents of the reporting exporter for subsequent sale for the account of the reporting exporter, shipments by the reporting exporter that have not been allocated to any outstanding export sale, and shipments from the United States to Canada in bond for subsequent shipment to a third country.

(h) *"Export sale."* A transaction entered into between a reporting exporter and a foreign buyer. The transaction must represent a written agreement under which (1) the exporter agrees to export the commodity, (2) the foreign buyer agrees to receive the commodity, (3) there is a fixed price or an agreed upon mechanism by which such a price can be determined, and (4) payment will be made to or for the account of the reporting exporter by or on the behalf of the foreign buyer for delivery of the commodity. The quantity of "outstanding export sale" means the quantity not yet exported under an export sale. A transaction which otherwise meets this definition and is subject to the posting of an exporter performance bond or letter of credit from the foreign buyer is included in this definition and such a transaction shall be reported under these regulations. However, a transaction which becomes operative only upon the imposition of export controls is excluded from this definition of "export sale" and such a transaction shall not be reported under these regulations.

(i) *"Foreign buyer and foreign seller."* A person whose place of doing business with respect to the transaction is outside the United States. Foreign buyer or foreign seller includes a person who maintains a place of doing business outside the United States even though the transaction is concluded in the United States by his agent who has a place of business in the United States or by his employee who does not maintain a place of doing business in the United States. (If such employee maintains a place of doing business in the United States with respect to the transaction, the resulting contract is construed to be a domestic sale.) Notwithstanding the foregoing, all foreign governments, agencies and instrumentalities are considered foreign buyers or foreign sellers even though transactions are concluded by their employees in the United States or they maintain a place of business with respect to the transaction in the United States.

(j) *"Marketing year."* The reporting period specified for a commodity in Appendix 1.

(k) *"Optional origin contracts."* A transaction involving an export sale contract between a reporting exporter and a foreign buyer under which the reporting exporter has the option of exporting the commodity from the United States or from one or more other exporting countries or an export sale contract under which no origin is specified.

(l) *"Person."* An individual, partnership, corporation, association or other legal entity.

(m) *"Purchases from foreign sellers."* A transaction involving the purchase of a commodity from a seller whose place of business with respect to the transaction is outside the United States.

(n) *"Quantity."* The actual contract quantity (exclusive of any upward or downward tolerance) specified in the agreement between the reporting exporter and foreign buyer or seller.

(o) *"Reporting exporter."* A person who enters into a transaction referred to in this section whose place of doing business with respect to such transaction is in the United States. A reporting exporter shall include any person who sells a commodity to a foreign buyer irrespective of whether or not such person may appear as the shipper on the export documentation or whether or not such person is required to file a Shipper's Export Declaration. A reporting exporter would not normally include agents of either the reporting exporter or foreign buyer, brokers, or freight forwarders unless such agents, brokers or freight forwarders are acting in the capacity of a principal. (See examples § 20.6(c).)

(p) *"United States."* All of the 50 States, the District of Columbia and Puerto Rico.

§ 20.5 Announcements.

Commodities for which reports are required under these regulations are set forth in Appendix 1 to this part. Any change therein will be made by publication in the FEDERAL REGISTER of an amendment thereto, and, in addition, announcement of such change will be made through the press and ticker service. The unit of measure to be used in reporting the commodity, the beginning and ending dates of the marketing year for each commodity, and any other information deemed necessary to be included in the report will be specified in Appendix 1 to this part and amendments thereto and in the announcements through press and ticker service.

§ 20.6 Submission of reports.

(a) *Weekly reports.* For each commodity for which reports are required under these regulations, the reporting exporter shall file weekly with the office specified in § 20.10 and not later than the time specified in paragraph (k) of this section, a report by marketing year on the applicable forms contained in Appendix 2 (C.E. 06-0097, "Report of Optional Origin Sales," C.E. 06-0098, "Report of Export Sales and Exports," and on form C.E. 06-0100, "Report of Exports for Exporter's Own Account"),[1] setting forth the following information and that required by such forms. Information for each applicable item on the respective form shall be reported.

(1) *United States origin sales only.* (i) Total quantity of outstanding export sales from the previous report by country of destination.

(ii) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance). Include the quantity of any optional original export sale for which an option was exercised during the week to export the commodity from the United States.

(iii) Quantity of any purchases of the same kind of commodity made from foreign sellers during the week.

(iv) Quantity of export sales cancelled and quantity of buyback contracts made during the week.

(v) Changes in destination during the week for export sales previously reported.

(vi) Changes in the marketing year during the week for export sales previously reported.

(vii) Exports made against export sales during the week.

(viii) Total outstanding balance of export sales at the close of business for the current report.

(2) *Optional origin sales (United States and other countries).* (i) Total quantity of outstanding export sales from the previous report by country of destination.

(ii) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance) by country of destination.

(iii) Quantity of export sales for which an option was exercised during the week which would determine the origin of the commodity to be exported with the origin indicated as the United States or other than the United States.

(iv) Quantity of optional export sales cancelled and the quantity of optional buy-back contracts made during the week.

(v) Changes in destination during the week for sales previously reported.

(vi) Changes in the marketing year during the week for sales previously reported.

(vii) Total outstanding balance of optional export sales for which an option has not been exercised at the time of compiling the report.

(3) *Exports for exporter's own account.* (i) Total outstanding balance of exports for exporter's own account that has been shipped from the United States as shown on the previous report by country where located or, if in transit, by country of intermediate destination.

(ii) Quantity of exports for exporter's own account exported during the week.

(iii) Quantity of previously reported exports for exporter's own account that was applied to outstanding or new export sales during the week.

(iv) Quantity of previously reported exports for exporter's own account sold to other U.S. exporters during the week.

(v) Changes in destination during the week for exports previously reported.

(vi) The total outstanding balance of exports for exporter's own account at

[1] Filed as part of the original document.

the close of business for the current report.

(b) *Monthly reports.* The information described in paragraph (a) of this section shall be reported monthly when specified by an announcement issued pursuant to § 20.5.

(c) *Exporters who are required to report.* The reporting exporter has the sole responsibility of reporting any and all information required by these regulations. The following are examples of who shall be considered the reporting exporter for the purpose of these regulations. (Firm A in each example is a firm whose place of doing business with respect to the transaction is in the United States, and the commodity to be delivered under the purchase contract is subject to these regulations. See § 20.4 (i) for definition of a foreign buyer and foreign seller).

(1) Firm A makes an export sale to Firm B whose place of doing business with respect to the transaction is also in the United States. Firm B has made or will make an export sale to a foreign buyer. In this case Firm A cannot report the sale to Firm B since Firm B's place of doing business with respect to the transaction is located in the United States. In this example, Firm B is required to report the sale to the foreign buyer.

(2) Firm A makes an export sale to a foreign buyer through the foreign buyer's agent and the agent's place of doing business with respect to the transaction is in the United States. In this example Firm A is required to report the export sale since the resulting contract is between Firm A and the foreign buyer.

(3) Firm A consigns an export to his agent (other than an employee of Firm A). When the agent makes a sale to a foreign buyer, Firm A is required to report the sale. If the agent makes the sale to a firm whose place of doing business with respect to the transaction is in the United States, Firm A will not report the sale.

(4) Firm A makes a purchase from a foreign seller. In this example, Firm A is required to report the purchase.

(5) Firm A makes a purchase from an agent of a foreign seller and the agent's place of doing business with respect to the transaction is in the United States. In this example, Firm A is required to report the purchase. The agent cannot report the sale to Firm A since he is not a principal party in interest in the contract and the foreign seller is not required to make a report of the sale since he is not a reporting exporter.

(6) Firm A, the agent of the foreign buyer, whose place of doing business with respect to the transaction is in the United States, purchases commodities domestically at interior warehouses and arranges for exportation to his principal, the foreign buyer. In this example Firm A is required to report the sale and export.

(7) If a reporting exporter has a transaction not described in subparagraphs (1) through (6) of this paragraph and he is in doubt whether he should report the transaction, he should request in writing a decision from the office specified in § 20.10.

(d) *Contract terms.* Reports of contract terms shall be filed when requested in accordance with § 20.11. The report showing contract terms shall be filed on C.E. 06-0099 "Contract Terms Supporting Export Sales and Foreign Purchases," and shall include the following:

(i) Reporting exporter's contract number.

(ii) Date of export sale or purchase.

(iii) Name of foreign buyer or foreign seller.

(iv) Delivery period specified in the export sale or purchase.

(v) Delivery terms specified in the export sale or purchase (F.O.B., C. & F., etc.).

(vi) Actual quantity of the export sale or purchase.

(vii) Quantity not exported against the sale or foreign purchase (do not include any tolerance).

(viii) Country of destination.

(ix) On purchases from foreign sellers, show separately from export sales all items of this paragraph (d).

(e) *Reporting of destinations.* The reporting exporter shall report the country of destination specified in the export sale contract or otherwise declared in writing by the foreign buyer. (Where a government, or agency of such government, is the sole importer of the commodity in a country, the exporter shall report that country as the country of destination only if he or his foreign buyer has made a direct sale to that foreign government or agency.) If the country of destination is not so specified or declared, he shall report the destination as "unknown". If by the time of exportation the exporter has not so ascertained the country of destination, he should report the name of the country reported to the Bureau of Customs on the Shipper's Export Declaration for such export shipment, even though it may be an intermediate destination. The reporting exporter is not expected to report destination changes made after reporting the export on Form C.E. 06-0098, Report of Export Sales and Exports.

(f) *Optional class or kind of commodity.* If the export sale provides for an option as to the class or kind of commodity to be delivered under the export sale, the reporting exporter should report the particular class or kind of commodity expected to be exported.

(g) *Range in contract quantity.* If the export sale provides for a range in quantity (e.g. 10,000 metric tons to 12,000 metric tons with or without a loading tolerance) with the reporting exporter or buyer having the option to declare a firm quantity at a later date, the reporting exporter shall report the maximum export sale quantity (exclusive of any loading tolerance). If an option is exercised for a lesser quantity at a later date, the reporting exporter shall report the reduction as an amendment to an export sale previously reported by him.

(h) *Transfer of unexported balances from one marketing year to the next marketing year.* If exports against an export sale are not complete by the end of the marketing year in which the commodity is being reported for export, the reporting exporter shall transfer the quantity not exported against the export sale to the next marketing year on the first report submitted after the beginning of the new marketing year.

(i) *Errors on previous reports.* Whenever an exporter discovers an error or is advised by FAS of an error on a prior report, he shall correct the error to reflect the proper outstanding export sales and exports on the current report and furnish a complete explanation of such reporting error.

(j) *When reports are required.* (1) A reporting exporter shall submit reports for those commodities for which he has made new export sales, has outstanding export sale, had made exports for his own account for which an offsetting export sale has not been made and reported, or has made a purchase from a foreign seller.

(2) A reporting exporter may discontinue reporting for a commodity only when his actual exports and other required reporting of changes have reduced to zero all of his export sales, exports made for his own account and purchases from foreign sellers. The reporting exporter shall report his zero balance prior to discontinuing reporting for the commodity involved.

(3) If a reporting exporter discontinues making reports because he has reached a zero balance for a particular commodity, he shall be responsible to commence reporting again once he has made a new export sale or has made a new export for his own account or has made a new purchase from a foreign seller for that commodity.

(k) *Manner and time of reporting—*

(1) *Manner.* All reports must be filed in an original with the office specified in § 20.10. Each report shall contain the full business name, address and telephone number of the reporting exporter and the name and original signature of the person submitting the report on behalf of the reporting exporter. Computer generated printouts may be used in lieu of standard reporting forms when approved by the office specified in § 20.10.

(2) *Time of filing reports.* (i) Reports that are delivered in person: If reports are delivered in person, they must be received in the office specified in § 20.10 no later than 12 noon Washington, D.C., time on each Thursday and shall set forth the required information as of the preceding Sunday, midnight.

(ii) Reports that are mailed: If reports are mailed to the office specified in § 20.10, the envelope containing the reports must be received no later than 12 noon Washington, D.C., time on each Thursday at the address specified in § 20.10 or show that it was received by the U.S. Postal Service no later than 5 p.m. Monday (time zone at place of mailing) and shall set-forth the required information as of the preceding Sunday,

midnight. Do not use a meter to show the time or date mailed.

(iii) When a due date prescribed in paragraph (k)(2) (i) or (ii) of this section falls on a National holiday, the due date shall be the next business day.

§ 20.7 Confidentiality of reports.

A reporting exporter's individual reports shall remain confidential and subject to examination only by designees of the Administrator. Reports filed by exporters will be compiled and published in compilation form weekly or more often as deemed necessary.

§ 20.8 Failure to report.

Any person who knowingly fails to report export sales pursuant to the requirements of these regulations shall be fined not more than $25,000 or imprisoned not more than one year, or both.

§ 20.9 Records.

Each reporting exporter shall establish and maintain accurate records as to all export sales of commodities subject to these regulations. Such records shall include, but shall not be limited to, export sales contracts or other agreements with the foreign buyer or foreign seller pursuant to which any export has or will be made; bills of lading or delivery documents evidencing all such exports and inspection and weight certificates relating thereto. Such records shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved for three years after the date of export to which they relate.

§ 20.10 Place of submission of reports.

Weekly reports and information required to be submitted in connection therewith shall be addressed to or delivered to the following office:

Foreign Agricultural Service
Export Sales Reports
U.S. Department of Agriculture
South Agriculture Building
14th and Independence Avenue
Washington, D.C. 20250

§ 20.11 Additional reports and information.

(a) *Daily reports.* The reporting exporter shall report daily to the Foreign Agricultural Service information with respect to sales of agricultural commodities as requested. Daily reports shall be made by telephone no later than 3 p.m., E.s.t., on the next business day following the calendar day of the sale.

(b) *Additional information.* The reporting exporter shall furnish such other additional reports and information, including price data, as may be requested with respect to export sales of agricultural commodities.

NOTE: The recordkeeping and reporting requirement contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This revision shall become effective June 22, 1975. This revision shall not affect any obligation or liability arising under this Part 20 prior to such time. Reports containing information as of midnight June 22, 1975, shall be prepared and filed in accordance with the provisions of this Part 20 as revised.

Signed at Washington, D.C., on May 29, 1975.

DAVID L. HUME,
Administrator,
Foreign Agricultural Service.

APPENDIX 1. *Commodities subject to reports, units of measure to be used in reporting, and beginning and ending dates of marketing years*

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
Wheat, hard red winter	Metric tons	July 1	June 30
Wheat, soft red winter	do	do	Do.
Wheat, hard red spring	do	do	Do.
Wheat, white	do	do	Do.
Wheat, durum	do	do	Do.
Wheat products, all wheat flours (including clears), bulgur, semolina, farina, and rolled, cracked, and crushed wheat.	do	do	Do.
Barley, unmilled	do	do	Do.
Corn, unmilled	do	Oct. 1	Sept. 30
Rye, unmilled	do	July 1	June 30
Oats, unmilled	do	do	Do.
Grain sorghums, unmilled	do	Oct. 1	Sept. 30
Soybeans	do	Sept. 1	Aug. 31
Soybean oil cake and meal	do	Oct. 1	Sept. 30
Soybean oil, including: crude (including degummed), once refined, soybean salad oil (including refined and further processed by bleaching, deodorizing, or winterizing), hydrogenated.	do	do	Do.
Flaxseed	do	July 1	June 30
Linseed oil, including raw, boiled	do	do	Do.
Cottonseed	do	Aug. 1	July 31
Cottonseed oil cake and meal	do	Oct. 1	Sept. 30
Cottonseed oil, including: crude, once refined, cottonseed salad oil (refined and further processed by bleaching, deodorizing, or winterizing), hydrogenated.	Metric tons	do	Sept. 30
Cotton, American pima, raw, extra long staple	Running bales	Aug. 1	July 31
Cotton, upland, raw, staple length 1 1/16 in and over	do	do	Do.
Cotton, upland, raw, staple length 1 in up to 1 1/16 in	do	do	Do.
Cotton, upland, raw, staple length under 1 in	do	do	Do.
Rice, long grain, brown (including parboiled)	Metric tons	do	Do.
Rice, medium, short and other classes, brown (including parboiled).	do	do	Do.
Rice, long grain, milled (including parboiled)	do	do	Do.
Rice, medium, short and other classes, milled (including parboiled).	do	do	Do.

[FR Doc.75-14435 Filed 6-2-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	6	May 16, 1975
New York	6	Do.
Philadelphia	6	Do.
Cleveland	6	Do.
Richmond	6	Do.
Atlanta	6	Do.
Chicago	6	Do.
St. Louis	6	Do.
Minneapolis	6	May 23, 1975
Kansas City	6	May 16, 1975
Dallas	6	Do.
San Francisco	6	May 19, 1975

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	6½	May 16, 1975
New York	6½	Do.
Philadelphia	6½	Do.
Cleveland	6½	Do.
Richmond	6½	Do.
Atlanta	6½	Do.
Chicago	6½	Do.
St. Louis	6½	Do.
Minneapolis	6½	May 23, 1975
Kansas City	6½	May 16, 1975
Dallas	6½	Do.
San Francisco	6½	May 19, 1975

(b) The rates for advances to member banks for prolonged periods and significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e)(2) of Regulation A are:

Federal Reserve Bank of—	Rate	Effective
Boston	7½	May 16, 1975
New York	7½	Do.
Philadelphia	7½	Do.
Cleveland	7½	Do.
Richmond	7½	Do.
Atlanta	7½	Do.
Chicago	7½	Do.
St. Louis	7½	Do.
Minneapolis	7½	May 23, 1975
Kansas City	7½	May 16, 1975
Dallas	7½	May 23, 1975
San Francisco	7½	May 19, 1975

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	9	May 16, 1975
New York	9	Do.
Philadelphia	9	Do.
Cleveland	9	Do.
Richmond	9	Do.
Atlanta	9	Do.
Chicago	9	Do.
St. Louis	9	Do.
Minneapolis	9	May 23, 1975
Kansas City	9	May 16, 1975
Dallas	9	May 23, 1975
San Francisco	9	May 19, 1975

(12 U.S.C. 248(i)). Interprets or applies (12 U.S.C. 357)

By order of the Board of Governors, May 23, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-14258 Filed 6-2-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Special Trade Contractor (Construction)

On August 27, 1974, there was published in the FEDERAL REGISTER (39 FR 30956) a notice that the Small Business Administration proposed to amend the size standards regulation by providing that, in the case of a Government procurement requiring a bidder to perform two or more types of special trade construction, the contract should be classified as general construction with a size standard of average annual receipts of $7.5 million, unless 75 percent or more (by value) of the work called for by the contract is classified in one of the industries, subindustries, or class of products set forth in Schedule H, in which case the contract should be classified in that special trade construction industry and be subject to the $1 million or $2 million annual receipts size standard applicable thereto.

Interested parties were given 30 days to file written statements of facts, opinions, or arguments concerning the proposal.

Based on the comments received, we have decided to adopt the amendment in the form proposed.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-8(a)(1) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(a) * * *

(1) Small if the average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million: *Provided, however,* That if 75 percent or more (by value) of the work called for by the contract is classified in one of the industries, subindustries, or class of products set forth in Schedule H of this Part, it is small if it does not exceed the size standard established therein for that industry.

* * * * *

Effective date. This amendment shall become effective June 18, 1975, but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: May 22, 1975.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-14481 Filed 6-2-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14628, Amdt. 39-2233]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., DH/BH. 125 Airplanes

There have been reports of failure of cockpit side window assemblies on Hawker Siddeley DH/BH. 125 airplanes that resulted in loss of window panels in flight, sudden cabin depressurization, and ejection of objects from the window opening with possible ingestion into the engines. Investigation has indicated that window panel assemblies of original design or installation are susceptible to failure because of damage or deterioration due to age. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires replacement of certain original window panels that have accumulated two calendar years time in service with new panel assemblies of improved design.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

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

HAWKER SIDDELEY AVIATION, LTD. Applies to Hawker Siddeley DH/BH. 125 airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible failure of cockpit side window Panel "C" assemblies, within two calendar years time in service on original cockpit side window Panel "C" assemblies, or 25 hours time in service on such panels after the effective date of this AD, whichever occurs later, remove the original cockpit side window Panel "C" assemblies having part numbers given in the following table and install in place thereof the corresponding new window assemblies given in the table, in accordance with the instructions for the specific airplane model contained in Hawker Siddeley Aviation, Ltd., Alert Service Bulletin 56-A16, Revision 1, dated May 29, 1974, and accompanying Modification Service Bulletin 56-16, Revision 1, dated October 9, 1974, or an FAA approved equivalent.

Original part No.	*Replacement part No.*
25FN57A(L/H)	25-6FN219/1A or 25-6FN219/7A.
25FN4865A or 25FN4875A/B(L/H).	25-6FN219/1A or 25-6FN219/7A.
25FN58A(R/H)	25-6FN220/2A or 25-6FN220/8A.
25FN4866A or 25FN4866A/B(R/H).	25-6FN220/2A or 25-6FN220/8A.

This amendment becomes effective June 4, 1975.

Issued in Washington, D.C. on May 22, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-14376 Filed 6-2-75;8:45 am]

[Docket No. 14624, Amdt. No. 970]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the pro-

cedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 10, 1975:

Marquette, Mich.—Marquette County Arpt., VOR Rwy 8, Amdt. 11.
Marquette, Mich.—Marquette County Arpt., VOR Rwy 26, Amdt. 10.
Troy, Ala.—Troy Municipal Arpt., VOR-A, Orig.

* * * effective June 5, 1975:

Beckley, W. Va.—Raleigh County Memorial Arpt., VOR Rwy 10, Amdt. 7.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 10, 1975:

Marquette, Mich.—Marquette County Arpt., LOC (BC) Rwy 26, Amdt. 2.

* * * effective May 20, 1975:

Iron Mountain/Kingsford, Mich.—Ford Arpt., LOC/DME (BC) Rwy 19, Amdt. 3.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB SIAPs, effective July 10, 1975:

Marquette, Mich.—Marquette County Arpt., ILS Rwy 8, Amdt. 2.
Troy, Ala.—Troy Municipal Arpt., ILS Rwy 7, Orig.

* * * effective June 12, 1975:

Snyder, Tex.—Winston Field, NDB Rwy 35, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 10, 1975:

Marquette, Mich.—Marquette County Arpt., ILS Rwy 8, Amdt. 2.
Troy, Ala.—Troy Municipal Arpt., ILS Rwy 7, Orig.

* * * *effective June 5, 1975:*

Beckley, W. Va.—Raleigh County Memorial Arpt., ILS Rwy 10, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 10, 1975:

Grand Rapids, Mich.—Kent County Arpt., RADAR-1, Amdt. 1.
Troy, Ala.—Troy Municipal Arpt., RADAR-1, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on May 22, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-14377 Filed 6-2-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-910, Amdt. 1]

PART 216—COMMINGLING OF BLIND SECTOR TRAFFIC BY FOREIGN AIR CARRIERS

Special Authorization

Section 216.4(a) of the Board's Economic Regulations presently requires the filing of one original and seven true copies of applications for the carriage of blind sector traffic. The Board has determined that an original and two true copies of such applications will meet its needs.

Since the amendment of Part 216 being made herein is nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 216.4(a) of Part 216 (14 CFR Part 216) as set forth below, effective immediately:

§ 216.4 **Special authorizations.**

(a) *Applications.* Any foreign air carrier may apply to the Board for a Special Authorization, as required by this part, for the carriage of blind sector traffic on a particular flight, series of flights, or for a specified or indefinite period of time between specified points. Applications shall be submitted directly to the Board, addressed to the attention of the Director, Bureau of Operating Rights. One original and two copies in conformity with the requirements of §§ 302.3(b) and 302.4 (b) and (c) of this chapter shall be filed. The applications shall contain a proper identification of the applicant; the flight or flights upon which it is proposed to carry such blind sector traffic, including routing, nontraffic stops, and dates or duration of the authority sought; a full description of such traffic, and points between which such traffic will be carried; information or documentation as to whether the country of which the applicant is a national grants reciprocal privileges to U.S. carriers; and the reasons for requesting such authorization together with such additional information as will establish that the grant of such authority will otherwise be in the public interest. Such additional information as may be specifically requested by the Board shall also be furnished.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324 (a))

Adopted and effective: May 29, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-14475 Filed 6-2-75;8:45 am]

[Reg. ER-909, Amdt. 42]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., May 28, 1975.

In accordance with established procedure and methodology, the Board, having completed its review of fuel prices for foreign and overseas MAC air transportation services as of May 1, 1975, is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1]

Appendices A and B[2] set forth the results of our computations of reported fuel price changes as of May 1, 1975, for both commercial and military fuel, based upon application of the "active stations" methodology to fuel consumption reported for the quarter ended December 31, 1974; and the rate impact of the change in current average fuel prices from that reflected in the base rates. Based on these computations, we will revise the fuel surcharge rates effective June 1, 1975, as follows: (a) Increase the long-range Category B and Category A rate from 1.01 to 1.18 percent; (b) maintain the Pacific interisland short-range Category B rate at 1.62 percent; and (c) decrease the "all other" short-range Category B rate from 1.79 to 1.76 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective June 1, 1975 as follows:

[1] ER-896, effective January 17, 1975.
[2] Filed as part of the original document.

§ 288.7 [Amended]

1. Amend § 288.7(a) by amending the third proviso following the table to read as follows:

* * * * *

(a) * * *

Provided, however, That effective June 1, 1975, the total minimum compensation pursuant to the rates set forth in subparagraph (1) of this paragraph for (i) services performed with regular jet, wide-bodied jet, and DC–8–61/63 aircraft, (ii) Pacific interisland services performed with B–727 aircraft, and (iii) all other services performed with B–727 aircraft shall be increased by surcharges of 1.18 percent, 1.62 percent, and 1.76 percent, respectively.*

* * * * *

2. Amend § 288.7(d) by amending the proviso to subparagraphs (1) and (2) to read as follows:

* * * * *

(d) For Category A transportation * * *

(1) * * *

(2) * * *

Provided, That effective June 1, 1975, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 1.18 percent.

* * * * *

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758, 771, as amended; (49 U.S.C. 1324, 1373 and 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-14474 Filed 6-2-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

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

Enforcement Policy Regarding Designation of Model Year of Motor Vehicles

Notice is hereby given that the Federal Trade Commission has adopted the following Enforcement Policy, effective on June 3, 1975, for use by manufacturers and distributors when designating the model year of motor vehicles (vehicles intended for use upon public highways, including truck chassis and incomplete vehicles used in the construction of motor homes) requiring manufacturers to clearly and conspicuously disclose the month and year of manufacture on a label permanently affixed to each vehicle and to designate model years according to the physical characteristics or time of manufacture.

Title 16, Part 14 CFR is being amended by the addition of the following section:

§ 14.11 Designation of model year of motor vehicles.

(a) The Federal Trade Commission has been concerned about misleading standards used by some manufacturers to designate the model years of heavy duty trucks; truck chassis and incomplete vehicles used in the construction of motor homes; and other vehicles which do not undergo significant changes from year to year.

(b) Of particular concern have been the practices of some manufacturers of changing the model years on Certificates of Origin of Vehicles unsold at the end of the model year to suggest that the vehicles are those of the upcoming model year, or basing the model year designation of vehicles on the date of ultimate sale to retail purchasers.

(c) These practices may mislead first or subsequent retail purchasers as to the date of manufacture of these vehicles and restrain market forces which would otherwise result in a reduction of price of unsold models at the end of a model year.

(d) To prevent such deception and to assist manufacturers and distributors in avoiding violations of the Federal Trade Commission Act the Commission has issued the following guidelines to be used by manufacturers and distributors when designating the model year of motor vehicles (vehicles intended for use upon public highways, including truck chassis and incomplete vehicles used in the construction of motor homes):

(1) Manufacturers of motor vehicles must clearly and conspicuously disclose the month and year of manufacture on a label permanently affixed to each vehicle. Disclosure made pursuant to the certification requirements of National Highway Traffic Safety Administration Regulations 49 CFR Part 567 (1974) will satisfy the requirements of this guideline.

(2) In addition, where such designation is permitted or required by applicable state law, manufacturers may use a model year designation on any documents, including Certificates of Origin, which specifically identify particular vehicles.

(3) If a particular vehicle is given a model year designation, such designation must be made in accordance with a designation standard which, for each model, is established by the manufacturer and applied uniformly throughout a model year. Such standard must be uniformly applied to all vehicles assigned a model year designation, whether such vehicles are distributed for sale to the first retail purchaser through factory-owned sales branches or through dealers.

(4) All model year designations must be made at the time of manufacture.

(5) The model year designation standard must be based on either the date of manufacture or characteristics of the vehicle designated, and must be such that vehicles manufactured on the same date with the same characteristics, if assigned a model year designation, will be assigned the same model year designation.

(6) A particular vehicle designated as being of one model year may not subsequently be given a different model year designation. However, a model year designation may be corrected when a vehicle is mistakenly given an incorrect designation which is inconsistent with the previously established designation standard.

The guidelines apply only where vehicles are given model year designations. They do not require that vehicles be given a model year designation. The Commission expects that all vehicles designated as 1975 (or later) models will be designated in accordance with the guidelines. It also expects manufacturers and dealers to cooperate in redesignating the model year of any unsold vehicle presently in dealers' stock where the present model year designation is inconsistent with these guidelines.

(e) Should subsequent investigation disclose that improper model year designations have not been corrected and that there is a violation of law, the Commission will take such further action as is appropriate.

The Commission recognizes that this statement of enforcement policy may not provide clear guidance in every situation that may arise, and that questions will inevitably arise concerning its application to particular circumstances.

The staff of the Commission's Division of Marketing Practices, Bureau of Consumer Protection, will be available to advise and assist industry members to conform their practices to the guidance set forth in this statement.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46); 80 Stat. 378; (5 U.S.C. 552).)

Issued by direction of the Commission of May 6, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-14386 Filed 6-2-75;8:45 am]

Title 19—Customs Duties

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

[T.D. 75-122]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation; Iran

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury under date of December 23, 1974, that Iran allows privileges reciprocal to those provided for in the cited statute with respect to certain articles transported by vessels of the United States. Therefore, corresponding privileges are accorded to vessels of Iranian registry effective as of the date of such notification. These privileges relate to the coastwise transportation, under the conditions specified in the applicable proviso of section 27, 41 Stat. 999, as amended (46 U.S.C. 883), of empty cargo vans, empty lift vans, and empty shipping tanks.

* The surcharge provisions for services performed with B–727 aircraft will be applied to all other common-rated aircraft types.

Accordingly, paragraph (b)(1) of § 4.93, Customs regulations (19 CFR 4.93(b)(1)), is amended by the insertion of "Iran" in appropriate alphabetical order in the list of countries under that paragraph.

(Sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

There is a statutory basis for the described extension of reciprocal privileges, and the amendment recognizes an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause is found for dispensing with notice and public procedure thereon as unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: May 19, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-14442 Filed 6-2-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 16, further amended]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974 .....)

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

REOPENING OF DETERMINATIONS AND DECISIONS

On September 23, 1974, there was published in the FEDERAL REGISTER (39 FR 34060) a notice of proposed rulemaking with proposed amendments to Subpart N, Regulations No. 16. The proposed amendments establish the policies and procedures governing the reopening of determinations and decisions, which are otherwise final, under title XVI of the Social Security Act.

Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed rules.

Only one comment was received in response to the notice. The comment expressed concern with § 416.1481 which specifies that changes in legal interpretation or administrative ruling do not constitute good cause for reopening a determination or decision under the 2-year rule described in § 416.1477(b) of the proposed regulations. It is intended that after a lapse of 12 months, a determination will be reopened only to correct obvious errors or omissions in the adjudication. A determination which was correct under policies adhered to at the time of adjudication should not be reopened on the basis of error. Determinations affected by a change of ruling or legal precedent can be reopened and revised within 1 year, but after 1 year can be amended only on a current and prospective basis.

The proposed regulations were not changed based on this comment. However, § 416.1477(a) has been modified to clearly indicate that reopening under the 1-year rule may be for any reason. Also, some minor editorial changes were made for purposes of clarity.

Accordingly, with these modifications the proposed rules are adopted as set forth below.

Effective date. These amendments shall become effective on June 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: April 25, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 22, 1975.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding to Subpart N new §§ 416.1475–416.1487 to read as follows:

Subpart N—Determinations, Reconsiderations, Hearings, Appeals, and Judicial Review

Sec.

AUTHORITY: Secs. 1102, 1631, 49 Stat. 647, as amended, 86 Stat. 1476 (42 U.S.C. 1302, 1383)

Subpart N—Determinations, Reconsiderations, Hearings, Appeals, and Judicial Review

§ 416.1475 Reopening and revision for error or other reason; time limit generally.

(a) *Initial, revised, or reconsidered determination.* An initial, revised, or reconsidered determination (see §§ 416.1403 and 416.1416) may be reopened and revised by the Social Security Administration on its own motion or upon the petition of any party for such reasons and within such time periods as prescribed in § 416.1477.

(b) *Decision or revised decision of a presiding officer or the Appeals Council.* Either upon the motion of the presiding officer or the Appeals Council as the case may be, or upon the petition of any party to a hearing, any decision of a presiding officer as prescribed in § 416.1457 or any revised decision of a presiding officer may be reopened and revised by such presiding officer, or by another presiding officer if the presiding officer who issued the decision is unavailable, or by the Appeals Council for such reasons and within such time periods as prescribed in § 416.1477. Any decision of the Appeals Council provided for in § 416.1469 or any revised decision of the Appeals Council, may be reopened and revised by the Appeals Council for such reasons and within such time periods as prescribed in § 416.1477. For purposes of this paragraph (b), a presiding officer shall be considered to be unavailable, if among other circumstances, such presiding officer has died, terminated his employment, is on leave of absence, has been transferred to another official station, or is unable to conduct a hearing because of illness.

§ 416.1477 Reopening initial, revised, or reconsidered determinations of the Social Security Administration, and decisions or revised decisions of a presiding officer or the Appeals Council; finality of determinations and decisions.

An initial, revised, or reconsidered determination of the Social Security Administration or a decision or revised decision of a presiding officer or of the Appeals Council which is otherwise final under § 416.1405, §416.1423, § 416.1458, or § 416.1470 may be reopened:

(a) Within 12 months from the date of the notice of the initial determination (see § 416.1404), to the party to such determination for any reason, or

(b) After such 12-month period, but within 2 years from the date of the notice of the intial determination to the party to such determination, upon a finding of good cause for reopening such determination or decision, or

(c) At any time when such initial, revised, or reconsidered determination or decision or revised decision was procured by fraud or similar fault of the claimant or some other person.

§ 416.1479 Good cause for reopening a determination or decision.

"Good cause" for reopening a determination or decision shall be deemed to exist where:

(a) A clerical error has been made or there is an error on the face of the evidence on which such determination or decision is based, or

(b) New and material evidence is furnished after notice to the party to the initial determination.

§ 416.1481 Change of ruling or legal precedent.

"Good cause" shall be deemed not to exist where the sole basis for reopening the determination or decision is a change of legal interpretation or administrative ruling upon which such determination or decision was made.

§ 416.1483 Notice of revision.

(a) When any determination or decision is revised, as provided in § 416.1475, notice of such revision shall be mailed to the parties to such determination or decision at their last known addresses and

to their representatives. The notice of revision which is mailed to the parties shall state the basis for the revised determination or decision.

(b) Where an initial or reconsidered determination is revised and such revised determination involves an adverse action, other than on disability due to medical factors which requires advance notice and continuation of payments in accordance with § 416.1336, the notice of revision shall inform the parties of their right to reconsideration as provided in § 416.1408 and § 416.1419(a).

(c) Where an initial or reconsidered determination is revised and such revised determination does not involve an adverse action which requires advance notice and continuation of payments, or such revised determination involves adverse action on disability due to medical factors which requires advance notice and continuation of payments, the notice of revision shall inform the parties of their right to a hearing as provided in § 416.1425.

(d) Where a presiding officer or the Appeals Council proposes to revise a decision and the revision would be based on evidence theretofore not included in the record on which the decision proposed to be revised was based, the parties shall be given notice of the proposal of the presiding officer or the Appeals Council, as the case may be, to revise such decision, and unless hearing is waived, a hearing with respect to such proposed revision shall be granted as provided in this Subpart N. A revised decision of a presiding officer or the Appeals Council, as the case may be, shall be rendered on the basis of the entire record, including additional evidence. If the decision is revised by a presiding officer, any party thereto may request review by the Appeals Council (see § 416.1461) or the Appeals Council may review the decision on its own motion (see § 416.1463).

(e) Where a presiding officer, in connection with a valid request for hearing, proposes to reopen an issue other than the one on which the request for hearing is based, he must provide notice in accordance with § 416.1434(b) and such action must be initiated within the time limits prescribed in § 416.1477.

§ 416.1485 Effect of revised determination or decision.

The revision of a determination or decision shall be final and binding upon all parties thereto unless a party to the determination or decision authorized to do so in accordance with § 416.1483 files a written request for reconsideration (see § 416.1483(b)) or a hearing with respect to a revised determination in accordance with § 416.1487 or a revised decision is reviewed by the Appeals Council as provided in § 416.1465 or such revised determination or decision is further revised in accordance with §§ 416.1475 and 416.1477.

§ 416.1487 Time and place of requesting reconsideration or hearing on revised determination.

The request for reconsideration or hearing shall be made in writing and filed at an office of the Social Security Administration, or with a presiding officer, or the Appeals Council, within 30 days after notice of the Social Security Administration's revised determination is received by a party to such determination. Upon the filing of such request, the reconsideration or hearing with respect to such revision shall be processed and a determination or decision made in accordance with the provisions of § 416.1416 or § 416.1457, respectively.

[FR Doc.75-14330 Filed 6-2-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Phenylbutazone

The Commissioner of Food and Drugs has evaluated a new animal drug application (98-640V) filed by A. H. Robins Co., Research Laboratories, 1211 Sherwood Ave., Richmond, VA 23220, proposing safe and effective use of phenylbutazone injection for treating dogs and horses. The application is approved, effective on June 3, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 522 (formerly Part 135b prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) is amended in § 522.1720 (formerly § 135b.47) by inserting in paragraph (b)(1) a new sponsor code No. 000031. As revised, § 522.1720(b)(1) reads as follows:

§ 522.1720 Phenylbutazone injection.

* * * * * *

(b) *Sponsors.* (1) Approval for use of the 200 milligrams per milliliter drug in dogs and horses: See sponsor Nos. 000031, 017220, 011757, and 010719 in § 510.600 (c) of this chapter.

* * * * * *

Effective date. This order shall be effective on June 3, 1975.

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

Dated: May 23, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.75-14398 Filed 6-2-75;8:45 am]

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

Title 29—Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Recodification of Air Contaminant Standards

Correction

In FR Doc. 75-13809 appearing at page 23072, in the issue of Wednesday, May 28, 1975, in the third column on this page 23072, immediately after the fourteenth line of the first complete paragraph insert the following: "with toxic substances will be placed in".

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2603—EXAMINATION AND COPYING OF PENSION BENEFIT GUARANTY CORPORATION RECORDS

The Freedom of Information Act (5 U.S.C. 552) was amended by Pub. L. 93-502, 88 Stat. 1561, to provide, among other things, that the provisions of that Act apply to a Government Corporation or Government controlled corporation. Accordingly, the Pension Benefit Guaranty Corporation is hereby amending Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2603 setting forth the regulations implementing the Freedom of Information Act.

On February 18, 1975, a proposed Subpart B of Part 2603 containing the Pension Benefit Guaranty Corporation's fee schedule for document search and duplication was published at 40 FR 6989, with a request for comments on or before February 26, 1975. No comments were received, and the Pension Benefit Guaranty Corporation has made no changes to Subpart B.

Because Subpart A of Part 2603 pertains to matters of procedure and policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Moreover, due to the need to provide immediate guidance to the public concerning requests for disclosure of information, I find that good cause exists for making these regulations effective immediately. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments on this amendment to the General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, no later then June 30, 1975. Copies of all written comments received will be available for public inspection at the Corporation's public reference room located at 8701

Georgia Avenue, Silver Spring, Maryland. All comments received will be evaluated and acted upon in the same manner as if this document were a proposal.

Accordingly, Chapter XXVI of Title 29 of the Code of Federal Regulations is amended by adding a new Part 2603, reading as follows:

Subpart A—General

INTRODUCTORY

Subpart B—Copies of Records and Fees for Services

SPECIAL SEARCHING AND COPYING SERVICES

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502, 88 Stat. 1561; Pub. L. 93-406, 88 Stat. 829.

Subpart A—General

INTRODUCTORY

§ 2603.1 Purpose and scope of this part.

This part contains the general rules of the Pension Benefit Guaranty Corporation providing for public access to information from records of the Corporation. These regulations implement 5 U.S.C. 552, the Freedom of Information Act, as amended, and the policy of the Pension Benefit Guaranty Corporation to disseminate information on matters of interest to the public and to disclose to members of the public on request all information contained in records in its custody insofar as is compatible with the discharge of its responsibilities and consistent with law. This part sets forth generally the categories of records accessible to the public, the types of records subject to prohibitions or restrictions on disclosure, and the procedure whereby members of the public may obtain access to and inspect and copy information from records in the custody of the Pension Benefit Guaranty Corporation. The fees for document search and duplication by the Corporation are set forth in Subpart B of this part.

§ 2603.2 Definitions.

As used in this part—

(a) The terms "agency," "person," "party," "rule," "rulemaking," "order," and "adjudication" have the meaning attributed to these terms by the definitions in 5 U.S.C. 551, except where the context demonstrates that a different meaning is intended, and except that for purposes of the Freedom of Information Act the term "agency" as defined in 5 U.S.C. 551 includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President) or any independent regulatory agency.

(b) The term "Corporation" means the Pension Benefit Guaranty Corporation, except where the context demonstrates that a different meaning is intended.

(c) The term "disclosure officer" refers to the Director of the Office of Communications of the Pension Benefit Guaranty Corporation to whom requests to inspect or copy record information should be addressed as provided in §§ 2603.36-2603.38. The General Counsel of the Pension Benefit Guaranty Corporation is the disclosure officer in the case of appeals as provided in §§ 2603.39-2603.41 and with respect to the withdrawal of originals as provided in § 2603.25.

AVAILABILITY OF PUBLISHED INFORMATION

§ 2603.3 Information published in the Federal Register.

In accordance with the provisions of 5 U.S.C. 552(a)(1), basic information concerning the organization, operations, functions, substantive and procedural rules and regulations, officials, office locations, and allocation of responsibilities for the functions of the Pension Benefit Guaranty Corporation shall be published in the FEDERAL REGISTER for the guidance of the public. Among other things, such published information shall describe the organization of the Corporation, identify the persons in charge of its various offices to whom submittals or requests may be made and from whom decisions may be obtained, outline generally the course and method by which the various functions of the Corporation are channeled and determined, and make plain the nature and requirements of available formal and informal procedures for official action. Indexes to the FEDERAL REGISTER are published in each daily issue and compiled currently on a monthly, quarterly, and annual basis. Copies of the FEDERAL REGISTER and its indexes are available in many libraries, may be examined in the Corporation's public reference room, and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. No formal request to examine documents published in the FEDERAL REGISTER is necessary to inspect them at the Corporation's public reference room.

§ 2603.4 Information in Pension Benefit Guaranty Corporation publications.

Copies of informational material, such as press releases, pamphlets, and other material ordinarily made available to the public without cost as part of a public information program shall be available upon oral or written request so long as an adequate supply exists. Compliance with the formal procedures provided in this part for obtaining access to Corporation records is not necessary for access to such materials.

§ 2603.5 Published indexes.

Pursuant to the provisions of 5 U.S.C. 552(a)(2) as amended, the informational publications available from the Corporation shall include the current indexes required by the Freedom of Information Act to be maintained and made available for inspecting and copying, except as otherwise provided by published order, as noted below. These indexes provide identifying information for the public as to any matter in the following categories: Final opinions and orders made in the adjudication of cases (including concurring and dissenting opinions if any); statements of policy and interpretations adopted but not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to staff that affect a member of the public. As promptly as possible after adoption of this part, such indexes will be made available in published form and offered for sale or otherwise distributed to make them readily available to members of the public. Thereafter, updated indexes or supplements shall be published not less frequently than quarterly to keep the indexes current. In the event that publication of any such index is determined to be unnecessary and impracti-

cable, the order of the Corporation so determining shall be published in the FEDERAL REGISTER.

INFORMATION AVAILABLE ON REQUEST

§ 2603.8 Policy of disclosure.

(a) *Records made available pursuant to Freedom of Information Act.* Upon the request of any person submitted in accordance with provisions of this part for access to records reasonably described by the requester which are records of the Pension Benefit Guaranty Corporation in the custody of any official of the Corporation, such records shall be made available as provided in this part for inspection and copying unless specifically exempt from disclosure under the provisions of 5 U.S.C. 552, subsection (b) thereof, and §§ 2603.15 through 2604.23.

(b) *Records made available notwithstanding exemption from requirements of Freedom of Information Act.* Except in the case of records of which disclosure is prohibited, as described in § 2603.15, the disclosure officer shall make available for inspection and copying pursuant to the applicable procedures any document from the records of the Corporation if he determines that, notwithstanding the applicability or possible applicability of an exemption from disclosure, the requested inspection or copying furthers the public interest and does not impede the discharge of any of the functions of the Corporation. (See § 2603.16(b).)

(c) *Implementation of disclosure policy.* To provide for the maximum availability of Corporation records under the foregoing policy, the provisions of § 2603.24 will be applied where appropriate. Rules to effectuate the application of this policy of disclosure to specific types of information from Corporation records are set forth in §§ 2603.9 through 2603.11.

§ 2603.9 Records of rulemaking proceedings.

(a) *Rulemaking procedures.* All papers and documents made a part of the official record in administrative proceedings conducted by the Corporation in connection with the issuance, amendment, or revocation of rules and regulations or determinations having general applicability or legal effect with respect to members of the public or a class thereof shall be made available for public inspection and copying at reasonable times during business hours by the officer responsible for their custody at the place where such records are kept. Arrangements for such inspection may be made in response to oral requests, but a register shall be kept identifying the persons who inspect the records and the times at which they do so.

(b) *Adjudication proceedings.* All final opinions, including concurring and dissenting opinions, as well as orders, made in the administrative adjudication of cases, shall be made available for inspection and copying upon request pursuant to the provisions in this part. Except where an exemption provided by 5 U.S.C. 552 must be asserted in the public interest to prevent a clearly unwarranted invasion of personal privacy or violation of law or to ensure the proper discharge of the functions of the Corporation, all papers and documents made a part of the official record in adjudication proceedings conducted by the Corporation shall be made available for public inspection and copying on request as provided in this part.

§ 2603.10 Policy statements and interpretations.

Statements of policy and interpretations affecting a member of the public which have been adopted by the Corporation and which have not been published in the FEDERAL REGISTER shall be made available for public inspection and copying in accordance with the policy set forth in § 2603.8 and the provisions and procedures in this part. The policies and interpretations made available pursuant to this section shall include any policy or interpretation concerning a particular fact situation, if that policy or intrepretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation. If the statement of policy or interpretation sought is contained in an available publication of the Corporation or has been placed in the public domain by release to private publishers of Government information services, it will be made available for examination in the form in which it was published or released without any formal request, at any office of the Corporation in which a copy or copies are kept.

§ 2603.11 Staff manuals and instructions.

Any administrative staff manual or instruction to staff issued by the Corporation that affects any member of the public shall be made available for public inspection and copying in accordance with the policy set forth in § 2603.8 and the provisions and procedures in this part. This material includes manuals and instructions to staff prescribing any standard, procedure or policy that, when implemented, requires or limits any action of any member of the public or prescribes the manner of performance of any activity by any member of the public. However this does not include manuals and instructions to staff containing internal operating rules, practices and procedures for Corporation personnel engaged in such law enforcement activities as investigating or auditing or prosecuting law violations in court.

§ 2603.12 Indexes to certain records.

Current indexes identifying final opinions and orders in adjudicated cases (see § 2603.9(b)), statements of policy and interpretations adopted by the Corporation but not published in the FEDERAL REGISTER (see § 2603.10), and administrative staff manuals and instructions (see § 2603.11) are normally available to the public in published form as provided in § 2603.5. Such indexes, whether or not published, are made available for inspection and copying on request. If published copies of a particular index are at any time not available or if publication of such index has been determined to be unnecessary and impracticable by order published in the FEDERAL REGISTER, copies thereof will be furnished on request upon payment of the direct cost of duplication as provided in § 2603.52(b).

RESTRICTIONS ON DISCLOSURE

§ 2603.15 Records not disclosable.

(a) Pursuant to the provisions of 18 U.S.C. 1905, every officer and employee of the Corporation is prohibited from publishing, divulging, disclosing, or making known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by or report or record made to or filed with the Corporation or any officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association. No records of the Corporation shall be disclosed in violation of this provision of law.

(b) No records of the Corporation with respect to matters specifically required by statute to be kept secret shall be made available for inspection or copying under the provisions of this part. By virtue of the exclusionary language in 5 U.S.C. 552(b)(3) the disclosure requirements of the Freedom of Information Act do not apply to or authorize the disclosure of records with respect to any matters specifically exempted from disclosure by statute.

(c) No records of the Corporation with respect to matters specifically authorized under criteria established by Executive order to be kept secret in the interest of the national defense or foreign policy and properly classified pursuant to such order shall be made available for inspection or copying under the provisions of this part. Records concerning such matters are expressly excluded from the application of the disclosure requirements of the Freedom of Information Act by the provisions of 5 U.S.C. 552(b)(1).

§ 2603.16 Records disclosure of which may be refused.

(a) *Records exempt from statutory disclosure requirements.* The Freedom of Information Act, as codified in 5 U.S.C. 552, lists nine categories of records (in 5 U.S.C. 552(b)) to which the disclosure requirements of the statute do not apply. The first and third of these relate to the records described in § 2603.15 which are not disclosable because protected from disclosure by the express provisions of a statute or a secret classification authorized by Executive order in the interest of national defense or foreign policy. The other seven categories of records excluded from the statutory disclosure requirements are set forth in §§ 2603.17

through 2603.23 inclusive. Information from records in these seven categories may, however, be made available for inspection and copying as provided in paragraph (b) of this section.

(b) *Disclosure of protected records; conditions precedent.* Although the Corporation is not required by the Freedom of Information Act to make available for inspection or copying any materials or documents included in its records which are within the categories described in 5 U.S.C. 552(b)(2), (4), (5), (6), (7), (8), or (9) (see §§ 2603.17–2603.23), under the Corporation's disclosure policy set forth in § 2603.8 particular records requested which come within these categories, or portions thereof, shall nevertheless be made available to the extent, but only to the extent, that the appropriate officer authorized to disclose information from Corporation records determines that the disclosure will further the public interest and will not impede the discharge of any of the functions of the Corporation. Such a determination shall be made with due regard not only to the public interest in accessibility to the people of information regarding operations of their Government but also to the public interest in protecting citizens from impairment of their rights to privacy or from harassment, injury, or the dissemination of information concerning them which is privileged or has been submitted by them to the Government on a confidential basis. In determining whether access to such records will be permitted, due consideration shall also be given to the public interest in preventing disclosure of information which would handicap, obstruct, or jeopardize effective performance of the Corporation's functions.

§ 2603.17 Internal rules and practices.

(a) Pursuant to exemption (2) set forth in 5 U.S.C. 552(b), and as provided in § 2603.16, the disclosure from Corporation records of matters that are related solely to the internal personnel rules and internal practices of the Corporation may be refused. The records protected by this exemption include memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees.

(b) The purpose of this section is to authorize the protection from public disclosure of any record related to internal personnel rules and practices.

§ 2603.18 Trade secrets and privileged or confidential information.

(a) Pursuant to exemption (4) set forth in 5 U.S.C. 552(b), and as provided in § 2603.16, the disclosure from Corporation records of matters that are trade secrets, and of commercial and financial information obtained from a person and privileged or confidential, may be refused. Legal requirements of secrecy and prohibitions on disclosure may apply to such records as set forth in § 2603.15. Disclosure shall be refused where these mandatory restrictions apply to the records sought. Even where denial of access is not required by these restrictions, access to records exempted from the disclosure requirements by exemption (4) cannot be granted under the policy expressed in §§ 2603.8 and 2603.16 unless the disclosure officer, in balancing the right of the public to know how the Government operates against the need of the Government to keep information in confidence and the right of the person from whom it was obtained to have privileges and confidences respected, is able to determine that disclosure will serve the public interest and not impede the discharge of any function of the Corporation.

(b) The intent of the exemption set forth in paragraph (a) of this section to protect privileged or confidential information is, according to the committee reports in both Houses of Congress, not restricted to the trade secrets and commercial or financial information specifically mentioned in the statute. Information the disclosure of which may be refused pursuant to this exemption is, according to the legislative history, intended to include information customarily subject to a doctor-patient, lawyer-client, or other such privilege.

(c) Information "obtained from any person" includes information obtained from a person inside as well as outside the Government. The applicability of this exemption does not depend on whether the record contains information obtained from the public at large, from a particular person, from within the Corporation, or from another agency. While information which is confidential in the hands of one agency retains its protected character in the hands of agencies to which it is subsequently furnished, the exemption does not sanction the rendering of documents confidential by the expedient of transferring them among agencies.

(d) Disclosure in certain circumstances may be refused of material such as formulae, designs, drawings, research data, and the like, which are significant not as records but as items of valuable property. These may have been developed by or for the Government for its use and at its expense. Nothing in the legislative history suggests that the Freedom of Information Act was intended to give away such valuable property to any person willing to pay the price of making a copy. Where similar property in private hands would be held in confidence, the public interest would appear to require that such property in the hands of an agency should be protected under exemption (4).

(e) This exemption is further intended to extend protection to other information in Government records which has been furnished and accepted in confidence and which would not customarily be released to the public by the person from whom the Government obtained it. See, for example, the House Report (H. Rept. 1497, 89th Cong., 2d Sess.) and the President's signing statement. Accordingly, the exemption assures the confidentiality of information thus obtained by the Corporation through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. Nothing in the Freedom of Information Act necessitates a disregard of the right of individuals or groups to rely in good faith on an understanding of confidentiality for which a Government agency has reasonably afforded a basis. Maintenance of citizens' respect for governmental fairness requires that such understandings be given due consideration. At the same time, Corporation representatives should be alert to discourage the development of such understandings where not clearly warranted by the Corporation's responsibilities.

§ 2603.19 Inter-agency and intra-agency memoranda and letters.

(a) Pursuant to exemption (5) set forth in 5 U.S.C. 552(b), and as provided in § 2603.16, the disclosure from Corporation records of matters in inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than the agency in litigation with the agency may be refused. The exemption is intended essentially to protect the full and frank exchange in writing of ideas, views, and opinions necessary for the effective functioning of the Government and the making of informed decisions by its officers.

(b) The protection from disclosure afforded by exemption (5) to the internal records of the Government described in paragraph (a) of this section is limited to those communications which, in litigation with a Government agency, would not be routinely available by law to another party to the proceeding. The legislative history and decisions of the courts make it clear that this provision is intended to insure that memoranda or letters not protected from disclosure by some other exemption would be available to the general public for inspection and copying if they "would routinely be disclosed" to such a party "through the discovery process" in such litigation. (See H. Rept. 1497, 89th Cong., 2d Sess.) The internal memoranda and letters protected from disclosure by exemption (5) are accordingly those which would not be released as a matter of course in litigation where discovery is sought by a party other than the agency under the Federal Rules of Civil Procedure. Since the granting of discovery of internal documents is typically a very extraordinary step, not normally a "routine one, it is only in a limited category of situations that such documents would be routinely available by law to another party in litigation with the agency.

(c) Examples of the type of record information protected from disclosure by the exemption set forth in paragraph (a) of this section include opinions, advice, deliberations, or recommendations made in the course of developing official action by the Corporation and other internal communications which would not be routinely available through the dis-

covery process to a party in litigation with the Government.

(d) In the case of inter-agency memoranda and letters protected by this exemption, the disclosure officer shall not make a determination to allow access to such matters under the policy set forth in §§ 2603.8 and 2603.16 if to do so would conflict with the provisions of § 2603.26.

§ 2603.20 Personnel, medical, and similar files.

(a) Pursuant to exemption (6) set forth in 5 U.S.C. 552(b), and as provided in § 2603.16, the disclosure from Corporation records of matters in "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" may be refused. In view of the congressional concern expressed in the legislative history regarding the protection of individuals' privacy, the disclosure officer of the Corporation shall apply the disclosure policy set forth in §§ 2603.8 and 2603.16 with due regard to the apparent intent of the statutory language to characterize the invasion of personal privacy typically involved in disclosure of personnel and medical files as "clearly unwarranted." "Similar files" for which protection is provided under this exemption appear to refer to any files the disclosure of which would invade personal privacy to such a degree that the disclosure would be as "clearly unwarranted" as the disclosure of personnel or medical files.

(b) Among the records in Corporation files protected from disclosure by the exemption set forth in paragraph (a) of this section are: (1) Personnel and background records personal to any officer or employee of the Corporation, including his home address and telephone number; (2) medical histories and medical records concerning individuals; (3) any other detailed record containing personal information identifiable with a particular individual where it appears that such person's right to have such information protected from public dissemination is clear; and (4) private or personal information in other files which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains. The disclosure of information about a person to that same person is not, of course, an invasion of such person's privacy.

§ 2603.21 Investigatory records compiled for law enforcement purposes.

(a) *Restrictions on public access authorized.* Pursuant to the provisions of exemption (7) set forth in 5 U.S.C. 552 (b), as amended by Pub. L. 93-502, 88 Stat. 1563, effective February 19, 1975, the disclosure from Corporation records of matters that are "investigatory records compiled for law enforcement purposes" and to which access by the public would be detrimental to such purposes or to rights of privacy as specified in the statute, may be refused. Access to such records may be refused for any one or more of several specific reasons. Thus, exemption (7) protects from the public access requirements of the Freedom of Information Act investigatory records compiled for law enforcement purposes whenever their disclosure to any person requesting them would—

(1) Interfere with enforcement proceedings; and/or

(2) Deprive a person of a right to a fair trial or an impartial adjudication; and/or

(3) Constitute an unwarranted invasion of personal privacy and/or

(4) Disclose (i) the identity of a confidential source and (ii), in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; and/or

(5) Disclose investigative techniques and procedures; and/or

(6) Endanger the life or physical safety of law enforcement personnel.

Where one or more of the foregoing consequences would ensue from the disclosure of particular records to any person requesting access to investigatory records compiled for law enforcement purposes, no determination to grant access to such records may be made by the disclosure officer under the disclosure policy set forth in §§ 2603.8 and 2603.16 in the ordinary case because in such circumstances it would not ordinarily be possible to determine that disclosure would serve the public interest and would not impede any of the functions of the Corporation.

(b) *"Law enforcement purposes."* The exemption set forth in paragraph (a) of this section expresses the public interest in preventing disclosure detrimental to the enforcement, whether civil or criminal in nature, of applicable laws and in assuring, to this end, that such enforcement will not be jeopardized by disclosing information which would be harmful to citizens who aid the Government in law enforcement investigations and prosecutions, would endanger the persons or handicap the essential enforcement activities of investigators and prosecutors, would violate the rights of persons who may be charged with violations, or would otherwise interfere with investigations and other proceedings to enforce the laws. "Law enforcement" as used in the statute, according to the legislative history, is used in the broadest sense to include the enforcement not only of criminal statutes, but of all laws establishing rules of conduct, whether by statute or by Executive order or by a duly promulgated regulation having the force and effect of law. Moreover, "enforcement" is not limited to enforcement by adversary proceedings, and includes other types of Government law enforcement activities as well; the work of a policeman or a compliance officer is law enforcement even if he does not participate in adversary proceedings. On the other hand, "enforcement" does not include all activities conducted in order to carry out the laws, but only those intended to counteract past, present, or future violations.

(c) *"Investigatory" records.* The protection afforded investigatory records under the exemption set forth in paragraph (a) of this section also extends, according to the legislative history, to those files related to the investigation which are prepared in connection with related Government litigation and adjudicative proceedings. One of the purposes of the exemption is to preserve the position of the Government in litigation or potential litigation, in accordance with the rules governing discovery in cases before courts and administrative agencies. It ensures that the litigant is not given any earlier or greater access to investigatory material than he would have directly in litigation or other enforcement proceedings.

(d) *Records "compiled" for law enforcement purposes.* Whenever the disclosure of investigatory records requested by any person would have any of the consequences specified in the exemption set forth in paragraph (a) of this section, access to such records may be refused if the records have been "compiled" for law enforcement purposes, irrespective of the nature of the action, if any, to carry out such purposes which may have been contemplated at the time of their compilation or may have been taken thereafter as a result of the compilation. Investigatory records shown to have been compiled for law enforcement purposes retain their status as such and continue to be protected from disclosure in the specified circumstances as provided in this exemption whether or not enforcement proceedings are contemplated at the time of investigation or are instituted thereafter or, if brought, have been completed before the request is made for the records. None of these factors negate the need, in the public interest and in the interest of persons who have been the subject of or who have furnished information to help the law enforcement activities of the Government, for continued protection against a prejudicial disclosure from such records of information which may still constitute an unwarranted invasion of personal privacy or may reveal the identity of a confidential source. The subject of an investigation which has been closed because charges of law violation could not be substantiated is entitled to protection from the opprobrium which might follow public disclosure of the record of the charges without opportunity to demonstrate their falsity in an adjudicatory proceeding. An informant whose identity as the source of confidential information furnished in aid of law enforcement activities is made public by disclosure of investigative records may be made subject to retaliatory action by others and in any event may not inform without assurance that private persons will not, through access to the agency's records, be able to identify the informant as the source of the information furnished. Even years after enforcement proceedings are concluded, the public interest may require protection of investigatory records which would

identify a confidential source or would reasonably lead to such a disclosure. Any disclosure of such records would soon become a matter of common knowledge and few individuals, if any, would come forth to embroil themselves in controversy or possible recrimination by notifying the Government of something which might justify investigation. Even more important in view of the increasing concern today over the conflict between a citizen's right of privacy and the need of the Government to investigate, it is unthinkable that rights of privacy, whether of subjects or confidential sources, should be jeopardized. In addition, the disclosure of investigatory records may reveal investigative techniques and procedures or endanger the life or physical safety of law enforcement personnel. In either case, the ability of the Government to carry out its law enforcement functions effectively would be seriously impaired.

§ 2603.22 Reports on financial institutions.

Pursuant to exemption (8) set forth in 5 U.S.C. 552(b), and as provided in § 2603.16, the disclosure from Corporation records of matters that are contained in or related to any examination, operating, or condition report prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, may be refused. This exemption emphasizes the application to financial institutions of the protection from disclosure afforded by the exemption set forth in § 2603.18, and makes plain the intent to protect information relating to such institutions which may be prepared for or used by any agency responsible for the regulation or supervision of such institutions. Legal requirements of secrecy and prohibitions of disclosure may apply to such records as set forth in § 2603.15. Disclosure shall be refused where these mandatory restrictions apply to the records sought.

§ 2603.23 Well information.

Pursuant to exemption (9) set forth in 5 U.S.C. 552(b), and as provided in § 2603.16, the disclosure from Corporation records of matters consisting of geological and geophysical information and data, including maps, concerning wells, may be refused.

§ 2603.24 Partial disclosure.

(a) *Deletions to protect personal privacy.* To the extent required to prevent a clearly unwarranted invasion of personal privacy, the disclosure officer may delete identifying details when he makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, provided that in every case the justification for the deletion is fully explained in writing.

(b) *Records containing both disclosable and non-disclosable information.* If a requested record or document contains some materials which are protected from disclosure and other materials which are not so protected, identifying details or protected matters shall be deleted whenever analysis indicates that such deletions are feasible. Any reasonably segregable portion of a record or document shall be provided after deletion of protected matter.

(c) *Deletions to protect identity of requester.* Where the identity of an applicant, or other identifying details related to a request, would constitute an unwarranted invasion of personal privacy if made generally available, as in the case of a request to examine one's own medical files, identifying details shall be deleted from copies of the request and written responses to it that are made available to requesting members of the public.

§ 2603.25 Withdrawal of records.

No person may remove any record made available to him for inspection or copying under this part from the place where it is made available. No exception will be made without the written consent of the General Counsel of the Corporation.

§ 2603.26 Record of concern to more than one agency.

If the release of a record in the custody of the Corporation would be of concern not only to the Corporation but also to another Federal agency, the record will be made available by the Corporation only if its interest in the record is the primary interest and only after coordination with the other interested agency. If the interest of the Corporation in the record is not primary, the request will be transferred promptly to the agency having the primary interest, and the applicant will be so notified.

FACILITIES FOR DISCLOSURE

§ 2603.28 Where information may be obtained.

The Corporation will maintain a public reference room in its offices located at 8701 Georgia Avenue, Silver Spring, Maryland, wherein persons may inspect and copy all records made available for such purposes under this part.

PROCEDURE FOR DISCLOSURE

§ 2603.31 Applicability of procedures.

Requests for inspection or copying of information from records in the custody of the Corporation which are available under the provisions of this part shall be made and acted upon as provided in the following sections of this subpart. The prescribed procedure shall be followed in all cases where access is sought to official records pursuant to the provisions of the Freedom of Information Act except with respect to records for which a less formal disclosure procedure is specifically provided in this part.

§ 2603.32 Submittal of requests for access to records.

(a) Any person who desires to inspect or copy any record covered by this part shall submit a written request to that effect to the Director, Office of Communications, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044.

(b) Standard forms for making a request are not required. However, to expedite the processing of requests submitted in accordance with paragraph (a) of this section each such request should clearly indicate on the envelope and on the request the following: F.O.I.A. request.

(c) To avoid delay in receipt of a sufficiently complete request at the Corporation in cases where the search and copying charges are not known or estimated and agreed upon in advance but may be substantial, the request in such a case should, as provided in § 2603.54 (b), state specifically that whatever costs will be involved pursuant to §§ 2603.52–2603.53 will be acceptable, or will be acceptable up to an amount not exceeding a named figure.

§ 2603.33 Description of information requested.

Each request should reasonably describe the record or records sought—i.e., in sufficient detail to permit identification and location thereof with a reasonable amount of effort. So far as practicable, the request should specify the subject matter of the record, the date or approximate date when made, the place where made, the person or office that made it, and any other pertinent identifying details.

§ 2603.34 Deficient descriptions.

If the description is insufficient so that a professional employee who is familiar with the subject area of the request cannot locate the record with a reasonable amount of effort, the disclosure officer will notify the applicant and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist an applicant in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

§ 2603.35 Requests for categories of records.

Requests calling for all records falling within a reasonably specific category will be regarded as reasonably described within the meaning of § 2603.33 and the statutory requirement if the Corporation is reasonably able to determine which records come within the request and to search for and collect them, provided that such search can be accomplished without unduly interfering with Corporation operations because of staff time consumed or the resulting disruption of files. If undue disruption of Corporation operations would result from fulfilling the request, the disclosure officer shall promptly give the applicant notice thereof and the opportunity to confer with him in an attempt to reduce the request to manageable proportions by reformulation and by outlining an orderly procedure for the production of the records.

§ 2603.36 Receipt by agency of request; acknowledgement.

(a) The disclosure officer shall, upon receipt of a request for access to records, have the date and time of such receipt immediately inscribed thereon and give

contemporaneous notice to the requester that the request was received on such date. Such notice shall also advise the requester of the time within which it is anticipated that a response will be made. If it appears from the request that the unusual circumstances set forth in § 2603.47(b) may require extension of the normal time limit for responding to the request, and if such extension is authorized pursuant to § 2603.47(c), the acknowledgment of receipt shall contain the information required by § 2603.45(b).

(b) In accordance with the rules set forth in Subpart B of this part, the request by a person for access to records requiring substantial search and/or copying services must be accompanied by payment or assurance of payment of any fees therefor applicable under the statute and this part, and action thereon may not be required in the absence of such payment or assurance. As provided in § 2603.54, and to protect requesters from an unexpected accrual of liability greater than they may wish to assume for access to requested records when they do not know or have any estimate of the applicable fees and the agency anticipates that search and/or copying charges may exceed $100, no receipt of a complete request will be deemed to have occurred (and, therefore, the provisions of paragraph (a) of this section will not be applicable) unless or until (1) the requester specifically states that whatever costs will be involved pursuant to §§ 2603.52–2603.53 will be acceptable or will be acceptable up to an amount not exceeding a named figure, or (2) prompt notification has been given to the requester of the Corporation's estimate of the costs and the requester has perfected the request by payment or assurance of payment thereof. Upon completion of the request by such payment or assurance of payment, the request will be deemed to have been made in accordance with the published rules as to fees and receipt will be acknowledged as provided in paragraph (a) of this section.

§ 2603.37 Action on request.

(a) The disclosure officer shall cause any necessary search to be made promptly upon receipt of a request made in accordance with the rules published in this part and, after location of the requested records and such examination as may be necessary, shall proceed, as expeditiously as possible and within the time limitations set forth in § 2603.45, to determine whether and to what extent the request may be granted pursuant to the policy of disclosure set forth in § 2603.8 and the provisions of §§ 2603.15, 2603.16 and 2603.24, and to advise the requester immediately of such determination.

(b) When a determination to grant the request with respect to all or any portion of the records requested is made, such records shall be made available to the requester at the time he is advised of the determination or as promptly thereafter as possible.

§ 2603.38 Form of denials.

A reply denying a written request for a record or portion thereof shall be in writing and shall contain a brief statement of the reasons for the denial, including (except in case of a denial for the reasons set forth in § 2603.45(c)) a reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record and an explanation of how the exemption applies to the matter withheld. The denial shall also include the name and title or position of the person(s) responsible for the denial and an outline of the appeal procedure available.

§ 2603.39 Appeals from denial of requests.

An applicant whose request for a record or portion thereof has been denied pursuant to § 2603.38 may file an appeal within 30 days from the date of the denial, or in the case of a partial denial, 30 days from the date the material is receiving by the requester. The appeal shall state, in writing, the grounds for appeal, including any supporting statements or arguments. The appeal shall be addressed to the General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. To expedite the processing of the appeal, each such appeal should clearly indicate on the envelope and on the appeal the following: F.O.I.A. Appeal.

§ 2603.40 Receipt by General Counsel of appeal; acknowledgment.

The General Counsel shall upon receipt of an appeal, have the date and time of such receipt inscribed thereon and the appellant shall immediately be notified of the time of receipt as so inscribed. If it appears from the appeal that the unusual circumstances set forth in § 2603.47(b) may require extension of the normal time limit for acting on the appeal, the acknowledgment of receipt shall contain the information required by § 2603.45(b).

§ 2603.41 Action on appeals.

(a) As promptly as possible after receipt of an appeal and within the time limits specified in § 2603.46, the General Counsel shall review the appellant's supporting papers and pass on the appeal. In his review of the matter on appeal the General Counsel is authorized to determine de novo, in the light of the disclosure policy set forth in § 2603.8, whether the denial of appellant's request for access to records was proper and in accord with the applicable provisions of the Freedom of Information Act and the regulations of this part. In the event that the denial appealed from is one made pursuant to the provisions of paragraph (c) of § 2603.45 by reason of inability of the disclosure officer to make an informed determination within the specified time limits, the General Counsel's decision shall take into consideration any supplementary determination by the disclosure officer made pursuant to the provisions of such paragraph.

(b) The General Counsel may proceed as provided in paragraph (a) of this section to take the necessary action on the appeal notwithstanding the pendency of any action for judicial relief against withholding of records requested pursuant to this part, unless otherwise directed by the court. The General Counsel may take such action whether the judicial relief was sought prior to any determination by the disclosure officer to grant or deny the request in whole or in part, or was applied for before or after the filing of the appeal. In the event that a requester seeks review by a court of the denial by the disclosure officer of a request for agency records without first filing an appeal to the General Counsel as provided in this part, the General Counsel may, unless otherwise ordered by the court, consider such action as the filing of an appeal and issue a decision thereon within the period specified in § 2603.46 and in accordance with the provisions of paragraph (a) of this section. In any of the foregoing circumstances a final decision by the General Counsel to grant access to records would make unnecessary a ruling by the court with respect thereto.

(c) The General Counsel shall issue a decision in writing granting or denying the appeal in whole or in part and, if the appeal is granted with respect to any or all of the requested records, the General Counsel shall order such records to be made available promptly to the appellant. If the appeal is denied wholly or in part, the decision shall set forth each exemption provided in 5 U.S.C. 552 which is relied on, how it applies to the record or portion thereof which had been withheld, and the reasons for asserting it. The decision of the General Counsel shall be the final action of the Corporation with respect to the request. The notification to the requester of any decision upholding a denial in whole or in part of the request shall include notice of the provisions for judicial review set forth in 5 U.S.C. 552 (a)(4).

(d) Copies of both grants and denials on appeal shall be collected in one file open to the public (subject to provisions of § 2603.24(c)) and indexed in accordance with §§ 2603.5 and 2603.12.

TIME LIMITATIONS FOR ACTION ON REQUESTS AND APPEALS

§ 2603.45 Period within which action on request shall be taken.

(a) As soon as possible and within a period not to exceed 10 working days after receipt (see § 2603.36) of a request for Corporation records reasonably described and requested in accordance with the regulations published in this Part 2603, the disclosure officer shall determine that such request will be granted or denied in whole on in part as provided in this part, and shall thereupon immediately notify the requester of such determination and the reasons therefor. The provisions of paragraphs (b), (c) and (d) of this section are applicable where a final determination to grant or

deny the request has not been made within the 10-day period with respect to all the records requested.

(b) As provided in § 2603.47, an extension of the 10-day period for action on the request may be determined to be necessary because of unusual circumstances. If such an extension has been authorized as provided in § 2603.47(c), the disclosure officer shall notify the requester in writing within such 10-day period of the extension and the reasons therefor, specifying the date on which the determination to grant or deny the request is expected to be dispatched.

(c) If the disclosure officer is unable to grant the request as to all or any part of the records sought within the 10-day period specified in paragraph (a) of this section or such extended period as may be specified pursuant to paragraph (b) of this section, because some or all of the records have not been located or made available for examination and consideration in time to make an informed determination, the disclosure officer may, within such period, respond to the request with respect to such records by denying access thereto at such time, with notification to the requester of such reasons and of the right to appeal such denial pursuant to the provisions of the Freedom of Information Act and this part within the 30-day period provided in § 2603.39. In such event the disclosure officer shall further advise the requester that the search or examination will be continued and that the denial will be subject to withdrawal, modification, or confirmation by a supplementary determination to be made as soon as processing of the request can be completed. If an appeal is filed from the initial denial, the General Counsel shall act thereon as provided in § 2603.41.

(d) If the disclosure officer fails to make a determination to grant or deny access to requested records as provided in paragraph (a) or (c) of this section within the 10-day period specified in paragraph (a) of this section or an extension thereof as specified pursuant to paragraph (b) of this section, the requester shall be deemed to have exhausted his administrative remedies and may apply for judicial relief against the withholding of such records as provided in the Freedom of Information Act. In such event, however, the court may allow additional time as provided in the Act, upon a showing of exceptional circumstances and the exercise of due diligence in responding to the request. In view of this, where despite due diligence exceptional circumstances have prevented a timely determination, the disclosure officer shall so advise the requester, explaining fully the facts and circumstances and that processing of the request will continue with the expectation that a determination can be made by a stated date, and shall solicit agreement by the requester to delay any application for judicial relief until such date. Processing of the request shall continue until such determination is made, however, irrespective of whether the requester agrees to defer court action or applies for judicial relief. If it is finally determined to grant access to any such records, no judicial relief would be necessary with respect thereto.

§ 2603.46 Period within which action on appeal shall be taken.

(a) After receipt (see § 2603.40) of an appeal from a denial of a request for Corporation records, the General Counsel shall as soon as possible within a period not to exceed 20 working days or such extended period as may be authorized pursuant to § 2603.47(d) issue the decision on the appeal as provided in § 2603.41

(b) If a decision on the requester's appeal from a denial of access to Corporation records is not made by the General Counsel within the normal or extended period applicable under paragraph (a) of this section, the requester shall be deemed to have exhausted his administrative remedies and may apply for judicial relief against the withholding of the requested records as provided in the Freedom of Information Act. In such event, however, the court may allow additional time as provided in the Act, upon a showing of exceptional circumstances and the exercise of due diligence in responding to the request. In view of this, where despite due diligence exceptional circumstances have prevented a timely decision on the appeal, the General Counsel shall so advise the requester, explaining fully the facts and circumstances and that processing of the appeal will continue with the expectation that a decision will be made by a stated date, and shall solicit agreement by the requester to delay any application for judicial relief until such date. Processing of the appeal shall continue until a decision thereon is made, however, irrespective of whether the requester agrees to defer court action or applies for judicial relief. If it is finally determined to grant the appeal as to any of the requested records, no judicial relief will be necessary with respect thereto.

§ 2603.47 Extension of period for taking action on request or appeal.

(a) *Extension in unusual circumstances, generally.* Pursuant to paragraph 6(B) of 5 U.S.C. 552(a) as amended, the maximum period of 10 working days normally allowed (see § 2603.45) for making the determination in response to a request for Corporation records submitted as provided in this part, or the maximum period of 20 working days normally allowed (see § 2603.46) for deciding an appeal from a denial of the request for any such records in whole or in part, may be extended in the unusual circumstances described in paragraph (b) of this section for an additional period by written notice from the disclosure officer or the General Counsel, as the case may be, to the requester setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such additional time may be provided only to the extent reasonably necessary to the processing of the particular request and no extension for more than an additional 10 working days is permitted. Such extensions shall be allowed only as provided in paragraphs (c) and (d) of this section, so that the total additional time made available thereby for determining the action to be taken on a particular request, whether by the disclosure officer or by the General Counsel in the event of appeal, or by both together, will not exceed 10 working days.

(b) *Unusual circumstances which may justify extended time.* The unusual circumstances which may justify an extension, as provided in paragraph (a) of this section, of the time for taking action on a request for records or an appeal from a denial of the request in whole or in part are:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request. Consultations between the Corporation's disclosure office and its legal counsel or with the Department of Justice are not unusual circumstances within the meaning of this paragraph and should not be considered the basis for an extension as provided in paragraph (a) and paragraph (c) or paragraph (d) of this section.

(c) *Extension of period for disclosure officer to determine action to be taken on request.* The disclosure officer may, to the extent reasonably necessary for the proper processing of a request for records in the unusual circumstances set forth in paragraph (b) of this section, extend the period for determining the action to be taken thereon beyond the normal 10-day limit as provided in paragraph (a) of this section, but only with the prior approval of the General Counsel and for such period up to but not in excess of 10 additional working days as the General Counsel shall approve. Notification shall be given to the requester as provided in § 2603.45(b).

(d) *Extension of period for General Counsel to decide appeal from denial of access to requested records.* The General Counsel may, to the extent necessary for the proper processing of an appeal from a denial of a request for agency records, extend the period for deciding such appeal beyond the normal 20-day limit by written notice to the appellant as provided in paragraph (a) of this section, but only in the unusual circumstances set forth in paragraph (b) of this section and in no event for more than 10 additional working days or such portion thereof as remains after any extension previously made pursuant to paragraph (c) of this section.

(e) *Further provisions for extension of time for taking action.* As noted in §§ 2603.45(d) and 2603.46(b), notwith-

standing the fact that a requester is deemed to have exhausted his administrative remedies and may apply for judicial relief under the Freedom of Information Act when the disclosure officer or the General Counsel fails to take the necessary action with respect to a request for records or an appeal from a denial thereof within the normal or extended time limits prescribed in the Act, the court in any such action may, upon a showing of exceptional circumstances and the exercise of due diligence in responding to the requester, allow additional time to complete the necessary review. While any deferral of an application for judicial relief under such circumstances is within the discretion of the requester, the responsible officer will, pursuant to the rules in this part, continue to proceed to a determination of the matter before him and, if the determination is to grant access to the requested records, the necessity for judicial relief will be obviated.

Subpart B—Copies of Records and Fees for Services

§ 2603.51 Charges for services, generally.

(a) Pursuant to the provisions of the Freedom of Information Act, as amended, the payment of standard charges as set forth in the fee schedule in § 2603.52 will, except as otherwise provided in this subpart, be required of the requester to cover the direct costs of searching for and duplicating records requested under the Act from the Corporation. Where the direct cost to the Corporation of making the search is substantial, fees for searching as provided in the schedule will be charged even if the record searched for is not found or if, after it is found, it is determined that the request to inspect it may be denied under the provisions of 5 U.S.C. 552(b) and the regulations in this part.

(b) Circumstances under which searching and copying facilities or services may be made available to the requester without charge or at a reduced charge are delineated in § 2603.55. Recoupment of the Corporation's costs for determining whether a requested record is disclosable under the statute and this part and for making deletions of portions exempted from disclosure by the Act has been excluded from consideration in arriving at the standard charges contained in the fee schedule and no charge is made to a requester for the cost of any such services.

§ 2603.52 Search and copying charges.

(a) *Fee schedule for searching records.* Where Corporation records must be searched to locate a requested record, charges applicable under this subpart to the search will be made according to the following fee schedule:

(1) *Search time.* (i) Ordinary search by custodial or clerical personnel, $1.25 for each one-quarter hour or fraction thereof of employee worktime in excess or the first quarter-hour required to reach or obtain the records to be searched and to make the necessary search; and (ii) Search requiring services of professional or supervisory personnel to locate requested record, $2.50 for each such quarter-hour of such services required in excess of the first quarter-hour required.

(2) *Additional search costs.* If the search for a requested record requires transportation of the searcher to the location of the records or transportation of the records to the searcher, at a cost in excess of $5.00, actual transportation costs will be added to the search time cost.

(3) *Search in computerized records.* Special fees to cover direct personnel and machine time costs of such searches will be charged as set forth in the above fee schedule and § 2603.53.

(b) *Fee schedule for copying of records.* The fees payable pursuant to this subpart for obtaining requested copies of records which have been made available for inspection under the Freedom of Information Act will be computed on the following basis and subject to the following conditions:

(1) *Standard copying fee.* $0.10 per page of record copies furnished. This standard fee is also applicable to the furnishing of copies of available computer printouts as stated in § 2603.53.

(2) *Voluminous material.* If the volume of page copy desired by the requester is such that the reproduction charge at the standard page rate would be in excess of $50, the person desiring reproduction may request a special rate quotation from the Corporation.

(3) *Limit of service.* Not more than 10 copies of any document will be furnished.

(4) *Manual copying by requester.* No charge will be made for manual copying by the requesting party of any document made available for inspection under the provisions of this part. The Corporation shall provide facilities for such copying without charge at reasonable times during normal working hours.

(c) *Indexes.* Pursuant to 5 U.S.C. 552 (a)(2) copies of indexes or supplements thereto which are maintained as therein provided but which have not been published will be provided on request at a cost not to exceed the direct cost of duplication as computed pursuant to the fee schedule in paragraph (b) of this section.

§ 2603.53 Computerized records.

(a) Information available in whole or in part in computerized form which is disclosable under the Freedom of Information Act is available to the public as follows:

(1) When there is an existing printout from the computer which permits copying the printout, the material will be made available at the per page rate stated in § 2603.52(b)(1) for each 8½ by 11-inch page.

(2) When there is not an existing printout of information disclosable under the Freedom of Information Act, a printout shall be made provided the applicant pays the cost to the Corporation as hereinafter stated.

(3) Obtaining information from computerized records frequently involves a minimum computer time cost of approximately $100 per request. Multiple requests involving the same subject may cost less per request. Services of personnel in the nature of a search shall be charged for at rates prescribed in § 2603.52(a). A charge shall be made for the computer time involved based upon the prevailing level of costs to Government organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present or make available the output of computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of such supplies and materials that are used.

(b) Information in the Corporation's computerized records which could be produced only by additional programming of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act.

§ 2603.54 Payment of fees.

(a) *Medium of payment.* Payment of the applicable fees as set forth in §§ 2603.52–2603.53 shall be made in cash, by U.S. postal money order, or by check payable to the Pension Benefit Guaranty Corporation. Postage stamps will not be accepted in lieu of cash, checks, or money orders as payment for fees specified in the schedule. Cash should not be sent by mail.

(b) *Advance payment or assurance.* Payment of the known and officially estimated searching and copying fees shall be made or assured to the satisfaction of the disclosure officer prior to the performance of substantial searching or copying services. Where the requester does not know and has no official estimate of the search and copying costs at the time the request is made, the request should specifically state that whatever costs will be involved pursuant to §§ 2603.52–2603.53 will be acceptable, or will be acceptable up to an amount not exceeding a named figure. A request made without such specific assurance of payment of fees in an amount at least equal to the charges under §§ 2603.52–2603.53 which the Corporation anticipates will be necessary, will, if such estimated charges are in excess of $100, not be deemed to have been received by the Corporation until the requester has been notified (promptly upon physical tender of the request) of the Corpora-

tion's cost estimate and has perfected the request by paying the estimated charges or giving satisfactory assurance that payment will be made. In the event that a request is made only for inspection of a record, advance payment or assurance of payment as set forth in this paragraph is applicable only with respect to searching fees; charges for copying will not be made unless or until copies are requested. In cases where the estimated costs required under the fee schedule for responding to a request are such that an advance deposit is deemed necessary, and it appears that the information sought by the requester might be made available at less cost by revision of the request, the Corporation's advice to the requester of the estimated costs and the need for an advance deposit will be accompanied by extension of an offer to the requester to confer with knowledgeable Corporation personnel with a view to reformulation of the request in a manner which will reduce the fees and meet the needs of the requester.

(c) *Post-copying costs.* The scheduled fees for furnishing records made available pursuant to the Act for inspection and copying costs of furnishing the copies at the place of duplication. Where requests for such copies are made by mail, no postage charge will be made for transmitting by regular mail a single copy of the requested record to the requester, or for mailing additional copies where the total postage cost does not exceed $2.00. However, where the volume of page copy or method of transmittal charges to the Corporation are in excess of $2.00 the transmittal costs will be added to the copying fee specified in accordance with the schedule, unless appropriate stamps or stamped envelopes are furnished with the request, or authorization is given for collection of shipping charges on delivery.

§ 2603.55 Standard fees not charged in certain circumstances.

(a) No searching charge under § 2603.52(a) shall be made for routine procurement for inspection from Corporation records, not requiring more than one-quarter hour of personnel time.

(b) The disclosure officer may reduce or waive fees applicable under §§ 2603.52–2603.53 when he determines that such reduction or waiver is in the public interest because furnishing the information can be considered as primarily benefitting the general public.

(c) The disclosure officer may reduce or waive fees applicable under §§ 2606.52–2606.53 when the requester has demonstrated his inability to pay such fees.

Effective date. This part becomes effective on June 3, 1975.

Issued in Washington, D.C. on the 29th day of May 1975.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75-14436 Filed 6-2-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-50]

PART 101-21—FEDERAL BUILDINGS FUND

Subpart 101-21.6—Billings, Payments, and Related Budgeting Information for Space and Services Furnished by the General Services Administration

REVISION OF APPEALS PROCEDURE

This amendment revises the appeals procedure by decentralizing the authority to resolve initial appeals.

Section 101-21.606(c) is revised to read as follows:

§ 101-21.606 Reviews and appeals.

* * * * *

(c) An appeal shall initially be filed by local agency officials with the appropriate GSA regional office and include all pertinent information and documentation supporting the need for the appeal. The GSA regional office will verify the data submitted and perform additional investigation as necessary. The GSA Regional Administrator will determine the validity of the appeal and will notify the appealing agency of his ruling.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 586(c)))

Effective date. This regulation is effective July 1, 1975.

Dated: May 21, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc. 75-14379 Filed 6-2-75;8:45 am]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-159]

PART 101-25—GENERAL

Policy on Trading Stamps and Bonus Goods

This amendment provides policy on the receipt and disposition of trading stamps and bonus goods when they are offered by contractors to procuring activities.

The table of contents for Part 101-25 is amended to include the following revised entry:

Sec. 101-25.103 Trading stamps and bonus goods.

Subpart 101-25.1—General Policies

Section 101-25.103 is revised to read as follows:

§ 101-25.103 Trading stamps and bonus goods.

Federal agencies in a position to receive trading stamps and bonus goods shall establish internal procedures for the receipt and disposition of such gratuities using the policy set forth in this § 101-25.103 as minimum guidelines. Such procedures shall provide for a minimum of administrative and accounting controls.

(a) When contracts contain a price reduction clause, any method by which the price of a commodity or service is effectively reduced shall constitute a price reduction. Temporary or promotional price reductions are to be made available to contracting officers under the same terms and conditions as to other customers. Procuring activities, however, rather than accept trading stamps and bonus goods, shall deduct the cost of such items from the contract price. If obtaining such a price reduction is not possible, the contracting officer shall document the contract file to that effect and dispose of the items as provided in paragraph (b), below.

(b) Agencies shall, through the lowest appropriate activity, arrange for transfer of trading stamps and/or bonus goods, without reimbursement or accountability, to a nearby Federal hospital or similar institution operated, managed, or supervised by the Department of Health, Education, and Welfare (DHEW), Department of Defense (DOD), or the Veterans Administration (VA) when:

(1) The contract does not contain a price reduction clause, or

(2) The contractor refuses to grant a price reduction, and

(3) It is deemed practical and in the best interest of the Government to accept such items as a price reduction, and

(4) The procuring agency has no need for the trading stamps or bonus goods.

Prior to transferring trading stamps and bonus goods to the above institutions it must be ascertained that the proposed recipient is prepared to receive and utilize such items.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. This regulation is effective June 3, 1975.

Dated: May 19, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-14380 Filed 6-2-75;8:45 am]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amdt. H-90]

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Removal of Policy on Trading Stamps

This amendment deletes policy on trading stamps which is transferred to Subchapter E—Supply and Procurement and adds bonus goods as excess property exempted from GSA reporting requirements.

The table of contents for Part 101-43 is amended as follows:

Sec.
101-43.313-6 [Reserved]

Subpart 101-43.3—Utilization of Excess

1. Section 101-43.312(g) is revised to read as follows:

§ 101–43.312 Exceptions to reporting.

* * * * *

(g) Trading stamps and bonus goods. (See § 101–25.103.)

2. The text for § 101–43.313–6 is deleted and the section is reserved as follows:

§ 101–43.313–6 [Reserved]

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. This regulation is effective June 3, 1975.

Dated: May 19, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–14381 Filed 6–2–75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 18, 1974 (39 FR 40506–40511) setting forth regulations for the Strengthening Developing Institutions Program authorized by Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1051–1056). Pursuant to section 503 of the Education Amendments of 1972, (Pub. L. 92–318) a hearing was held at the U.S. Office of Education on December 19, 1974 in the auditorium of Regional Office Building Three (ROB–3), 7th and D Streets SW., Washington, D.C. 20202, and comments were received on the proposed regulations. In addition interested persons were invited to submit written comments and recommendations to U.S. Office of Education, Room 2085, Federal Office Building Six, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503. Written comments were received and considered.

A. *Summary of Comments—Office of Education Response.* The following oral and written comments were received by the Office of Education regarding the proposed regulations. After a summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary.

Comment. One commenter suggested that the Title III program as presently structured and staffed is incapable of meeting the needs of a majority of small and growing institutions of higher education and proposed that funds directed toward helping developing institutions be distributed through revenue sharing to each state, that criteria for distribution of funds within each state be determined by an advisory committee representing all eligible institutions according to an equalization formula, that the criteria for granting funds to each State and subsequently to each developing institution be based on the effort expended through resource allocation to higher education and the documented needs for and an ability to utilize additional funds, and that the total effort of the program for strengthening viable developing institutions be coordinated by an advisory board representing all eligible institutions through their State advisory committees.

Response. The above suggestions for the administration and operation of the Title III program cannot be carried out under the existing statutory framework of the Strengthening Developing Institutions Program.

Section 169.11 *General criteria—Comment.* One commenter stated that institutions of continuing education should not be excluded from the Title III Program.

Response. Section 169.11 (a) through (e) of the regulation merely repeat the statutory definition of a developing institution contained in section 302 of the Act (20 U.S.C. 1052). Therefore institutions of continuing education if they are excluded from the program, are excluded by statute.

Section 169.12 *Quantitative factors for identifying developing institutions—Comment.* One commenter noted that his school failed to meet two of the criteria listed and, because of the special nature of his institution, could not meet those criteria.

Response. Section 169.12 does not require an institution to fall within the prescribed range of all eight factors listed. In fact it specifically provides that "Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution."

Comment. One commenter indicated that the percent of students from low-income families, the total volumes in the library and the student enrollment figures were factors of questionable validity with respect to identifying developing institutions.

Response. Based on an analysis of the institutions that have received funds under the Developing Institutions Program over the course of operation of the program, the Commissioner has determined that the three factors identified by this commenter and the additional five factors in the table (39 FR 40507) set out in § 169.12 are the most important quantitative measures in assessing whether an institution meets the conditions set forth in § 169.11(e).

Section 169.13 *Qualitative factors for identifying developing institutions—Comment.* One commenter took special exception to the policy regarding open admissions in § 169.13(a)(1) and stated that it violated the right of some institutions supposedly served by the Title III program to make academic policies in accordance with their mission and capabilities of service.

Response. It was not the intent of the Office of Education to advocate open enrollment admission policies nor to reward schools that institute such a policy. This particular provision was added so as not to penalize those institutions which implement such a policy and as a result find that a decreasing number and/or percentage of their freshmen complete their first year, graduate, or go to professional schools.

Comment. A commenter suggested that in evaluating an institution's vitality consideration should be given to the present economic crisis and its implications for the fund raising capability of developing institutions.

Response. In the evaluation process consideration will be given to the present economic crisis and its implications for fund raising capabilities.

Section 169.14 *Effect of classification—Comment.* A commenter suggested that the programs that are subject to the waiver under section 305 of the Act should be identified.

Response. Section 169.14 will be amended to identify the programs that are subject to the waiver and the regulations published pursuant to such programs.

Section 169.34 *Institutional plan—Comment.* One commenter suggested that in view of the present economic crisis the fund replacement feature of the Advanced Institutional Development Program may not work to the advantage of institutions and should therefore be eliminated.

Response. It is recognized that it may be difficult for some developing institutions to comply with the fund replacement feature of the Advanced Institutional Development Program, however, this component remains a vital aspect of institutional development. In recognition of this problem consideration is being given to the development of new legislation that would assist institutions in building an endowment capacity.

Section 169.37 *Grantee selection—Comment.* One commenter suggested that it may not be fair to use as criteria in the selection of grantees under the Advanced Institutional Development Program, the percentage of students graduating or going on to graduate or professional schools or even the percentage of students becoming gainfully employed, since such factors may be beyond the control of institutions because their efforts may have been undercut by the present economic crisis.

Response. In the evaluation process for the selection of grantees in the Advanced Institutional Development Program consideration will be given to the impact of the economic crisis on the above factors.

General comments. A commenter was concerned about strengthening the cooperative arrangement between developing institutions and assisting agencies. The commenter stated that based upon his experience in working in the program he has noticed a lack of initiative on the part of the developing institution to draw consistently on the resources of the assisting agency, and that too often the assisting agency must prod the developing institution into action. On the other hand, he stated that certain assisting institutions pay lip service to supporting the developing institution and are not properly motivated, staffed or structured to offer that support. He suggested that a strengthened reporting system be developed to monitor the cooperative arrangement in a more effective manner.

Response. Developing institutions will be encouraged to draw consistently on the resources of the assisting agency and to work with assisting agencies who are structured and staffed to provide adequate support to the devolping institution. In addition, (1) the developing institution in its periodic progress report to the Office of Education will be asked to state how the assisting agency has strengthened the program and (2) the assisting agency will be asked to state when, where, by whom and how it has carried out its responsibilities for the program. Also, in the institution's annual evaluation, there will be a request for assisting agency input which sharpens the necessity for continuous relationships between institutions and agencies.

Comment. One commenter stated that although multiple year funding is granted in the Advanced Institutional Development Program under Title III, single year funding is still the rule in the Basic Institutional Development Program.

Response. Competing continuation grants (up to three years) are in effect in the Basic Institutional Development Program. Application for support must be resubmitted each year and continued support depends on adequate program progress and the annual Title III appropriation from Congress.

Comment. A commenter was concerned because the announcement of Title III grants is often late in the fiscal year, too late for effective implementation by some institutions.

Response. There have been a number of improvements in the evaluation-funding process for Title III applications that should result in an earlier announcement of grants. However, the timing of grants in dependent as well on the date of passage of the fiscal year appropriation bill.

When the regulations were printed as a notice part (c) of § 169.34 was inadvertently omitted. This part which describes in more detail the criteria for approving long range plans in the Advanced Institutional Development Program has been added.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER.

That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.454; Strengthening Developing Institutions)

Dated: May 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: May 27, 1975.

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

Part 169 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Provisions

Sec.

Subpart B—Criteria for Identifying Developing Institutions

Subpart C—Basic Institutional Development Program

Subpart D—Advanced Institutional Development Program

AUTHORITY: Sec. 301–306 of Title III of the Higher Education Act of 1965, as amended by sec. 121(a) of Title I of Pub. L. 92–318, 86 Stat. 241–245 (20 U.S.C. 1051–1056), unless otherwise noted.

Subpart A—General Provisions

§ 169.1 Statement of purpose.

The purpose of this part is to assist developing institutions of higher education which demonstrate a desire and potential to make a substantial contribution to the higher education resources of the nation but which for financial and other reasons are struggling for survival and are isolated from the main currents of academic life. The Commissioner will support the establishment of cooperative arrangements under which these developing institutions may draw on the talent and experience of the stronger colleges and universities, on the educational resources of business and industry, and on the strengths of other developing institutions in an effort to improve their academic programs, administrative and management resources and their student services. The Commissioner will also support National Teaching Fellows and Professors Emeritus under this part.

(20 U.S.C. 1051–1054, 1056)

§ 169.2 Definitions.

As used in this part:

(a) "Act" means Title III of the Higher Education Act of 1965, as amended.

(b) "Academic Year" means a period of time usually eight or nine months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, twenty-eight semester hours, forty-two quarter hours or 900 clock hours of instruction.

(20 U.S.C. 1051–1054, 1056)

(c) "Developing Institution" is an institution of higher education that is so classified under Subpart B of this part.

(20 U.S.C. 1052)

(d) "Institution of Higher Education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965.

(20 U.S.C. 1141(a))

(e) "Junior or Community College" means an institution of higher education (1) which does not provide an educational program for which it awards a bachelors degree (or an equivalent degree), (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and (3) which does (i) provide an educational program of not less than two years which is acceptable for full credit toward such a bachelors or equivalent degree, or (ii) offers a two year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

(f) "State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1051–1054 unless otherwise noted)

§ 169.3 Advisory Council on Developing Institutions.

An Advisory Council on Developing Institutions will be established consisting of nine members appointed by the Commissioner with the approval of the Secretary. The Advisory Council will assist the Commissioner:

(1) In identifying developing institutions through which the purposes of this part may be achieved, and

(2) In establishing the priorities and criteria to be used in making grants under this part.

(20 U.S.C. 1053)

§ 169.4 Funding limitation.

Junior or community colleges may receive not more than 24 per centum of the sums appropriated for any fiscal year for carrying out the provisions of this part.

(20 U.S.C. 1051)

§ 169.5 Limitation.

Funds made available pursuant to this part shall not be used for a school or department of divinity as defined in

section 1201(1) of the Higher Education Act of 1965 or for any religious worship or sectarian activity.

(20 U.S.C. 1056, 1141(1))

§ 169.6 General provisions regulation.

(a) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative and other matters).

(20 U.S.C. 1031–1056)

Subpart B—Criteria for Identifying Developing Institutions

§ 169.11 General criteria.

A "developing institution" is an institution of higher education in any State which:

(a) Is legally authorized to provide, and provides within the State, an education program for which it awards a bachelor's degree, or is a junior or community college;

(b) Admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate;

(c) Is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(d) Meets the requirements of paragraphs (a) and (c) of this section during the five academic years preceding the academic year for which it seeks assistance under this part, except that:

(1) the Commissioner may waive this five year requirement for those institutions located on or near an Indian reservation or a substantial number of Indians if he determines that such a waiver will increase the opportunity for Indians to obtain the benefits of higher education; and

(2) the Commissioner may waive three years of this five year requirement for an institution if he determines that such a waiver will substantially increase higher education for Spanish-speaking people. For purposes of this subparagraph, Spanish-speaking people are those persons of hispanic heritage including persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish-speaking origin.

(e) Is, on the basis of the quantitative and qualitative factors set forth in §§ 169.12 and 169.13 respectively, (1) making reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and (2) for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

(20 U.S.C. 1052)

§ 169.12 Quantitative factors for identifying developing institutions.

The following eight factors have been identified as the most important quantitative measures in assessing whether an institution meets the conditions set forth in § 169.11(e). They have been quantified by institutional type and control. These factors define the range of developing institutions. Every institution which meets all the quantitative standards will be included for further evaluation under the qualitative criteria. Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution.

Title III of the Higher Education Act of 1965

Strengthening Developing Institutions

Percentiles for FY '74 Grantees (AIDP and BIDP) Using Data from '74 Applications

2-Year Public

	5%	25%	50%	75%	95%
FTE Enrollment	395	766	1,217	2,304	4,122
Full-Time Enrollment	275	672	890	1,609	3,045
% of Faculty w/Masters	40	70	79	83	91
Average Faculty Salary	7,800	8,822	10,113	11,041	14,800
% of Students from Low-Income Families[1]	14	33	47	63	86
Total E & G Expenditures	681,212	1,118,202	1,542,652	2,488,819	6,790,000
E & G Expenditures/FTE	621	1,066	1,341	1,680	2,300
Volumes in Library	10,750	20,913	27,505	34,179	47,000

2-Year Private

	5%	25%	50%	75%	95%
FTE Enrollment	147	205	419	592	1,204
Full-Time Enrollment	123	178	384	546	1,196
% of Faculty w/Masters	60	67	74	81	86
Average Faculty Salary	6,225	7,100	7,886	8,424	9,432
% of Students from Low-Income Families[1]	17	23	38	80	94
Total E & G Expenditures	315,562	379,777	672,865	990,788	1,407,697
E & G Expenditures/FTE	555	973	1,462	2,144	4,001
Volumes in Library	5,510	18,893	21,179	29,239	40,418

4-Year Public

	5%	25%	50%	75%	95%
FTE Enrollment	672	1,702	2,372	3,224	5,290
% of Faculty w/PhD	20	28	32	38	95
Average Salary/Professor	11,460	14,040	15,467	16,315	17,888
Average Salary/Instruc	8,000	8,696	8,905	9,485	10,840
% of Students from Low-Income Families[1]	15	42	63	79	95
Total E & G Expenditures	988,633	2,916,696	3,917,770	5,395,140	10,280,000
E & G Expenditures/FTE	1,101	1,617	1,863	2,402	3,183
Volumes in Library	45,000	75,233	95,000	120,430	242,191

4-Year Private

	5%	25%	50%	75%	95%
FTE Enrollment	346	532	704	1,027	1,865
% of Faculty w/Ph.D	12	24	31	40	49
Average Salary/Professor	9,750	12,000	12,854	13,802	15,840
Average Salary/Instruc	6,883	7,650	8,330	8,871	9,470
% of Students from Low-Income Families[1]	10	24	44	77	94
Total E & G Expenditures	801,890	1,108,871	1,590,827	2,140,888	3,987,714
E & G Expenditures/FTE	1,040	1,820	2,186	2,590	3,746
Volumes in Library	27,500	48,000	57,530	69,000	96,768

[1] For purposes of this subpart a low-income family is one whose adjusted family income is less than $7,500. (20 U.S.C. 1052)

§ 169.13 Qualitative factors for identifying developing institutions.

Those institutions which satisfy the requirements set out in § 169.12 will be further assessed on the following qualitative factors which will be used to assess whether the institution meets the conditions set forth in § 169.11(e). These factors will be evaluated over a three year period. Such period will include the academic year in which the institution is seeking recognition as a developing institution and the preceding two academic years.

(a)(1) *Enrollment.* Consideration will be given to the institution's full-time equivalent enrollment, the number of its graduates continuing their education either at a four year institution in the case of a junior or community college, or at a graduate or professional school, the class standing of entering freshmen in their high school graduating class, the percentage of freshmen completing their first year and the percentage of freshmen graduating from the institution. If such enrollment data are in a decline over the three year period the institution must demonstrate that such a decline is not inconsistent with continued institutional viability.

(2) In evaluating an institution pursuant to the criteria discussed in paragraph (a)(1) of this section, the Commissioner will take into consideration whether the institution has adopted an open enrollment admissions policy. As used in this section an open enrollment admissions policy of an institution of higher education means that the institution will admit as regular students all students who apply to that school for admission who have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(b) *Institution personnel.* An institution will be evaluated with regard to the quality of its personnel in the areas of institutional administration including financial operations, student services, teaching and research. Factors considered in making such an evaluation will include the percentage of professional personnel with advanced degrees and the salary scale of the institution.

(c) *Institution vitality.* An institution will be evaluated in terms of its vitality and viability. Factors considered in such a determination will include its fund raising capability, whether the institution has a planning capability and whether the institution has devised an institutional development plan.

(20 U.S.C. 1052)

§ 169.14 Effect of classification.

(a) Those institutions which meet the quantitative and qualitative criteria set out in §§ 169.12 and 169.13 will be classified as "developing institutions" for the purpose of this part and for the purpose of section 305 of the Act. Applications for grants under this part will be further evaluated on their merits.

(b)(1) section 305 of the Act provides that in the case of any application by a developing institution for assistance under any of the programs specified in subparagraph (2) of this paragraph, the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

(2) The programs referred to in section 305 of the Act include the College Library Assistance and Library Training and Research Programs (Title II of the Higher Education Act of 1965 (HEA); 45 CFR Parts 131, 132); the Talent Search, Upward Bound, Special Services for Disadvantaged Students and Educational Opportunity Center Programs (Title IV–A–4, HEA; 45 CFR Parts 154, 155); the College Work-Study Program (Title IV–C, HEA; 45 CFR Part 175); the Cooperative Education Program (Title IV–D, HEA); the National Direct Student Loan Program (Title IV–E, HEA; 45 CFR 144); Financial Assistance for Improvement of Undergraduate Institutions (Title VI, HEA; 45 CFR Part 171); and the Construction of Academic Facilities Program (Title VII, HEA; 45 CFR Part 170).

(3) The Commissioner will not waive under this paragraph the non-federal share requirement for any program for application which, if approved, would require the expenditure of more than 10 percent of the appropriations for the program for any fiscal year period.

(c) A reevaluation of an institution's classification as a developing institution will be made periodically.

(20 U.S.C. 1052, 1055)

§ 169.15 Application requirements.

(a) An institution wishing to be designated as a developing institution shall file an application which shall be in such form and contain such information as the Commissioner may from time to time prescribe and shall include:

(1) The signature of the institutional head;

(2) Data describing institutional participation in Federal programs, both education and other, by program title. The institution shall also state the amount of funds it received under each program;

(3) Institutional data described in §§ 169.12 and 169.13; and

(4) An institutional eligibility narrative in which the applicant shall state the reasons it considers itself qualified to be designated as a "developing institution."

(20 U.S.C. 1052)

(b) An institution located on or near an Indian reservation or a substantial numer of Indians which seeks a waiver of the five year requirement of § 169.11 (d) shall demonstrate how such a waiver will increase the opportunity of Indians to obtain the benefits of higher education.

(c) An institution which seeks a waiver of three years of the five year requirement of § 169.11(d) shall demonstrate how such a waiver will substantially increase higher education for Spanish-speaking people.

(20 U.S.C. 1052)

Subpart C—Basic Institutional Development Program

§ 169.21 Program objectives.

The purpose of grants made pursuant to this subpart is to assist in raising the academic quality of developing institutions that show both a desire for and a promise of institutional improvement in order that they may more fully participate in the higher education community. The Basic Institutional Development program attempts to narrow the gap between small, weak colleges and stronger institutions. The principal means for doing so is through cooperative arrangements in which developing institutions may draw upon the talent and experience of assisting institutions of higher education, including other developing institutions, as well as upon business and industry in the area of faculty and curriculum development, administrative improvement and student services. National Teaching Fellows may be requested to release faculty of developing institutions to further their education, and Professors Emeriti may be requested to make special contributions to institutional needs.

(20 U.S.C. 1054)

§ 169.22 Cooperative arrangements.

(a)(1) The Commissioner may award grants to developing institutions to pay part of the costs of planning, developing and carrying out cooperative arrangements between developing institutions, between developing institutions and other institutions of higher education, and between a developing institution and a business entity, an agency or an organization, which show promise as effective measures for strengthening the academic program, administrative capacity, and student services of the developing institutions.

(2) In each cooperative arrangement receiving assistance under this subpart the developing institution shall be the legal recipient of the grant award and shall be legally responsible for administering the program assisted under such grant.

(b) The types of cooperative arrangements that will be funded include bilateral and consortium arrangements.

(1) *Bilateral arrangement.* A bilateral arrangement is an arrangement between the applicant developing institution and another institution of higher education or an agency, organization, or business entity under which the latter will provide assistance and resources to the developing institution to carry out activities described in § 169.23.

(2) *Consortium arrangement.* A consortium arrangement is an arrangement between the applicant developing institution and at least two other developing institutions which provides for the exchange or joint use of resources to the mutual benefit of all the participants. Such a consortium of developing institutions may also enter into arrangements with institutions of higher education and other agencies, organizations, or business entities for the latter to assist the developing institution in carrying out the activities described in § 169.23.

(20 U.S.C. 1054)

§ 169.23 Grant activities.

(a) The type of activities that may be funded under cooperative arrangements include such activities as:

(1) The exchange of faculty and students with other institutions of higher education;

(2) Arrangements for bringing visiting scholars to developing institutions;

(3) Faculty and administrative staff improvement programs such as internships (including internships for administrative staff), attendance at short term institutes, advanced study including stipends of up to $4,000, and participation in research projects;

(4) The introduction of new curricula and curricular materials;

(5) The development and operation of cooperative education programs involving alternate periods of academic study and business or public employment;

(6) The joint use of facilities such as libraries and laboratories, as well as the purchase of necessary books, materials, and equipment;

(7) The obtaining of specialized personnel for developing institutions in such areas as media, reading, computers, institutional research and management; and

(8) Faculty and salary supplements for a faculty member who is engaged in a special project or activity for the benefit of the developing institution. Such request must be carefully documented and such salary supplements will generally be limited to three (3) years.

(20 U.S.C. 1054)

§ 169.24 National Teaching Fellowships.

(a) The Commissioner may grant funds to developing institutions, independently or in conjunction with the funding of a cooperative arrangement, for the purpose of awarding National Teaching Fellowships.

(b) National Teaching Fellowships may be awarded by a developing institution to junior faculty members of in-

stitutions of higher education other than developing institutions and graduate students who have completed all requirements for a masters degree in the institution in which they are enrolled or who possess the equivalent of a masters degree in related professional experience, whose training and experience will serve the needs of the developing institution.

(c) National Teaching Fellows may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study; or

(3) Strengthen an understaffed academic program.

(d) Each National Teaching Fellowship shall include a stipend for each academic year of teaching in an amount not to exceed $7,500 plus an allowance of $400 for each dependent of the Fellow. The developing institution may supplement the stipend paid to the National Teaching Fellow, but such increase may not be paid from funds received under this part.

(e) The period of a National Teaching Fellowship may not exceed two academic years.

(f) A National Teaching Fellow may not engage in advanced study that is inconsistent with the Fellow's duties as a full-time faculty member.

(20 U.S.C. 1054)

§ 169.25 Professor Emeritus Grants.

(a) The Commissioner may grant funds to developing institutions either independently of or in conjunction with the funding of a cooperative arrangement to permit such institutions to award Professors Emeritus Grants. Such grants may be awarded to professors or to other skilled higher education personnel who have retired from active service at institutions of higher education other than the developing institution awarding the grant. The Commissioner will award such funds only if he determines that the program of teaching or research for which a Professor Emeritus Grant is requested meets the educational needs of the applicant institution and is reasonable in light of the specific competence(s) of the Professor Emeritus.

(b) A Professor Emeritus may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study;

(3) Provide specialized competence in a particular area that will serve the needs of the developing institution;

(4) Assist in new programs;

(5) Conduct institutional research or research connected with the development of the institution; or

(6) Strengthen an understaffed academic program.

(c) A Professor Emeritus Grant shall include a stipend for each academic year of teaching or research. The stipend shall not exceed the salary of a comparable staff member of the developing institution and shall take into consideration the retirement benefits being received by the Professor Emeritus. The institution may supplement the stipend of the Professor Emeritus but such increase may not be paid with funds received under this part. Funds may also be awarded to the developing institution for the payment of travel and moving expenses, housing and fringe benefits for Professors Emeritus. Professors Emeritus shall be hired on a semester (or equivalent) or on an annual basis.

(d) The period of a Professor Emeritus Grant may not exceed two academic years unless it is determined by the Commissioner upon the advice of the Advisory Council described in § 169.3 that the additional period is necessary to fully complete the program objective for which the Professor Emeritus was originally requested.

(20 U.S.C. 1054)

§ 169.26 Application requirements.

(a) Each application for assistance under this subpart shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with Subpart B of this part;

(2) The signature of the institutional head;

(3) The total amount of funds requested for each year in the case of multi-year requests;

(4) The number of cooperative arrangements requested;

(5) The name of each such arrangement;

(6) A listing of such arrangements in order of the applicant institution's priority;

(7) A listing of each institution of higher education, agency, organization, and/or business entity from which the applicant developing institution expects to draw resources;

(8) A program budget; in the case of a proposed multi-year project the initial year budget;

(9) A narrative indicating an overview of the institution's involvement in activities supported under this part. This narrative shall also describe the objectives of the institution's proposed program and explain the relationship between the proposed programs and the overall planned development of the institution;

(10) A program narrative which shall contain a concise description of each program to be undertaken in a cooperative arrangement including the nature and extent of the activities planned as well as the program's expected specific impact (including quantitative results expected) on those institution(s) participating in the program. If National Teaching Fellowships or Professors Emeritus are requested, the program narrative should explain specifically the institution's need for such personnel support;

(11) Letters of commitment from each institution, agency, organization, or business entity, signed by the president of such institution or agency and addressed to the coordinator of the cooperative arrangement. The coordinator shall be responsible for submitting copies of these letters as a part of the complete proposal. These letters shall be used to demonstrate that:

(i) The proposal as submitted accurately reflects the terms of the cooperative arrangement,

(ii) The budget is correctly represented and includes, where appropriate, the dollar value of service or contribution offered by the assisting institution or agency, and

(iii) The institution or agency will carry out its part of the program(s), if the application for Federal funds is approved;

(12) Procedures for the administration of each program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(13) Procedures as will insure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for purposes of this subpart, and in no case supplant such funds;

(14) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(15) Such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart to the applicant; and

(16) Such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this subpart and procedures for keeping such records and affording such access thereto, as he may find necessary to assure correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications under this subpart.

(20 U.S.C. 1054)

§ 169.27 Multi-year grants.

Multi-year grants may be awarded to developing institutions to provide up to three years of support for the development and implementation of cooperative arrangements. The continued funding of these projects will be contingent upon the continued eligibility of the applicant institution(s), institutional progress, and the availability of Federal funds

(20 U.S.C. 1054)

§ 169.28 Evaluation and award procedures.

(a) *Evaluation criteria.* In addition to evaluation on the basis of criteria set forth in § 100.26(b) of this chapter, the Commissioner will evaluate requests for

program support under this subpart in accordance with the following criteria:

(1) The program demonstrates a major focus on providing a successful educational experience for low-income students;

(2) The program demonstrates promise for moving colleges into the mainstream of higher education as a result of careful long-range planning and substantial improvements in the area of development and management;

(3) The program demonstrates coordination with other Federal, State, and local efforts to produce a maximum impact on the needs of developing institutions;

(4) With regard to junior and community colleges that the program demonstrates that it serves the needs of students in urban areas; and

(5) The program demonstrates good communication between faculty, students, administration, and, where appropriate, local communities in its planning and implementation.

(b) *Evaluation procedure.* Each application for support under this subpart will be reviewed and evaluated by a panel of experts who will advise the Commissioner with respect to funding such applications. The final funding decision shall rest with the Commissioner. When proposals appear equal in merit, consideration will be given to such factors as geographic location, type of program, and national educational needs served.

(20 U.S.C. 1054)

§ 169.29 Allowable costs.

(a) The Commissioner will pay part of the costs that are reasonably related to the development and implementation of cooperative arrangements and the entire cost of National Teaching Fellowships and Professor Emeritus Grants, except that, notwithstanding § 100a.82 of this chapter, indirect costs shall not be charged against the grant.

(b) The purchase of equipment will be limited to equipment that is necessary to achieve specific program objectives.

(20 U.S.C. 1054)

Subpart D—Advanced Institutional Development Program

§ 169.31 Scope and purpose of the advanced institutional development program.

The Commissioner will make grants to selected developing institutions adjudged to have the potential for accelerated institutional development to expedite the institution's progress towards achieving both operational and fiscal stability and participation in the mainstream of American higher education.

(20 U.S.C. 1054)

§ 169.32 Cooperative arrangements.

The Commissioner will award grants to selected developing institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements, as described in § 169.22, between developing institutions between developing institutions and other institutions of higher education and between developing institutions and other agencies, organizations and business entities which show promise as effective measures for strengthening the academic program and administrative capacity of the grantee institution. Such grants may be used for curriculum development compatible with changing societal needs, student services including academic and career counseling, and faculty and administrative improvement programs.

(20 U.S.C. 1054)

§ 169.33 Allowable activities.

The type of activities that may be funded include such activities as:

(a) New programs which seek to serve the educational needs of low-income students by providing them with the background required to obtain employment with upward mobility, which seek to move them into professional areas where low-income students are underrepresented, or which equip them to gain admittance to graduate schools;

(b) Programs or projects which allow the institution to structure or restructure itself so that it may relate more directly to emerging professional or career fields; and

(c) Curriculum development.

(20 U.S.C. 1054)

§ 169.34 Institutional plan.

(a) An applicant shall submit with its application an outline of a long range (5 year) plan which shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) The planned institutional programs including:

(i) a description of the program objectives or intended program changes,

(ii) a description of the specific activities or projects for which funds are requested, and

(iii) a description of proposed cooperative arrangements;

(2) The budget for the program and the proposed allocation of funds to each activity or project;

(3) A statement of institutional development goals, describing the planned impact of the funded program upon the institution;

(4) A general strategy for replacing funds awarded under this subpart by the end of the grant period;

(5) A description of steps to be taken, if any, to develop the institutional planning and management capability by the end of the grant period;

(6) A plan for evaluating the progress made by the institution in meeting its goals and objectives including the replacement of grant funds and the development of a management capability if such latter activity is proposed.

(b) The final plan shall be submitted to the Commissioner for approval at such time as the Commissioner may prescribe. Such plan must be approved by the chief administrative officer of the institution, with the concurrence of the governing board of the institution.

(c) The Commissioner will approve a grantee's institutional development plan if (1) the plan provides in sufficient detail the information and procedures originally required in outline form in paragraph (a) of this section and required in § 169.36(a) (8) through (13), (2) the goals of the plan are realistic in terms of the size of the institution's grant award, and (3) the cooperative arrangements and other proposed activities are of sufficient quality to achieve such goals.

(d) All components of the long range plan submitted pursuant to paragraph (a) of this section shall be revised periodically to reflect future program considerations. Significant changes shall become part of the plan upon approval of the Commissioner.

(20 U.S.C. 1054)

§ 169.35 Program priorities.

In selecting grantees under § 169.37 the Commissioner will give preferential consideration to those applicants whose proposed programs are likely to best carry out one or more of the following objectives:

(a) The provision of training in professional and career fields in which previous graduates of developing institutions are severely underrepresented;

(b) The addition of substantial numbers of graduates of developing institutions prepared for emerging employment and graduate study opportunities;

(c) The development of more relevant approaches to learning by utilizing new configurations of existing curricula as well as a variety of teaching strategies;

(d) The development of new or more flexible administrative styles; and

(e) The improvement of methods of institutional effectiveness so as to increase the fiscal and operational stability of the institution and improve its academic quality.

(20 U.S.C. 1054)

§ 169.36 Application requirements.

(a) Each application for assistance under this subpart shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with subpart B of this part;

(2) A statement of institutional objectives which take into account the history, development, and continuing or proposed future role of the college. Such a statement shall be based upon the following information, if available:

(i) A description of the local, regional or national geographic area which the institution plans to serve,

(ii) State or regional manpower data including any reports relevant to an assessment of projected employment opportunities for graduates,

(iii) Data on the characteristics of students currently admitted to the in-

stitution including geographical origins, enrollment by sex, aptitude test score distributions at time of admittance, distribution of enrollment by curricular area, enrollment by major field, indications of career goals, and

(iv) Follow up data on graduates, including job placements, location and nature of employment, institutions attended for further study, and fields of further study;

(3) The outline for the long range plan described in § 169.34;

(4) Data on student enrollment and student characteristics including trend data;

(5) Faculty characteristics and trends;

(6) Institutional financial data and projections;

(7) Curriculum range;

(8) Such other information as is requested by § 169.37;

(9) Procedures for the administration of the program to insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(10) Procedures to insure the Federal funds made available under this subpart for any fiscal year shall be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for these programs and in no case supplant such funds;

(11) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(12) Provision for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart; and

(13) Provision for making such reports as the Commissioner may require to carry out his functions and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications for assistance under this subpart.

(20 U.S.C. 1054)

§ 169.37 Grantee selection.

Notwithstanding § 100a.26(b) of this chapter, institutions will be selected for grants under this subpart as follows:

(a) Initially applicant institutions will be assessed in relation to other developing institutions with regard to those quantitative and qualitative characteristics which are indicative of institutional, academic, and financial strength. Such characteristics include:

(1) The institution's enrollment and the trend of enrollment;

(2) The institution's full-time faculty in terms of size, faculty-student ratio, and academic qualifications;

(3) The institution's present and projected financial position with respect to

(i) Total income,

(ii) Income sources and the amount received from each source,

(iii) Expenditure per full-time equivalent student,

(iv) Rate of growth of income, and

(v) Endowment and gifts as a total amount and as a percentage of income,

(4) The ability of the institution to attract and hold qualified students, as indicated by such factors as:

(i) The percentage of freshmen students who graduate,

(ii) The percentage of graduates accepted to institutions offering bachelor degrees (for junior and community colleges), and graduate, or professional schools,

(iii) The percentage of graduating class gainfully employed;

(5) The ability of the institution to attract qualified faculty; and

(6) The institution's past success in and present capability for formulating and using a plan for the allocation of resources in light of its stated goals and priorities.

(b) Those applicant institutions determined under paragraph (a) of this section to have the greatest comparative degree of financial, academic, and institutional strength will be further assessed in light of the programs priorities reflected in § 169.35 and on the relationship between the type of program proposed by the institution and the financial, academic, and other characteristics of the institution.

(c) In making the assessments required by paragraph (b) of this section the Commissioner will review the information contained in the institution's application and may in addition make site visits to such institutions.

(20 U.S.C. 1054)

§ 169.38 Allowable costs.

(a) The Commissioner will pay part of the cost of developing and implementing a long-range plan for accelerated institutional development except that costs for the implementation of such a plan are allowable only to the extent that they are incurred after that plan has been approved by the Commissioner. However, notwithstanding § 100a.82 of this chapter, indirect costs shall not be charged against the grant.

(b) The institution may not expend more than 10 percent of grant funds for the development or improvement of a planning, management, and evaluation capability.

(c) Purchase of equipment is allowed only if such equipment is necessary to achieve the program objectives.

(20 U.S.C. 1054)

[FR Doc.75-14333 Filed 6-2-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-594]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Bowling Green, Ohio

ORDER

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Bowling Green, Ohio).

1. For the reasons stated below, Channel *70, Bowling Green, Ohio, is deleted from the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations).

2. In reallocating the upper 14 UHF channels (Channels 70–83, 806–890 MHz) from television to the land mobile services, an exception was made as concerns Channel *70 at Bowling Green, Ohio, because it was then in use by ETV Station WBGU–TV. ("First Report and Order and Second Notice of Inquiry" in Docket 18262 (FCC 70–519; 19 R.R. 2d 1663, 1674).) Channel *40 was proposed as a substitute; see notice of proposed rulemaking in Docket 18862, adopted May 20, 1970 (FCC 70–524; 35 FR 8670). Meanwhile, Channel *27 was proposed and assigned to Bowling Green, Ohio, in Docket 19139 as part of an overall proceeding dealing with ETV assignments in Ohio prompted by a petition of the Ohio Educational Television Network Commission (28 F.C.C. 2d 700 (1971)) and Station WBGU–TV has become operational on Channel *57 assigned to nearby Lima, Ohio.[1] We considered the proposed assignment of Channel *27 as obviating the need to substitute Channel *40 (see notice of proposed rulemaking in Docket 19139, paragraph 6, 36 FR 1428).

3. It is clear that consistent with our action in Docket 18262, the assignment of Channel *70 at Bowling Green should be deleted. A further rule making proceeding is unnecessary; see 5 U.S.C. 553 (b)(3)(B).

4. Accordingly, the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) is amended effective June 3, 1975, as follows for the named city:

City	*Channel No.*
Bowling Green, Ohio	*27

5. Authority for this action is contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended. The prior notice and effective date provisions of 5 U.S.C. 553, in this case, are inapplicable.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

Adopted: May 20, 1975.

Released: May 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-14446 Filed 6-2-75;8:45 am]

[1] Channel *70 was not deleted when Channel *27 was assigned to Bowling Green because Station WBGU–TV was still operating on it and there was some question whether it would choose to operate on Channel *27 or Channel *57. In fact, WBGU applied for *27 but later amended its application to specify *57.

[2] Commissioners Quello and Washburn absent.

Title 24—Housing and Urban Development

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

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

[Docket No. R-75-320]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

MORTGAGE INSURANCE FOR EXISTING MULTIFAMILY HOUSING; INTERIM RULE

On March 5, 1975, an interim rule, effective March 10, 1975, was published in the FEDERAL REGISTER at page 10175, implementing section 223(f) of the National Housing Act, which provides mortgage insurance for the purchase or refinancing of existing multifamily housing projects, whether conventionally financed or subject to federally insured mortgages at the time of application for mortgage insurance. Section 223(f) was implemented by adding a new section to Part 207 numbered § 207.32a.

A mortgage insured pursuant to section 223(f) will only involve minor repairs, if any, such as deferred maintenance. Therefore, the Department believed at the time the interim rule was published that the requirements of section 212 of the National Housing Act, providing for payment of prevailing wages, were not applicable to mortgages insured pursuant to section 223(f). It has been brought to the Department's attention by some initial comments received in connection with the publication of the interim rule that there was some question as to whether the payment of prevailing wages would apply to this program. In response to this uncertainty, we are publishing the following amendment below. Since this amendment is merely a clarification of the interim rule, good cause exists for making this amendment effective, on an interim basis, on March 10, 1975, the effective date of § 207.32a.

Interested persons are invited to participate in the making of the final rule by submitting written data, views or statements regarding this rule. Communications should be filed using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. As this amendment is a clarification of the previously published interim rule, a fifteen day period from publication will be permitted for receiving comments on the amendment. All relevant material received on or before June 17, 1975, will be considered by the Secretary before adoption of the amendment as a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

Accordingly, Part 207 is amended as follows:

§ 207.32a Eligibility of mortgages on existing properties.

* * * * *

(g) *Labor standards and prevailing wage requirements.* The requirements of § 207.19(d)(1), (4) and (5) shall not be applicable to mortgages insured pursuant to a commitment issued in accordance with this section.

(Sec. 7(d), Department of Housing and Urban Development Act; (42 U.S.C. 3535(d)))

Effective date. This amendment shall be effective on March 10, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.75-14444 Filed 6-2-75;8:45 am]

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R-75-307]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Submission of Applications

On February 7, 1975, in 40 FR 5952, the Department amended Title 24 of the Code of Federal Regulations by adding Subpart E—Applications and Criteria for Discretionary Grants to Part 570 of Chapter V. The regulations currently establish the dates of January 1, 1975, through May 15, 1975, for applicants to submit requests for urgent needs fund. The Department is changing the May 15, 1975, deadline to June 30, 1975, in order to permit HUD sufficient time to review the many proposals received, advise applicants of those selected to submit applications and provide applicants adequate time to prepare and submit the appropriate documentation.

Accordingly, § 570.400(c)(3)(ii) is revised to extend the deadline for submitting requests for urgent needs fund to June 30, 1975. It is necessary that this amendment take effect at the earliest possible date so that those applicants unable to meet the previously established deadline can plan the completion of their work within the time remaining under the extended date. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing usual public comment and notice procedure, and he finds further good cause that this amendment to the regulations should take effect on the date of publication. In connection with the environmental review of this technical change to the final regulations .. Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for public inspection in the Office of the Rules Docket Clerk, Office of The General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. In view of the foregoing, § 570.400(c)(3)(ii) is changed by inserting after the word "through" the date June 30, 1975, in lieu of May 15, 1975.

(Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))))

Effective date: This amendment shall be effective on June 3, 1975.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-14623 Filed 6-2-75;8:45 am]

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

[Docket No. R-75-303]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1909—GENERAL PROVISIONS

PART 1920—PROCEDURE FOR MAP CORRECTION

Mapping Deficiencies Unrelated to Community-Wide Elevation Determinations

Notice was given on November 18, 1974, at 39 FR 40513, that the Department of Housing and Urban Development was proposing to amend Title 24 of the Code of Federal Regulations by an amendment to Part 1909, and the addition of a new Part 1920 to Chapter X.

The purpose of the new Part 1920 is to make available to owners and lessees of property an administrative procedure for correcting technical mapping deficiencies which have inadvertently included their property in an area of special flood and/or mudslide and/or erosion hazard (area with special flood hazards). The amendment to Part 1909 adds a definition for "curvilinear line", a term used in new Part 1920.

The Department has received eight responses to the November 18, 1974, publication. The Department has considered these comments and has incorporated some of them into these regulations. Principal changes and the Department's response to significant comments are set forth below.

One comment suggested the adoption of a procedure for correcting or changing base flood elevation determinations. Procedures are currently in effect with respect to proposed initial base flood elevation determinations and can be found in 24 CFR Parts 1916, 1917, and 1918 which were published as a final rule on July 24, 1974, at 39 FR 26904 et seq. Where material changes in the conditions affecting previously determined flood elevations occur, a revision of Part 1916 will be adopted to accommodate the necessity for revisions in existing flood elevation determinations. The Department presently does consider any information with respect to the accuracy of its Flood Hazard Boundary Maps or

Flood Insurance Rate Maps upon the submission of such data by a community.

Several comments raised questions as to the type and kind of scientific or technical information to be submitted by the community. Accordingly, a non-inclusive listing of appropriate information has been made a part of the regulations.

Two comments suggested a time limit for the Administrator to respond to submissions by an applicant. All submissions will be considered on a first-in first-out basis, unless it is specifically determined to be in the best interest of the National Flood Insurance Program not to do so. To accommodate the need for a timely determination a 60 day period has been established, subject to extension, after the Department has given notification to the applicant.

One comment suggested a certification procedure by which Registered Professional Engineers or Licensed Land Surveyors could certify both as to the type of structure and to the fact that the lowest floor, including the basement of the structure, was outside the curvilinear line of the flood having a one percent chance of occurrence in any given year (the so-called "100-year" flood or base flood). This recommendation is incorporated into the regulations. Finally, one comment suggested that notice of a Letter of Map Amendment be published in a local newspaper. Although the recommendation is not adopted in the regulations, wherever a significant portion of the community is affected, or otherwise justified in the opinion of the Administrator, such notice will be published.

A finding of inapplicability with respect to the National Environmental Policy Act of 1969 has been made with respect to these regulations. A copy of this Finding of Inapplicability is available for inspection during regular business hours at the following address: Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Section 1909.1 is amended by adding in alphabetical sequence a new definition as follows:

§ 1909.1 Definitions.

* * * * *

"Curvilinear Line" means the border on either a Flood Hazard Boundary Map or Flood Insurance Rate Map that delineates the area with special flood hazards and consists of a curvilinear line that follows the topography.

* * * * *

2. Part 1920 is added to read as follows:

Sec.
1920.1 Purpose of part.
1920.2 Definitions.
1920.3 Right to submit technical information.
1920.4 Review by administrator.
1920.5 Amendment to flood maps by letter.
1920.6 Distribution of Letter of Map Amendment.
1920.7 Notice of letter of Map Amendment.

AUTHORITY: Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4011).

§ 1920.1 Purpose of part.

The purpose of this part is to provide an administrative procedure whereby the Federal Insurance Administrator (Administrator) will review the scientific or technical submissions of an owner or lessee of property who believes his property has been inadvertently included in an area identified by FIA as having special flood hazards (area subject to one percent annual chance of flood) as a result of the transposition of the curvilinear line to either street or to other readily identifiable features. The necessity for this part is due in part to the technical difficulty of accurately delineating the curvilinear line on either a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM). Where there has been a final base flood elevation determination, any alteration of the topography shall not be subject to this procedure. Appeals of such determinations are subject to the provision of Part 1917 of this Chapter.

§ 1920.2 Definitions.

The definitions set forth in § 1909.1 of Part 1909 of this subchapter are applicable to this part.

§ 1920.3 Right to submit technical information.

(a) Any owner or lessee of property (applicant) who believes his property has been inadvertently included in an area with special flood hazards, as delineated on a FHBM or a FIRM, may submit scientific or technical information to the Administrator for his review.

(b) Scientific and technical information for the purpose of this part may include, but is not limited to the following:

(1) An actual copy of the recorded plat map bearing the seal of appropriate official (e.g. County Clerk, or Recorder of Deeds) indicating official recordation and proper citation (Deed or Plat Book Volume and Page Numbers) or where annotation of the deed or plat book is not the practice, an equivalent identification is required;

(2) A topographical map which shows ground elevation contours, the total area of the property in question, the location of the structure or structures which are located on the property in question, the elevation of the lowest floor, including basement, of the structure or structures, and an indication of the curvilinear line which represents the area subject to inundation by a flood having a one-percent chance of occurrence in any given year. This curvilinear line should be based upon information provided by any appropriate authoritative source, such as a Federal Agency, the appropriate state agency (e.g. Department of Water Resources), a County Water Control District, a County or City Engineer, a Federal Insurance Administration Flood Insurance Study, or a determination by a Registered Professional Engineer;

(3) A copy of the official FIA Flood Hazard Boundary Map or Flood Insurance Rate Map, indicating the location of the property in question;

(4) A certification by a Registered Professional Engineer or Licensed Land Surveyor as to the type of structure and that the lowest floor, including basement of the structure is above the area subject to the flood with one percent chance of occurrence in any given year. Where there has been a final flood elevation determination, and fill has altered the topography, such certification should include the date that the fill was placed on the property.

§ 1920.4 Review by the Administrator.

The Administrator, after reviewing the scientific or technical information submitted by an applicant under the provisions of § 1920.3, shall, in the alternative, notify the applicant in 60 days from the date of receipt in writing of his determination that:

(a) The property is within an area with special flood hazards, and shall set forth the basis of such determination; or

(b) The property should not be included within an area with special flood hazards, and that the FHBM or FIRM will be modified accordingly; or

(c) An additional 60 days is required to make a determination.

§ 1920.5 Letter of Map Amendment.

Upon determining from available scientific or technical information that a FHBM or a FIRM requires modification under the provisions of § 1920.4(b), the Administrator shall issue a Letter of Map Amendment which shall state:

(a) The name of the Community to which the map to be amended was issued;

(b) The number of the map;

(c) The identification of the property to be excluded from the area with special flood hazards.

§ 1920.6 Distribution of Letter of Map Amendment.

(a) A copy of the Letter of Map Amendment shall be sent to the applicant submitting scientific or technical data to the Administrator.

(b) A copy of the Letter of Map Amendment shall be sent to the local map repository with instructions that it be attached to the map which the Letter of Map Amendment is amending.

(c) A copy of the Letter of Map Amendment shall be sent to the map repository in the state with instructions that it be attached to the map which it is amending.

(d) A copy of the Letter of Map Amendment will be sent to any community or governmental unit that requests such Letter of Map Amendment.

(e) A copy of the Letter of Map Amendment shall be sent to the National Flood Insurers Association.

(f) A copy of the Letter of Map Amendment will be maintained by the FIA in its community case file.

§ 1920.7 Notice of Letter of Map Amendment.

(a) The Administrator shall publish a notice in the FEDERAL REGISTER that the FHBM or FIRM map for a particular community has been amended by letter determination issued pursuant to this Part 1920.

(b) The Administrator, at periodic intervals, will revise and republish FIRM's to incorporate Letter of Map Amendments.

(National Flood Insurance Act of 1968, Title XIII of the Housing and Urban Development Act of 1968, as amended (42 U.S.C. 4001–4128), and Secretary's Delegation of Authority, dated February 27, 1969 (34 FR 2680), as amended January 24, 1974 (39 FR 2787))

Effective date. These parts shall become effective on July 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14414 Filed 6-2-75;8:45 am]

[Docket No. FI-573]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Henry	Headland, city of	May 9, 1975, emergency	June 28, 1974		
Arkansas	White	Judsonia, city of	do	Feb. 1, 1974		
Do.	Jackson	Tuckerman, city of	do	Nov. 16, 1973		
California	Tehama	Corning, city of	do	May 24, 1974		
Georgia	Henry	Stockbridge, city of	do	June 7, 1974		
Illinois	Mercer and Warren.	Alexis, village of	do	Mar. 1, 1974		
Do.	Cass	Beardstown, city of	do	Mar. 15, 1974		
Do.	Kane	East Dundee, village of	do	May 17, 1974		
Do.	McHenry	Richmond, village of	do	Apr. 5, 1974		
Do.	La Salle	Seneca, village of	do	Mar. 15, 1974		
Do.	Lake	Tower Lakes, village of	do	Apr. 5, 1974 and Dec. 27, 1974		
Do.	Cook	Western Springs, village of	do	Mar. 15, 1974 and Dec. 20, 1974		
Indiana	Putnam	Cloverdale, town of	do	June 7, 1974		
Do.	Jennings	Vernon, town of	do	Jan. 9, 1974		
Iowa	Benton	Belle Plaine, city of	do	Apr. 5, 1974		
Do.	Linn	Coggon, city of	do	June 21, 1974		
Kentucky	Hancock	Lewisport, city of	do	Feb. 1, 1974		
Do.	Pulaski	Somerset, city of	do	May 24, 1974		
Maine	Kennebec	Wayne, town of	do	Sept. 13, 1974		
Massachusetts	Hampshire	Hatfield, town of	do	Sept. 20, 1974		
Michigan	Muskegon	Muskegon Height, city of	do	June 28, 1974		
Mississippi	Tate	Coldwater, town of	do	Apr. 12, 1974		
Missouri	Scott	Haywood City, city of	do			
Do.	St. Louis	St. John, city of	do	May 3, 1974		
Nebraska	Boone	Albion, city of	do	Apr. 12, 1974		
Do.	Antelope	Neligh, city of	do	Dec. 17, 1973		
New Mexico	Torrance	Estancia, town of	do	June 14, 1974		
New York	Madison	Cazenovia, village of	do	Feb. 22, 1974		
Do.	Delaware	Margaretville, village of	do	May 31, 1974		
Ohio	Belmont	Powhatan Point, village of	do	Feb. 15, 1974		
Do.	Belmont and Jefferson.	Yorkville, village of	do	Feb. 8, 1974		
Oklahoma	Mayes	Chouteau, town of	do	May 24, 1974		
Do.	do	Locust Grove, town of	do	Apr. 12, 1974		
Pennsylvania	Mercer	Fredonia, borough of	do	Jan. 3, 1975		
Do.	Dauphin	Mifflin, township of	do	Nov. 29, 1974		
Do.	Northampton	North Catasauqua, borough of.	do	May 3, 1974		
Rhode Island	Newport	Little Compton, town of	do	July 19, 1974		
South Carolina	Aiken	New Ellenton, town of	do	June 28, 1974		
Tennessee	Franklin	Winchester, city of	do	June 14, 1974		
Texas	Frio	Dilley, city of	do	May 10, 1974		
Do.	Live Oak	George West, city of	do	June 28, 1974		
Do.	Travis	Austin, city of	do	Sept. 13, 1974		
Virginia	Scott	Gate City, town of	do	May 10, 1974		
Washington	Skagit	Concrete, town of	do	May 17, 1974		
Do.	Snohomish	Lynnwood, city of	do	June 28, 1974		
Wisconsin	Clark	Thorp, city of	do	May 24, 1974		

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

Issued: May 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14132 Filed 6-2-75;8:45 am]

[Docket No. FI-574]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
Idaho	Ada	Unincorporated areas	May 8, 1975, emergency			
Illinois	Pulaski	Ullin, village of	do	Apr. 12, 1974		
Indiana	Posey	Unincorporated areas	do	Dec. 13, 1974		
Maryland	Somerset	Unincorporated areas	do			
Michigan	Washtenaw	Milan, city of	do	Jan. 23, 1974		
Do	do	Ypsilanti, city of	do	June 14, 1974		
Minnesota	McLeod	Lester Prairie, city of	do	Jan. 16, 1974		
Do	Mahnomen	Mahnomen, village of	do	Apr. 12, 1974		
Mississippi	Franklin	Roxie, town of	do	June 7, 1974		
Missouri	Greene	Republic, city of	do	Apr. 5, 1974		
New Hampshire	Coos	Berlin, city of	do	July 19, 1974		
New Jersey	Gloucester	Mantua, township of	do	Mar. 22, 1974		
Do	Bergen	Ridgefield Park, village of	do	June 28, 1974		
New York	Dutchess	Beacon, city of	do	July 26, 1974		
Do	Orange	Blooming Grove, town of	do	June 7, 1974		
Do	Ontario	Bristol, town of	do	Jan. 31, 1975		
Do	Nassau	Laurel Hollow, village of	do	June 28, 1974		
Do	Rockland	Stony Point, town of	do	May 10, 1974		
North Carolina	Guilford	Jamestown, town of	do	Dec. 7, 1973		
Do	Catawba	Malden, town of	do	Sept. 20, 1974		
Do	Tyrrell	Unincorporated areas	do	Jan. 10, 1975		
Tennessee	Johnson	Mountain City, town of	do	Mar. 1, 1974		
Texas	Caldwell	Lockhart, city of	do	June 28, 1974		
Utah	Summit and Wasatch.	Park City, city of	do	Sept. 6, 1974		
Do	Iron	Unincorporated areas	do			
Vermont	Windsor	Reading, town of	do	Sept. 13, 1974		
Washington	Cowlitz	Castle Rock, city of	do			
Do	Okanogan	Pateros, town of	do			
Wisconsin	Shawano	Gresham, village of	do	Jan. 9, 1974		
Do	Vernon	La Farge, village of	do	Dec. 17, 1973		
Wyoming	Sweetwater	Green River, town of	do	Aug. 16, 1974		

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

Issued: May 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14131 Filed 6-2-75;8:45 am]

[Docket No. FI-575]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flod prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date,

no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program.

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
Alabama	Talladega	Lincoln, town of	May 16, 1975, emergency			
Arizona	Maricopa	Chandler, city of	do			
Do	do	Gila Bend, town of	do	Jan. 23, 1974		
Florida	Bay	Cedar Grove, town of	do	July 19, 1974		
Do	Lake	Groveland, city of	do	Jan. 16, 1974		
Idaho	Boone	Priest River, city of	do	June 28, 1974		
Illinois	Moultrie	Bethany, village of	do	June 7, 1974		
Do	McLean	Bloomington, city of	do	June 28, 1974		
Do	Kankakee	Manteno, village of	do	Mar. 28, 1975		
Do	Tazewell	Washington, city of	do	June 7, 1974		
Kansas	Johnson	Desoto, city of	do	Jan. 16, 1974		
Louisiana	Tangipahoa Parish.	Amite City, city of	do	Dec. 7, 1973		
Do	Evangeline Parish.	Chataignier, village of	do			
Maine	Aroostook	Monticello, town of	do	Feb. 7, 1975		
Do	do	Eagle Lake, town of	do	June 28, 1974		
Michigan	Eaton	Charlotte, city of	do	May 24, 1974		
Minnesota	Hennepin	Eden Prairie, city of	do	Mar. 1, 1974		
Missouri	Knox	Edina, city of	do	Dec. 17, 1973		
Nebraska	do	Vedigre, village of	do	June 28, 1974		
New Jersey	Burlington	Bordentown, city of	do	Dec. 20, 1974		
Do	Camden	Camden, city of	do	Apr. 12, 1974		
Do	Ocean	Ocean Gate, borough of	do	May 31, 1974		
North Carolina	Rutherford	Forest City, town of	do	Jan. 16, 1974		
Ohio	Cuyahoga	Brooklyn Heights, village of	do	Feb. 8, 1974		
Pennsylvania	Fayette	Redstone, township of	do	Jan. 17, 1975		
South Carolina	Oconee	Unincorporated areas	do			
South Dakota	Yankton	do	do			
Texas	San Patricio	Gregory, city of	do	June 7, 1974		
Do	Kaufman	Kaufman, city of	do	Mar. 22, 1974		
Do	Midland	Midland, city of	do	June 7, 1974		
Utah	Utah	Santaquin, city of	do			
Virginia	King George	Unincorporated areas	do	Feb. 21, 1975		
Washington	Lincoln	Odessa, town of	do	May 31, 1974		
Do	Skagit	Lyman, town of	do	Nov. 15, 1974		
Do	Snohomish	Sultan, town of	do	June 7, 1974		
Wisconsin	Dodge	Beaver Dam, city of	do	Dec. 17, 1973		
Do	Green Lake	Green Lake, city of	do			
Do	Wood	Nekoosa, city of	do	May 24, 1974		

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

Issued: May 9, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14130 Filed 6-2-75;8:45 am]

[Docket No. FI-587]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Idaho	Bannock	Lava Hot Springs, city of	May 20, 1975, emergency	Jan. 10, 1974		
Do.	Canyon	Nampa, city of	do.	May 31, 1974		
Illinois	Kane	North Aurora, village of	do.	Mar. 1, 1974		
Indiana	Wayne	Milton, town of	do.			
Kansas	Kearny	Lakin, city of	do.	Jan. 9, 1974		
Maine	Penobscot	Passadumkeag, town of	do.	Feb. 7, 1975		
Massachusetts	Middlesex	Medford, city of	do.	July 26, 1974		
Michigan	Kalamazoo	Augusta, village of	do.	Mar. 8, 1974		
				Feb. 7, 1975		
Do.	Eaton	Windsor Charter, township of.	do.	Aug. 2, 1974		
Mississippi	Quitman	Sledge, town of	do.	June 7, 1974		
New Jersey	Salem	Lower Alloways Creek, township of.	do.	Sept. 13, 1974		
New York	Schenectady	Delanson, village of	do.	May 31, 1974		
Do.	Nassau	Great Neck Estates, village of.	do.	July 26, 1974		
Do.	Wyoming	Orangeville, town of	do.	do.		
Do.	Rensselaer	Pittstown, town of	do.	Nov. 29, 1974		
Nebraska	Merrick	Central City, city of	do.	May 10, 1974		
Ohio	Hamilton	Sharonville, city of	do.	Apr. 12, 1974		
Oklahoma	McCurtain	Broken Bow, city of	do.	June 28, 1974		
Do.	Bryan	Durant, city of	do.	May 10, 1974		
Oregon	Yamhill	Amity, city of	do.	Feb. 1, 1974		
Do.	Lane	Coburg, city of	do.	Dec. 28, 1973		
Do.	Hood River	Hood River, city of	do.	May 24, 1974		
Do.	Yamhill	Lafayette, city of	do.	Nov. 30, 1973		
Do.	Marion and Linn	Mill City, city of	do.	Dec. 17, 1973		
Do.	Marion	Stayton, city of	do.	Jan. 23, 1974		
Pennsylvania	Washington	Canton, township of	do.	Sept. 20, 1974		
Do.	Crawford	East Fairfield, township of	do.	May 31, 1974		
Do.	Fayette	Georges, township of	do.	Jan. 24, 1975		
Do.	Mifflin	McVeytown, borough of	do.	Dec. 6, 1974		
Do.	Washington	Somerset, township of	do.	Jan. 3, 1975		
Do.	Chester	West Marlborough, township of.	do.	Dec. 13, 1974		
Do.	Lancaster	Salisbury, township of	do.	Sept. 20, 1974		
South Carolina	Greenville	City View, town of	do.	June 14, 1974		
Texas	Milam	Rockdale, city of	do.	May 10, 1974		
Utah	Millard	Delta, city of	do.			
Virginia	Southampton	Boykins, town of	do.	May 31, 1974		
Do.	Isle of Wight	Unincorporated areas	do.	Apr. 4, 1975		
West Virginia	Morgan	Bath, town of (Berkeley Springs).	do.			
Do.	McDowell	Gray, city of	do.	July 19, 1974		
Do.	do.	Northfork, town of	do.	May 24, 1974		

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

Issued: May 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14135 Filed 6-2-75;8:45 am]

[Docket No. FI-588]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arkansas	Arkansas	Gillett, city of	May 23, 1975			
California	Mendocino	Fort Bragg, city of	May 23, 1975, emergency	May 10, 1974		
Do	Solano	Suisun, city of	do	Mar. 22, 1974		
Colorado	Montrose	Unincorporated areas	do	Aug. 30, 1974		
Connecticut	Middlesex	Haddam, town of	do	May 31, 1974		
Do	New Haven	Waterbury, city of	do	Mar. 22, 1974		
Florida	Bradford	Unincorporated areas	do	Feb. 14, 1974		
Do	Lafayette	Mayo, town of	do	June 21, 1974		
Georgia	Rockdale	Conyers, city of	do	June 28, 1974		
Do	Carroll and Douglas.	Villa Rica, city of	do			
Illinois	Rock Island	Carbon Cliff, village of	do	Apr. 12, 1974		
Do	White	Crossville, village of	do	Mar. 29, 1974		
Do	Mercer	Keithsburg, city of	do	Feb. 15, 1974		
Do	Monroe	Waterloo, city of	do	Mar. 22, 1974		
Indiana	Posey	Griffin, town of	do	Dec. 28, 1973		
Kansas	Johnson	Mission, city of	do	May 31, 1974		
Do	Haskell	Satanta, city of	do	June 7, 1974		
Do	Rice	Sterling, city of	do	Mar. 8, 1974		
Kentucky	Hardin	Elizabethtown, city of	do	Aug. 23, 1974		
Maryland	Garrett	Kitzmiller, town of	do	Nov. 8, 1974		
Do	Garrett	Loch Lynn Heights, town of	do	June 28, 1974		
Michigan	Shiawassee	Owosso, city of	do			
Mississippi	Holmes	West, town of	do			
New Jersey	Passaic	Totowa, borough of	do	June 28, 1974		
New Mexico	Chaves	Roswell, city of	do	June 14, 1974		
New York	Westchester	Cortland, town of	do	May 31, 1974		
Do	Broome	Johnson City, village of	do	Apr. 12, 1974		
Do	Oneida	New York Mills, village of	do	June 7, 1974		
Ohio	Mahoning	Poland, village of	do	Mar. 1, 1974		
Pennsylvania	McKean	Lafayette, township of	do	Jan. 31, 1975		
Do	Crawford	Richmond, township of	do	Oct. 25, 1974		
Do	Tioga	Shippen, township of	do	Nov. 29, 1974		
Do	Crawford	Springboro, borough of	do	June 21, 1974		
Tennessee	DeKalb	Alexandria, city of	do	June 7, 1974		
Do	DeKalb	Liberty, city of	do	Aug. 9, 1974		
Do	DeKalb	Smithville, city of	do	May 31, 1974		
Utah	Beaver	Unincorporated areas	do			
Do	Salt Lake	South Salt Lake, city of	do			
Washington	Pend Oreille	Cusick, township of	do	Nov. 22, 1974		
Wisconsin	Trempealeau	Eleva, village of	do	Dec. 17, 1973		
Do	Milwaukee	Greendale, village of	do	Dec. 28, 1973		
Do	Outagamie	Kimberly, village of	do	June 14, 1974		
Do	Dodge	Watertown, city of	do	May 31, 1974		

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

Issued: May 16, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14134 Filed 6-2-75;8:45 am]

[Docket No. FI-589]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
California	Merced	Atwater, city of	May 22, 1975, emergency	May 3 1974		
Do	Sonoma	Sonoma, city of	do	Feb. 22, 1974		
Do	Orange	Villa Park, city of	do	do		
Colorado	Larimer	Estes Park, town of	do			
Idaho	Canyon	Middleton, city of	do	Nov. 2, 1973		
Iowa	Harrison	Mondamin, town of	do	Oct. 18, 1974		
Kentucky	Harlan	Wallins Creek, city of	Dec. 10, 1971, emergency; Mar. 2, 1973, regular; Jan. 15, 1975, suspended; May 16, 1975, reinstated.	Mar. 2, 1973		
Maine	Aroostook	Benedicta, town of	May 22, 1975, emergency	Feb. 7, 1975		
Do	Waldo	Monroe, town of	do	do		
Mississippi	Holmes	Goodman, town of	do	June 7, 1974		
Do	Coahoma	Lula, town of	do	Sept. 6, 1974		
Missouri	Platte	Platte City, city of	do	Dec. 17, 1973		
Montana	Cascade	Unincorporated areas	do			
Nebraska	Richardson	Falls City, city of	do	Jan. 23, 1974		
Do	Burt	Oakland, city of	do	Jan. 9, 1974		
New Jersey	Bergen	Palisades Park, borough of	do	Dec. 28, 1973		
Do	Somerset	Somerville, borough of	do	July 26, 1974		
New York	Livingston	Nunda, town of	do	Jan. 31, 1975		
Ohio	Lake	Willoughby Hills, city of	do	Dec. 28, 1973		
Oregon	Grant	Seneca, city of	do	Nov. 22, 1974		
Do	Wheeler	Spray, city of	do	Aug. 30, 1974		
South Dakota	Spink	Redfield, town of	do	Aug. 2, 1974		
Tennessee	DeKalb	Dowelltown, city of	do	June 28, 1974		
Virginia	Surry	Dendron, town of	do	Nov. 15, 1974		
Do	King William	Unincorporated areas	do			
West Virginia	Preston	Bruceton Mills, town of	do	Aug. 9, 1974		
Do	Pocahontas	Cass, town of	do	Aug. 30, 1974		
Do	Kanawha	Chesapeake, town of	do	Mar. 15, 1974		
Do	Harrison	Lost Creek, town of	do	May 31, 1974		
Wisconsin	Columbia	Wyocena, village of	do	Apr. 12, 1974		

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

Issued: May 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14133 Filed 6-2-75;8:45 am]

[Docket No. FI-592]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arizona	Navajo	Snowflake, town of	May 30, 1975, emergency	Apr. 5, 1974		
Arkansas	Howard	Mineral Springs, city of	do	Feb. 21, 1975		
Do	Lincoln	Star City, city of	do			
California	Alameda	San Leandro, city of	do	June 7, 1974		
Colorado	Archuleta	Pagosa Springs, town of	do	do		
Do	Yuma	Yuma, town of	do			
Delaware	Sussex	Blades, town of	do	June 7, 1974		
Do	Kent	Felton, town of	do	Aug. 9, 1974		
Florida	Lake	Eustis, city of	do	June 28, 1974		
Georgia	Grady	Cairo, city of	do	do		
Do	Brantley	Hoboken, city of	do	Aug. 30, 1974		
Indiana	Wayne	Greens Fork, town of	do	May 24, 1974		
Do	Adams	Geneva, town of	do			
Do	Elkhart	Nappanee, city of	do	Nov. 23, 1973		
Do	Kosciusko	Syracuse, town of	do	Aug. 9, 1974		
Iowa	Pottawattamie	Oakland, town of	do	Jan. 9, 1974		
Kansas	Gray	Cimarron, city of	do	May 31, 1974		
Do	Douglas	Unincorporated areas	do			
Kentucky	Muhlenberg	Greenville, city of	do	May 24, 1974		
Do	Fulton	Fulton, city of	do	Feb. 15, 1975		
Maine	Waldo	Islesboro, town of	do	Apr. 4, 1974		
Do	Kennebec	Manchester, town of	do	Dec. 6, 1974		
Do	Penobscot	Milford, town of	do	May 3, 1974		
Do	Sagadahoc	Topsham, town of	do	Mar. 29, 1974		
Do	Cumberland	Westbrook, city of	do	Apr. 12, 1974		
Michigan	Calhoun	Bedford, township of	do	Aug. 16, 1974		
Minnesota	Swift	Kerkhoven, city of	do	May 3, 1974		
Do	Winona	Stockton, city of	do	Aug. 23, 1974		
Missouri	Gasconade	Morrison, city of	do	Nov. 8, 1974		
Montana	Liberty	Chester, town of	do	May 10, 1974		
Nebraska	Richardson	Humboldt, city of	do	Mar. 22, 1974		
Do	Dodge	Scribner, city of	do	June 28, 1974		
New Jersey	Bergen	Cresskill, borough of	do	July 26, 1974		
Do	do	Norwood, borough of	do	Jan. 16, 1974		
New York	Columbia	Copake, town of	do	May 24, 1974		
Do	Broome and Delaware	Deposit, village of	do	June 14, 1974		
Do	Sullivan	Forestburg, town of	do	June 21, 1974		
Do	Lewis	Lowville, town of	do	June 28, 1974		
Do	Seneca	Seneca Falls, village of	do	Apr. 12, 1974		
Do	Suffolk	Shoreham, village of	do	Nov. 15, 1974		
Do	Sullivan	Thompson, town of	do	Aug. 2, 1974		
North Dakota	Rolette	Rolla, city of	do	June 14, 1974		
Ohio	Medina	Medina, city of	do	Mar. 22, 1974		
Do	Harrison	Scio, village of	do	May 3, 1974		
Do	Morgan	Stockport, village of	do	Aug. 30, 1974		
Oregon	Clackamas	Estacada, city of	do	Nov. 9, 1973		
Do	Wheeler	Fossil, city of	do	June 28, 1974		
Do	Lincoln	Siletz, city of	do	Dec. 7, 1973		
Do	Linn	Waterloo, town of	do	Aug. 30, 1974		
Pennsylvania	Westmoreland	Trafford, borough of	do	do		
Utah	Davis	North Salt Lake City, city of	do	June 28, 1974		
Vermont	Addison	Bristol, town of	do	Dec. 13, 1974		
Washington	Columbia	Dayton, city of	do	Apr. 12, 1974		
Do	Spokane	Unincorporated areas	do	Jan. 17, 1975		
Wisconsin	Milwaukee	Cudahy, city of	do	June 7, 1974		

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

Issued: May 23, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14299 Filed 6-2-75;8:45 am]

[Docket No. FI-593]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in

the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
Colorado	Chaffee	Poncha Springs, town of	May 27, 1975, emergency			
Idaho	Elmore	Glenns Ferry, city of	do	Jan. 23, 1974		
Illinois	Moultrie	Dalton City, village of	do	May 3, 1974		
Do	Livingston	Fairbury, city of	do	May 24, 1974		
Do	Lake	North Barrington, village of	do	Mar. 22, 1974		
Do	Will	Rockdale, village of	do	do		
Indiana	Franklin	Laurel, town of	do	Jan 23, 1974		
Do	Martin	Shoals, town of	do	Jan. 9, 1974		
Kentucky	Marion	Lebanon, city of	do	May 31, 1974		
Louisiana	Rapides Parish	Cheneyville, town of	do	May 17, 1974		
Missouri	St. Louis	Clarkson Valley, village of	do	July 26, 1974		
Do	Dunklin	Hornersville, city of	do	Mar. 29, 1974		
New Jersey	Camden	Haddon Heights, borough of	do	May 10, 1974		
New York	Tompkins	Danby, town of	do	Aug. 2, 1974		
North Carolina	Jones	Trenton, town of	do	Mar. 1, 1974		
Ohio	Miami	Piqua, city of	do	June 28, 1974		
Oregon	Clackamas	Canby, city of	do	Nov. 16, 1973		
Pennsylvania	Lancaster	Strasburg, township of	do	May 31, 1974		
Do	Schuylkill	Schuylkill, township of	do	Nov. 1, 1974		
Do	York	Windsor, borough of	do	Jan. 23, 1974		
Do	Bradford	Towanda, township of	do	July 26, 1974		
South Carolina	Chester	Great Falls, town of	do	June 14, 1974		
Do	Lexington	Lexington, town of	do	June 7, 1974		
Tennessee	Polk	Benton, city of	do	Nov. 8, 1974		
Do	Sumner	Gallatin, city of	do	Aug. 16, 1974		
Do	Williamson	Unincorporated areas	do	Dec. 6, 1974		
Texas	Dallas	Carrollton, city of	do	June 28, 1974		
Do	Collin	Celina, city of	do	Apr. 12, 1974		
Do	Bell	Holland, city of	do	June 14, 1974		
Utah	Utah	Alpine, city of	do			
Vermont	Addison	Leicester, town of	do	June 28, 1974		
Do	Rutland	Pittsfield, town of	do	Dec. 13, 1974		
Do	Bennington	Rupert, town of	do	Aug. 9, 1974		
Virginia	Independent City	Hopewell, city of	do	June 14, 1974		
Washington	Douglas	Bridgeport, town of	do	Aug. 30, 1974		
Do	Whatcom	Ferndale, town of	do	May 3, 1974		
Do	do	Lynden, city of	do	May 17, 1974		
Do	Pend Oreille	Unincorporated areas	do			
West Virginia	Lincoln	Hamlin, town of	do	May 17, 1974		
Do	Mason	Henderson, town of	do	Dec. 27, 1974		
Do	Raleigh	Sophia, town of	do	June 28, 1974		
Do	Wood	Williamstown, city of	do	May 17, 1974		
Wisconsin	Monroe	Tomah, city of	do	May 31, 1974		

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

Issued: May 22, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14300 Filed 6-2-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1083, Amdt. 10]

PART 1033—CAR SERVICE

Southern Pacific Transportation Co. Authorized To Operate Over Tracks of Texas and Pacific Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 28th day of May, 1975.

Upon further consideration of Service Order No. 1083 (36 FR 21203, 23803; 37 FR 12726; 38 FR 876, 19126, 29590; 39 FR 14595, 24373, 35574; and 40 FR 5162), and good cause appearing therefor:

It is ordered, That: § 1033.1083 *Service Order No. 1083* Southern Pacific Transportation Company authorized to operate over tracks of the Texas and Pacific Railway Company, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 10, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14517 Filed 6-2-75;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

NATIONAL BANKS

Leasing of Personal Property

The Comptroller of the Currency is considering amending the interpretive ruling governing the leasing of personal property by national banks (12 CFR 7.3400). The amendment would interpret personal property leasing transactions to be extensions of credit subject to the limitation of 12 U.S.C. 84 and would require that the transaction return to the bank its full investment in the leased property.

The Administrative Procedure Act does not require notice and solicitation of comments in connection with interpretive rules (5 U.S.C. 553(b)) and permits interpretive rules to become effective immediately (5 U.S.C. 553(d)). However, in view of the additional restriction being imposed, the Comptroller has elected to afford opportunity for comment on the interpretation. Comments should be in writing and addressed to Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219, to be received by June 30, 1975.

It is proposed to amend Part 7 of 12 CFR by revising § 7.3400 to read as follows:

§ 7.3400 Leasing of personal property.

A national bank may become the owner and lessor of personal property upon the specific request of a customer and may incur such additional obligations as may be incidental to becoming an owner and lessor of such property: *Provided*, That:

(a) The lease is not an operating lease, but a "net" lease wherein the bank retains no obligation for maintenance or operation of the property, and

(b) The lease is a full-payout, noncancellable obligation of the lessee serving the same purpose as other forms of bank financing;

(1) A full-payout lease is one in which the lessor will realize from the transaction a return of its full investment in the leased property plus the estimated cost of financing the property over the term of the lease from rentals, estimated tax benefits, and the estimated residual value of the property provided further that the residual estimation is such that from a prudent banking standpoint, it could be said that the primary risk of the overall transaction borne by the bank is one of credit worthiness of the lessee and not market value of the leased item. As an alternative to the prudent banking test, residual values may be set at any level, *Provided*, That the bank receives a guarantee of the residual value of the leased property from the manufacturer, the lessee or a third party, and the guarantor has been determined by the bank to have the resources to meet the guarantee.

(2) With respect to government entities "full-payout" calculations can be based on reasonably anticipated future renewals.

Since the leasing of personal property by a national bank is considered to be a form of an extension of credit, such transactions are subject to the limitations of 12 U.S.C. 84.

Dated: May 28, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-14417 Filed 6-2-75;8:45 am]

United States Customs Service

[19 CFR Part 141]

ENTRY OF MERCHANDISE

Importation of Dairy Products From France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 1481, 1484, 1624), it is proposed to amend § 141.89 of the Customs Regulations (19 CFR 141.89) to require that invoices of imported dairy products from the European Communities, consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, contain certain additional information to permit the further identification of these products pursuant to determining the export refunds referred to in Article 17 of Regulations (EEC) No. 804/68 of 27 June 1968 of the Commission of the European Communities.

The invoices of certain of these dairy products do not presently contain sufficient information to identify them as products subject to export refunds. In order to facilitate identification of those dairy products subject to the refunds, it is proposed to require that products of the European Communities classifiable under schedule 1, part 4, subparts A, B, C, and D, and item 184.75, Tariff Schedules of the United States (19 U.S.C. 1202), also be identified on the invoice presented at the time of entry by (1) the generic name of the cheese, or, if processed, grated, or powdered, the name or type of cheese from which it was derived, and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the "Official Journal of the European Communities" in matters pertaining to the export refund.

Section 141.89 of the Customs Regulations sets forth for certain classes of merchandise, listed in alphabetical order, a description of additional information (beyond that required by §§ 141.86, 141.87, and 141.88 of the Customs Regulations) required to be shown on the invoices for such merchandise.

Accordingly, it is proposed to amend section 141.89 of the Customs Regulations (19 CFR 141.89) by adding a new paragraph, in alphabetical sequence, to read as follows:

§ 141.89 Additional information for certain classes of merchandise.

* * * * *

Dairy products from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, classifiable under schedule 1, part 4, subpart A, B, C, and D, and item 184.75, Tariff Schedules of the United States (19 U.S.C. 1202)—(1) The generic name of the cheese, or, if processed, grated, or powdered, the name or type of cheese from which it was derived; and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the "Official Journal of the European Communities" in matters pertaining to the export refund.

* * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they must be received on or before July 3, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: May 28, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-14486 Filed 6-2-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

REA Policy on Depreciation Rates

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA pro-

poses to amend REA Bulletin 463–1, Depreciation Rates for Telephone Borrowers. The amendments provide for changes in REA policy with respect to the depreciation rates applicable to the telephone plant of REA borrowers. The proposed amendments to REA Bulletin 463–1 are as follows:

1. Paragraph II.B.4. is to be amended to read:

The minimum composite rate for all depreciable telephone plant in service shall not be less than 4.0 percent per annum unless a lower rate is approved by REA and is in accordance with the requirements of the regulatory body having jurisdiction over the borrower.

2. Paragraph II.B.5. is to be amended to read:

Borrowers which have been applying a flat rate of between 4.0 percent and 5.5 percent to all depreciable plant assets, with the approval of the applicable regulatory body, may wish to consider the desirability of using component rates as indicated above but will not be required by REA to change to component rates.

Persons interested in these changes may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before June 20, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

Dated: May 28, 1975.

DAVID A. HAMIL,
Administrator.

[FR Doc.75-14497 Filed 6-2-75;8:45 am]

DEPARTMENT OF COMMERCE

United States Travel Service

[15 CFR Part 1202]

OFFICIAL U.S. GOVERNMENT RECOGNITION OF AND PARTICIPATION IN INTERNATIONAL EXPOSITIONS HELD IN THE UNITED STATES

Proposed Rulemaking

On March 17, 1971, regulations were issued by the Department of Commerce implementing the responsibilities of the Secretary of Commerce under Pub. L. 91–269 (84 Stat. 271; 22 U.S.C. 2801 et seq.) which establishes an orderly procedure for Federal Government recognition of, and participation in, international expositions to be held in the United States.

Notice is hereby given that the Department of Commerce is considering amendments to these regulations which would require applicants for Federal recognition of and participation in international expositions to provide additional information with their applications. Further, the regulations, which are currently found in Part 667 of Chapter VI of Title 15 of the Code of Federal Regulations, would be transferred to Chapter XII of Title 15 of the Code of Federal Regulations, and redesignated as Part 1202, and amended as set forth below. This transfer is necessary to effectuate the redelegation of authority under Pub. L. 91–269 from the Assistant Secretary of Commerce for Domestic and International Business to the Assistant Secretary of Commerce for Tourism which became effective on March 14, 1974, pursuant to Department of Commerce Organization Order 10–7.

All persons who desire to submit written views or comments on these proposed regulations and amendments thereto should file such comments, in triplicate, with the Director, Office of Expositions and Special Projects, United States Travel Service, Department of Commerce, Washington, D.C. 20230, on or before July 3, 1975.

PART 1202—OFFICIAL U.S. GOVERNMENT RECOGNITION OF AND PARTICIPATION IN INTERNATIONAL EXPOSITIONS HELD IN THE UNITED STATES

Sec.

AUTHORITY: Pub. L. 91–269 (84 Stat. 271 (22 U.S.C. 2801 et seq.))

§ 1202.1 Background and purpose.

(a) The regulations in this part are issued under the authority of Pub. L. 91–269 (84 Stat. 271, 22 U.S.C. 2801 et seq.) which establishes an orderly procedure for Federal Government recognition of, and participation in, international expositions to be held in the United States. The Act provides, inter alia, that Federal recognition of an exposition is to be granted upon a finding by the President that such recognition will be in the national interest. In making this finding, the President is directed to consider, among other factors, a report from the Secretary of Commerce as to the purposes and reasons for an exposition and the extent of financial and other support to be provided by the State and local officials and business and community leaders where the exposition is to be held, and a report by the Secretary of State to determine whether the exposition is qualified for registration under Bureau of International Expositions (BIE) rules. The BIE is an international organization established by the Paris Convention of 1928 (T.I.A.S. 6548 as amended by T.I.A.S. 6549) to regulate the conduct and scheduling of international expositions in which foreign nations are officially invited to participate. The BIE divides international expositions into different categories and types and requires each member nation to observe specified minimum time intervals in scheduling each of these categories and types of expositions.[1] Under BIE rules, member nations may not ordinarily participate in an international exposition unless such exposition has been approved by the BIE. The United States became a member of the BIE on April 30, 1968, upon ratification of the Paris Convention by the U.S. Senate (114 Cong. Rec. 11012).

(b) Federal participation in a recognized international exposition requires a specific authorization by the Congress, upon a finding by the President that such participation would be in the national interest. The Act provides for the transmission to Congress of a participation proposal by the President. This proposal transmits to the Congress information regarding the exposition, including a statement that it has been registered by the BIE and a plan for Federal participation prepared by the Secretary of Commerce in cooperation with other interested Federal departments and agencies.

§ 1202.2 Definitions.

For the purpose of this part, except where the context requires otherwise:

(a) "Act" means Pub. L. 91–269.

(b) "Secretary" means the Secretary of Commerce.

(c) "Commissioner General" means the person appointed to act as the senior Federal official for the exposition as required by BIE rules and regulations.

(d) "Director" means the Director of the Office of Expositions and Special Projects, United States Travel Service, Department of Commerce, Washington, D.C. 20230.

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[1] The BIE defines a General Exposition of the First Category as an exposition dealing with progress achieved in a particular field applying to several branches of human activity at which the invited countries are obliged to construct national pavilions. A General Exposition of the Second Category is a similar exposition at which invited countries are not authorized to construct national pavilions, but occupy space provided by the exposition sponsors. Special Category Expositions are those dealing only with one particular technique, raw material, or basic need.

The BIE frequency rules require that an interval of 15 years must elapse between General Expositions of the First Category held in one country. General expositions of the Second Category require an interval of 10 years. An interval of 5 years must ordinarily elapse between Special Category Expositions of the same kind in one country or three months between Special Category Expositions of different kinds. These frequency intervals are computed from the date of the opening of the exposition.

More detailed BIE classification criteria and regulations are contained in the Paris Convention of 1928, as amended in 1948 and 1966. Applicants not having a copy of the text of this convention may obtain one by writing the Director. (The Convention may soon be amended by a Protocol which has been approved by the BIE and ratified by the United States. This amendment would increase authorized frequencies or intervals for BIE approved expositions.)

(e) "Applicant" means a State, County, municipality, a political subdivision of the foregoing, private nonprofit or not-for-profit organizations, or individuals filing an application with the Director seeking Federal recognition of an international exposition to be held in the United States.

(f) "State" means one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(g) "Exposition" means an international exposition proposed to be held in the United States for which an application has been filed with the Director seeking Federal recognition under the Act; which proposes to invite more than one foreign country to participate; and, which would exceed three weeks in duration. Any event under three weeks in duration is not considered an international exposition under BIE rules.

§ 1202.3 Applications for Federal recognition.

(a) Applications for Federal recognition of an exposition shall be filed with, and all official communications in connection therewith addressed to, the Director, Office of Expositions and Special Projects, United States Travel Service, Department of Commerce, Washington, D.C. 20230.

(b) Every application, exhibit, or enclosure, except where specifically waived by the Director, shall be in quadruplicate, duly authenticated and referenced.

(c) Every application shall be in letter form and shall contain the date, address, and official designation of the applicant and shall be signed by an authorized officer or individual.

(d) Every application, except where specifically waived by the Director, shall be accompanied by the following exhibits:

1. *Exhibit No. 1.* A study setting forth in detail the purpose for the exposition, including any historical, geographic, or other significant event of the host city, State, or region related to the exposition.

2. *Exhibit No. 2.* An exposition plan setting forth in detail (i) the theme of the exposition and the "storyline" around which the entire exposition is to be developed; (ii) whatever preliminary architectural and design plans are available on the physical layout of the site plus existing and projected structures; (iii) the type of participation proposed in the exposition (e.g., foreign and domestic exhibits); (iv) cultural, sports, and special events planned; (v) the proposed BIE category of the event and evidence of its conformity to the regulations of the BIE (a copy of these regulations can be obtained from the Director upon request); (vi) the proposed steps that will be taken to protect foreign exhibitors under the BIE model rules and regulations; (vii) publicity of the exposition; and (viii) in writing commit its organization to the completion of the exposition.

3. *Exhibit No. 3.* Documentary evidence of State, regional and local support (e.g., letters to the applicant from business and civic leadership of the region, pledging assistance and/or financing; State and/or municipal resolutions, acts, or appropriations; referendums on bond issues, and others).

4. *Exhibit No. 4.* An organization chart of the exposition management structure (actual or proposed) of the applicant, including descriptions of the functions, duties and responsibilities of each official position along with bibliographic material on principal officers, if available. (The principal officials should also be prepared to submit subsequent individual statements under oath of their respective financial holdings and other interests.)

5. *Exhibit No. 5.* A statement setting forth in detail (i) the availability of visitor services in existence or projected to accommodate tourists at the exposition (e.g., number of hotel and motel units, number and type of restaurants, health facilities, etc.); (ii) evidence of adequate transportation facilities and accessibility of the host city to large groups of national and international visitors (e.g., number and schedule of airlines, bus lines, railroads, and truck lines serving the host city); and, (iii) plans to promote the exposition as a major national and international tourist destination.

6. *Exhibit No. 6.* A statement setting forth in detail the applicant's plans for acquiring title to, or the right to occupy and use real property, other than that owned by the applicant or by the United States, essenial for implementing the project or projects covered by the application. If the applicant, at the time of filing the application, has acquired title to the real property, he should submit a certified copy of the deed(s). If the applicant, at the time of filing the application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use real property owned by others, he should submit a certified copy of the appropriate legal instrument(s) evidencing this right.

7. *Exhibit No. 7.* A statement of the latest prevailing hourly wage rates for construction workers in the host city (e.g., carpenters, cement masons, sheet metal workers, etc.).

8. *Exhibit No. 8.* Information on attitudes of labor leaders as to "no strike" agreements during the development and operation of the exposition. Actual "no strike" pledges are desirable.

9. *Exhibit No. 9.* A detailed study conducted and certified by a nationally recognized firm(s) in the field of economics, accounting, management, etc., setting forth (i) proposed capital investment cost; cash flow projections; and sources of financing available to meet these costs, including but not limited to funds from State and municipal financing, general obligation and/or general revenue bond issues, and other public or private sources of front-end capital; (ii) assurances that the "guaranteed financing" is or will be available in accordance with section 2(a)(1)(b) of Pub. L. 91-269; (iii) the projected expenses for managing the exposition; (iv) projected operational revenues broken down to include admissions, space rental, concessions, service fees and miscellaneous income; and (v) cost-benefit projections. These should be accompanied by a statement of the firm that the needed cash flow, sources of funding, and revenue projections are realistic and attainable.

10. *Exhibit No. 10.* A description of the exposition implementation time schedule and the management control system to be utilized to implement the time schedule (e.g., PERT, CPM, etc.).

11. *Exhibit No. 11.* A statement setting forth in detail the public relations, publicity and other promotional plans of the applicant. For example, the statement could include: (i) An outline of the public relations/publicity program broken down by percentage allocations among the various media; (ii) a public relations/publicity program budget with the various calendar target dates for completion of phases prior to the opening, the opening and post-opening of the exposition; and (iii) protocol plans for U.S. and foreign dignitaries, as well as for special ceremonies and events and how these plans are to be financed.

12. *Exhibit No. 12.* A study setting forth in detail the benefits to be derived from the exposition and residual use plans. For example, the study might include: (i) Extent of immediate economic benefits for the city/region/nation in proportion to total investment in the exposition; (ii) extent of long range economic benefits for the city/region/nation in proportion to total investment in the exposition; and (iii) extent of intangible (social, psychological, "good will") benefits accruing to the city/region/nation including the solution or amelioration of any national/local problems.

13. *Exhibit No. 13.* A statement committing the applicant to develop and complete an environmental impact statement which complies with section 102(2)(c) of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331). Sample copies of environmental impact statements may be obtained from the Director. Prior to the Director's submitting a report to the Secretary containing his findings on the application for Federal recognition pursuant to § 1202.4, the applicant must have completed the required Environmental Impact Statement (EIS), in a form acceptable to the Department of Commerce.

14. *Exhibit No. 14.* A detailed set of general and special rules and regulations governing the exposition and participation in it, which, if Federal recognition is obtained, can be used by the Federal Government in seeking BIE registration.

15. *Exhibit No. 15.* A statement from the applicant agreeing to accept a U.S. Commissioner General, appointed by the President. He will be recognized as the senior Federal official and titular head of the exposition, final arbiter in disputes with exhibitors, and the official contact with foreign governments. The applicant should also agree to furnish the Commissioner General and his staff with suitable facilities in the host community during the development and operation of the exposition.

§ 1202.4 Action on application.

(a) Upon receipt of an application, the Director will analyze the application and all accompanying exhibits to insure compliance with the provisions of § 1202.3 and report his findings with respect thereto to the Secretary.

(b) If more than one applicant applies for Federal recognition for expositions to be held within three years or less of each other, the applications will be reviewed concurrently by the Director. The following standards will be considered in determining which if any of the competing applicants will be recommended for Federal recognition:

(1) The order of receipt of the applications by the Director, complete with all exhibits required by § 1202.3.

(2) The financial plans of the applications. Primary consideration will be given to those applications which do not require Federal financing for exposition development. This does not extend to funding for a Federal pavilion, if one is desired.

(3) The relative merit of the applications in terms of their qualifications as tourism destination sites, both with respect to existing facilities and those facilities planned for the proposed exposition. If necessary, to assist in making

this determination, the Director will appoint a panel of travel industry experts representing tour developers, and the transportation, entertainment and hotel/motel industries, for the purpose of studying the competing applications and reporting to the Director its views as to which proposed sites best meets the above criteria. If such a panel is deemed necessary, the provisions of the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App. I) will be applicable.

(c) In analyzing the applications, the Director may hold public hearings with the objective of clarifying issues that might be raised by the application. If desired, the Director may utilize the services of an examiner.

(d) If the Director, in his discretion, decides to hold a public hearing, notice of such hearing shall be published in the FEDERAL REGISTER, and a copy of the notice shall be furnished to local newspapers. The notice shall state the subject to be considered and when and where the hearing will be held, specifically designating the date, hour, and place.

(e) The following general procedure shall govern the conduct of public hearings: (1) Stenographic minutes of the proceedings shall be made; (2) the names and addresses of all parties present or represented at the hearing shall be recorded; and (3) the Director or Examiner shall read aloud for the record and for the benefit of the public such parts of the Act and of these regulations as bear on the application. He shall also read aloud for the record and for the benefit of the public such other important papers, or extracts therefrom, as may be necessary for a full understanding of the issues which require clarification. The Director or Examiner shall impress upon the parties in attendance at the public hearing, and shall specifically state at the commencement of the hearing, that the hearing is not adversary in nature and that the sole objective thereof is to clarify issues that might have been raised by the application.

(f) Statements of interested parties may be presented orally at the hearing, or submitted in writing for the record.

(g) Within six months after receipt of a fully completed application and/or the adjournment of the public hearing, the Director shall submit his report containing his findings on the application to the Secretary.

§ 1202.5 Report of the Secretary on Federal recognition.

If the Director's report recommends Federal recognition, the Secretary, within a reasonable time, shall submit a report to the President.

(a) The Secretary's report shall include: (1) An evaluation of the purposes and reasons for the exposition; and (2) a determination as to whether guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leaders of the region and others in amounts sufficient to assure the successful development and progress of the exposition.

(b) Based on information from, and coordination with the Department of Commerce the Secretary of State shall also file a report with the President that the exposition qualifies for recognition by the BIE.

§ 1202.6 Recognition by the President.

If the President concurs in the favorable reports from the Secretaries of State and Commerce, he may grant Federal recognition to the exposition by indicating his concurrence to the two Secretaries and authorizing them to seek BIE registration.

§ 1202.7 Statement for Federal participation.

If Federal participation in the exposition, as well as Federal recognition thereof is desired, the applicant shall in a statement to the Director outline the nature of the Federal participation envisioned, including whether construction of a Federal pavilion is contemplated. (It should be noted, however, that before Federal participation can be authorized by the Congress under the Act, the exposition must have (a) met the criteria for Federal recognition and be so recognized, and (b) been registered by the BIE. Although applicants need not submit such a statement until these prerequisites are satisfied, they are encouraged to do so.) Where the desired Federal participation includes a request for construction of a Federal pavilion, the statement shall be accompanied by the following exhibits:

1. *Exhibit No. 1.* A survey drawing of the proposed Federal pavilion site, showing its area and boundaries, its grade elevations, and surface and subsoil conditions.

2. *Exhibit No. 2.* Evidence of resolutions, statutes, opinions, etc., as to the applicant's ability to convey by deed the real property comprising the proposed Federal pavilion site in fee-simple and free of liens and encumbrances to the Federal Government. The only consideration on the part of the Government for the conveyance of the property shall be the Government's commitment to participate in the exposition.

3. *Exhibit No. 3.* A certified copy of the building code which would be applicable should a pavilion be constructed.

4. *Exhibit No. 4.* An engineering drawing showing the accessibility of the proposed pavilion site to utilities (e.g., sewerage, water, gas, electricity, etc.).

5. *Exhibit No. 5.* A statement setting forth the security and maintenance arrangements which the applicant would undertake (and an estimate of their cost) while a pavilion is under construction.

6. *Exhibit No. 6.* A study pursuant to Executive Order 11296 of August 10, 1966, entitled "Evaluation of flood hazard in locating Federally owned or financed buildings, roads and other facilities and in disposing of Federal land and properties."

§ 1202.8 Proposed plan for Federal participation.

(a) Upon receipt of the statement, and the exhibits referred to in § 1202.7, the Director shall prepare a proposed plan in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition.

(b) In preparing the proposed plan for Federal participation in the exposition, the Director shall conduct a feasibility study of Federal participation including cost estimates by utilizing the services within the Federal Government, professional consultants and private sources as required and in accordance with applicable laws and regulations.

(c) The Director, in the proposed plan for Federal participation in the exposition, shall determine whether or not a Federal pavilion should be constructed and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition or whether a temporary structure would be more appropriate.

(d) The Director shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the proposed plan for Federal participation in the exposition.

(e) Upon completion of the proposed plan for Federal participation in the exposition, the Director shall submit the plan to the Secretary.

§ 1202.9 Report of the Secretary on Federal participation.

Upon receipt of the Director's proposed plan for Federal participation, the Secretary, within a reasonable time, shall submit a report to the President including: (a) Evidence that the exposition has met the criteria for Federal recognition and has been so recognized; (b) a statement that the exposition has been registered by the BIE; and (c) a proposed plan for the Federal participation referred to in § 1202.8.

Dated: May 8, 1975.

LANGHORNE WASHBURN,
Assistant Secretary for Tourism.

[FR Doc.75-14487 Filed 6-2-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1030]

MICROWAVE DIATHERMY EQUIPMENT

Advance Notice of Proposed Rule Making

The Food and Drug Administration, under the authority conferred by the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602 (42 U.S.C. 263b et seq.)), administers an electronic product radiation control program to protect the public health and safety. This authority provides for the development and administration of radiation safety performance standards for electronic products.

The Commissioner of Food and Drugs is considering amending Subchapter J of Title 21 of the Code of Federal Regulations by adding to Part 1030 a new § 1030.20 prescribing a performance standard for microwave diathermy equipment. This advance notice of proposed rulemaking is being issued pursuant to the Food and Drug Administration policy of early public disclosure of rulemaking activities and to solicit comments

from interested persons concerning the subject matter of the proposed standard.

The Technical Electronic Product Radiation Safety Standards Committee, during its public meeting on September 18 and 19, 1974, was advised of recent developments in techniques for control of unnecessary radiation associated with microwave diathermy equipment. The Committee, a permanent statutory advisory committee to the Secretary of Health, Education, and Welware, must be consulted prior to the establishment of standards under the Radiation Control for Health and Safety Act of 1968. The Committee expressed support of the efforts of the Bureau of Radiological Health in this area and suggested that the Bureau continue work leading to a possible performance standard. When a determination is made on the content of the proposed standard, it will be published in a notice of proposed rule making with opportunity given for public comment.

Interested persons are invited to participate in the development of the proposed standard by submitting written data, views, or arguments concerning the subject matter of the standard or related topics suggested for inclusion in the standard. Comments concerning the proposed standard should be sent (preferably in quintuplicate) to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments submitted before August 1, 1975 will be considered in the development of the proposed rule and will be reviewed, prior to publication in the FEDERAL REGISTER as a notice of proposed rulemaking, at the next meeting of the Committee scheduled for September 17-18, 1975. Comments received after this date may be considered, depending on the stage of development of the standard, at the time such comments are received. Information submitted in response to this advance notice will be available for public inspection in the office of the Hearing Clerk (address noted above).

Information and comments are specifically invited relative to the following topics:

1. The types of radiation safety performance requirements which would be appropriate for this type of equipment, e.g., emission level requirements, interlocks, indication of output power, means of beam limitation or definition, etc.

2. Appropriate emission levels from the entire unit, including the applicator, and the methods and conditions of measurement.

3. Appropriate radiation safety warning labels and user and service instructions.

4. The possible environmental impact of this action, including factors such as radiation exposure reduction and economic consequences in relation to expected benefits (cost-benefit relationship).

In addition to general comments and recommendations, respondents are encouraged to specify the text for provisions of the proposed standard which reflects their recommended performance requirements. A statement of rationale should accompany any such proposed text.

Individuals or organizations wishing to receive copies of draft standards or related documents distributed for review during the development of this standard may have their names placed on the mailing list by writing to the Division of Compliance, HFX-440, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 27, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-14400 Filed 6-2-75;8:45 am]

Social Security Administration

[20 CFR Part 405]

SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

State Coverage Agreements

Correction

In FR Doc. 75-10041 appearing at page 17151 in the issue of Thursday, April 17, 1975, the following changes should be made on page 17153:

1. In the first column, the fifth line above the bold face heading, now reading, "1. Section 450.217 is amended by revis-" should read, "1. Section 405.217 is amended by revis-".

2. In the third column, the bold face section number now reading, "§ 450.222" should read, "§ 405.222".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1925]

[Docket No. R-75-335]

NATIONAL FLOOD INSURANCE PROGRAM

Exemption of State-Owned Properties Under Self-Insurance Plan

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), and section 102(c) of the Flood Disaster Protection Act of 1973, (Pub. L. 93-234), 87 Stat. 980, and the Secretary's Delegation of Authority dated February 27, 1969 (34 FR 2680), as amended January 24, 1974 (39 FR 2787), the Federal Insurance Administrator is considering the addition of a new Part 1925 as set forth below. The new Part 1925 when published for final effect expands and supersedes the criteria of the Mandatory Purchase of Flood Insurance Guidelines, Paragraph E, published in the FEDERAL REGISTER at 39 FR 26186 on July 17, 1974.

Section 102(c) provides that flood insurance shall not be required on any state-owned property that is covered under an adequate state policy of satisfactory self-insurance as determined by the Secretary of Housing and Urban Development.

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 to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh St. SW., Washington, D.C. 20410.

All communications received on or before July 8, 1975, will be considered by the Administrator before taking action on the proposal. The proposals in this notice may be changed in the light of the comments received. A copy of each submission will be available for public inspection during business hours at the above address.

A finding of inapplicability with respect to the National Environmental Policy Act of 1969 has been made with respect to these regulations. A copy of this Finding of Inapplicability is available for inspection during regular business hours at the above address.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1925—EXEMPTION OF STATE-OWNED PROPERTIES UNDER SELF-INSURANCE PLAN

Subpart A—General

Subpart B—Requirements & Certification

AUTHORITY: (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 the Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Subpart A—General

§ 1925.1 General.

(a) The purpose of this part is to establish procedures whereby a state may request certification under a state program of self-insurance for its structures and the contents of those structures as a substitute for flood insurance under the National Flood Insurance Program. The state self-insurance program must be in existence and meet Federal Insurance Administration (FIA) criteria. Additionally, procedures are established under this Part for reporting by a state to FIA when it has been certified by FIA.

(b) *Conflict with other provisions.* To the extent that any other provision of this chapter is inconsistent with the pro-

visions of this Part, the provisions of this part will control.

(c) *Burden of proof.* In any case in which application is made to FIA for certification of a state self-insurance program, the burden of establishing sufficient and proper cause to justify certification under the applicable criteria shall be on the state seeking such certification.

§ 1925.2 Definitions.

For the purposes of this part the definitions found in Part 1909 of this chapter are applicable to this part except as otherwise specifically stated or defined.

Subpart B—Requirements & Certification

§ 1925.10 Applicability.

This subpart prescribes the criteria for obtaining certification under this part.

§ 1925.11 Requirements for certification.

(a) Requirements for FIA approval of a self-insurance plan with respect to damage caused by flood to state-owned property pursuant to section 102(c) of the Flood Disaster Protection Act of 1973 are:

(1) The state maintains and annually updates an inventory of all state-owned buildings and contents therein in order to:

(i) Identify the location of individual structures in and out of the identified (by FIA) Special Flood Hazard Areas,

(ii) Estimate the current replacement costs of buildings as well as their present economic value to the state;

(iii) Estimate the susceptibility of individual buildings to flood damage and evaluate flood prevention measures to determine protection to state property.

(2) The state maintains a permanent records system adequate to reflect known experience (a period of 25–50 years if available) and to record flood losses to state-owned buildings and contents by date, location and amount of damage incurred.

(3) The state adopts a program of flood plain management for areas subject to state jurisdiction, and state buildings and the contents therein, that, as a minimum, requires evaluation of the flood hazard with respect to new construction and determines whether such structures are within or without FIA identified Special Flood Hazard Areas.

(4) The state legislature makes provisions for covering potential damage from flooding to state-owned structures and contents in FIA Identified Special Flood Hazard Areas by:

(i) Obtaining flood insurance coverage equivalent to that made available by FIA from a licensed insurer to cover all state-owned structures and contents in such areas. Such policy shall contain an aggregate deductible for all losses resulting from a single occurrence, and shall not limit recovery except on the basis of damage to individual structures. The state shall pay the entire amount of the deductible if loss occurs; or

(ii) Establishing a special state insurance fund with adequate reserves based on estimated annual flood damage to buildings and contents located in FIA identified Special Flood Hazard Areas; and the fund shall accumulate on an annual basis any unexpended amounts until a fund equal to 2 percent of the fair market value of state property in the flood plain is attained with the excess of the annual accumulation to be utilized for flood plain management purposes; or

(iii) Appropriating annually or biannually adequate financing to pay for estimated annual flood damage to buildings and contents, as revealed by past flood loss records as well as current estimates for the fiscal year; or

(iv) Requiring a combination of state fund and appropriate insurance for any excess at least equivalent to the protection offered by the National Flood Insurance Program.

(5) Where applications are made for Federal assistance for the purpose of disaster relief from flood damage to individual state-owned buildings and their contents, such applications shall indicate the amounts that are in excess of the maximum coverage available under the National Flood Insurance Program at the time of loss, and that are in excess of other insurance coverage.

(6) Where state property is located within an identified Special Flood Hazard Area, the State certifies it intends to follow the flood plain management criteria of the community in which that structure is found.

(7) The state certifies its restoration fund, for the purpose of self-insurance, has available sufficient funds on a continuing basis for restoration or repair sufficient to meet expected annual losses from flood, and sufficient supporting documentation is provided to allow FIA to ascertain that such funds are available.

(b) *Nonmandatory criteria.* The following nonmandatory criteria recommended by FIA for a state program of self-insurance:

(1) The state certifies the agency or official responsible for the inventory of state-owned buildings and contents and their location in or out of the area with flood hazards is identified by name.

(2) The state certifies the methodology or means by which identification of state-owned structures in the areas with flood hazards (other than those mapped by FIA) is documented, including but not limited to, historical, scientific, or other technical means.

(3) The state certifies that it has a program to identify areas with Special Flood Hazards not yet mapped by FIA that are subject to state flood plain management jurisdiction.

(4) The state certifies in its application for certification of a self-insurance program that it includes in its program all state structures regardless of location.

§ 1925.12 Certification of state self-insurance plan.

(a) *In General.* For purposes of the Special rules applicable to state governments, any certification by a state government shall be made in the manner and subject to the rules set forth in this section.

(b) *Manner of certification.* Until such time as specific forms and instructions are issued by FIA, the certification pursuant to this section shall be made in the form of a sworn statement, executed by the Governor or duly authorized official of the state government, in addition to sufficient supporting documentation to determine compliance with § 1925.11 above.

Such sworn statement shall contain substantially the following language:

This is to certify that the State or Commonwealth of _____ has instituted a plan of self-insurance in accordance with the requirements of 24 CFR Part 1925 and that the state self-insurance program: (1) Is presently in effect as of the date of certification under this part; (2) Provides for indemnification of losses to individual buildings rather than providing for aggregate coverage for all buildings; (3) Coverage under the state plan is equivalent to that available under FIA's Standard Flood Insurance Policy.

It is further understood that approval of a state-plan of self-insurance is not intended to exempt state governments from an aggressive program of flood plain management for areas with Special Flood Hazards as identified by FIA or the state government that are subject to state jurisdiction.

This certification applies to present and future-acquired state structures and their contents.

Signed this _____ day of _____ 19_____.

(c) *Effect of Certification.* The submission of a certification pursuant to the provisions of this section shall not preclude the implementation by FIA after notice of additional criteria with respect to state self-insurance plans based on program experience.

§ 1925.13 States exempt under this part.

The following states have submitted certifications and adequate support documentation and are therefore exempt from the requirement of flood insurance on state-owned structures and their contents:

Issued in Washington, D.C., on May 28, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14445 Filed 6-2-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[Docket No. 19528; FCC 75-584]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE (MTS) AND WIDE AREA TELEPHONE SERVICE (WATS)

Proposed New or Revised Classes; Memorandum Opinion and Order

In the matter of proposals for new or revised classes of interstate and foreign message toll telephone service

(MTS) and wide area telephone service (WATS), Docket No. 19528.

1. The Commission has under consideration the Recommended First Report and Order of the Federal-State Joint Board in this matter, together with its recommendation that we also consider the General Order establishing the California registration program, which are attached hereto. In addition, the Commission has before it, a Motion for Expedited Action filed May 7, 1975, by the North American Telephone Association (NATA).

2. Basically, NATA contends that it believes from recent trade journal articles that a recommended decision will soon issue from the Federal-State Joint Board in Docket No. 19528 and that it believes the Joint Board might exclude PBX and key telephone equipment and systems from certification which would be discriminatory and prejudicial to the interest of the public generally and the members of NATA in particular. Moreover, NATA states that on December 27, 1973, NATA filed a petition for amendment of procedures; for issuance of notice of proposed rulemaking; and for establishment of interim procedures in Docket No. 19528 [1] and that this petition is still awaiting Commission action. NATA requests that the Joint Board be reconvened to consider its Petition before issuance of the recommended decision and that it be afforded an opportunity for oral argument before the Joint Board and the full Commission.

3. In the first instance, NATA's Petition, filed December 27, 1973, addressing such matters such as amendment of procedures, the issuance of a notice of rulemaking and establishment of an interim certification program is procedural in nature and requires action by the Commission rather than the Joint Board. An appropriate disposition of NATA's petition will be forthcoming when the Commission renders its final decision in this matter. We believe the filing of comments by interested persons, such as NATA, addressed to the Recommended First Report and Order and the California registration program would assist the Commission in its further deliberations in this matter and see no reason to withhold issuance of the Joint Board recommendations. We deem it unnecessary to reconvene the Joint Board in this matter since the Commission is free to either adopt, modify or reject its recommendations. As to NATA's request for oral argument, we are not persuaded at this time that oral argument is necessary or helpful in this matter and will consider the need for oral argument when the comments requested herein are filed.

4. Accordingly, pursuant to § 1.415(d) of the Commission's rules: *It is ordered*, That interested persons may file comments on the attached Recommended First Report and Order of the Federal-State Joint Board and the California registration program on or before June 23, 1975.

[1] 39 FR 42025, Dec. 4, 1974.

5. *It is further ordered*, That the Motion for Expedited Action filed on May 7, 1975 by NATA is granted to the extent noted herein and otherwise is denied.

Adopted: May 20, 1975.

Released: May 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary.

[Docket No. 19528; 35190]

Before the Federal-State Joint Board, Washington, D.C. 20554. In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528.

RECOMMENDED FIRST REPORT AND ORDER

By the Federal-State Joint Board: Commissioners Larkin, Kalinski and Brazier concurring in result and joining in a statement; and Commissioner Symons concurring with a separate statement.

PRELIMINARY STATEMENT

1. In the Commission's first supplemental notice in this matter, 40 FCC 2d 315 (1973), comments were requested concerning a number of reports and proposals which were presented for consideration. These reports and proposals are as follows:

(a) Report and recommendations of the PBX Standards Advisory Committee.
(b) Proposals from the Office of Chief Engineer of the Commission.
(c) Proposal of the NARUC Staff Subcommittee on Communication Interconnection.

In addition to the above specific proposals, comments were invited concerning other alternatives to the present interconnection tariffs. Such alternatives are:

(1) The "access arrangement" proposal adopted by the Rochester Telephone Company.
(2) Establishment of standards by the carrier and incorporation of such standards in tariffs or technical references with the carrier responsible for the program's enforcement.
(3) Tariffs would remain unchanged but carriers would be required to improve their services and apply the same practices to both carrier and customer-provided facilities.

2. Comments and reply comments have been received concerning these matters and a list of those persons filing is included as Appendix C. The above comments and replies have been afforded consideration although all may not be specifically referenced in the following discussion. In addition, we have considered other reports and proposals which have come to our attention, and where such were used in arriving at our findings, they are so noted.

DISCUSSION

3. In its first supplemental notice in this matter the Commission expressed its concern as to whether at this stage of the proceeding it is feasible from a technical, engineering, operational, and administrative standpoint to establish an optional program of standards and enforcement thereof in lieu of or in addition to the present tariff requirements for carrier provided network control signalling units (NCSUS) and connecting arrangements (CAS). Under existing tariffs customer provided equipment may be connected to the telephone network through (1) the use of carrier-supplied connecting arrangements subject to certain technical requirements, and, if required, network control signalling units; (2) A carrier administered program for headsets and non-powered conferencing devices and (3) a carrier administered program for "conforming answering devices."

[2] Commissioners Quello and Washburn absent.

4. This document is concerned with the technical, engineering, operational, and administrative matters associated with the establishment of a program for Commission approval (Registration) of devices to be directly connected to the telephone network. Those parties opposing the establishment of such a program allege that the certification proposals under consideration are incomplete and inadequate, and that as presently structured the proposed programs are complex, cumbersome and impractical. Specifically, the opponents contend that (1) the adoption of any certification proposal would adversely impair the quality and cost of service to the public; (2) any certification proposal would have an adverse effect on innovation; and (3) the implementation of any certification program would impose substantial additional burdens and costs.

5. The majority of those responding to the first supplemental notice in Docket No. 19528 supported a program of equipment approval (Registration) as envisioned in the report of the Office of the Chief Engineer of the Commission or variations of such a program. Among the supporters of this approach or variations thereof, were Aeronautical Radio, Inc., American Petroleum Institute, Computer and Business Equipment Manufacturers Association, Department of Justice, Electronic Industries Association, General Electric, International Business Machines, International Telephone and Telegraph, Independent Data Communications Manufacturers Association, National Retail Merchants Association, and North American Telephone Association.

6. In evaluating the various proposals before us we have considered certain criteria as being essential to an effective alternative to the interconnection provisions in the present tariffs. These criteria are: (1) The establishment of national technical standards; (2) the prevention of harm to the nationwide telephone network; (3) avoiding undue restraint of the innovation process; and (4) implementation of a program of direct connection in a manner which is simplified and incurs no burdensome administrative costs. In evaluating the proposals before us, we conclude that the program for registration set forth by the

Office of the Chief Engineer, with certain modifications, meets these criteria.

7. It is important that any program we adopt establish national technical standards and thus prevent the proliferation of different standards throughout the country. The disadvantages of multiple standards which could lead, among other things to increased costs to users and problems to users in obtaining parts replacements, is obvious. In addition, diseconomies of scale to manufacturers could result in increased user-cost. The adoption of the Chief Engineer's proposal would preclude these results.

8. One of our primary concerns is that the quality of service currently being received through the nationwide telephone network not be impaired by a direct electrical connection program. The proposal of the Office of the Chief Engineer ensures that manufacturers supplying terminal devices meet reasonable levels of protection for the nationwide telephone network. For example, the manufacturers of registered devices must show that the appropriate interface criteria are met, and the devices themselves are required to be designed so that they may quickly and effectively be disconnected from the telecommunications network. Also the manufacturers are required to furnish the user of a registered device appropriate operating and maintenance instructions. In addition, the Registration program provides for further testing of terminal devices by the Commission, if it is deemed warranted.

9. Some concern has been expressed that the establishment of a direct electrical connection program would impede the innovative process. However, we believe the program we are adopting permits manufacturers and others to satisfy any public needs for new and innovative devices with minimum restrictions, and at the same time provides adequate protection for the telecommunications network.

10. Opponents of a direct electrical connection program stress that the complexities and costs of the administration and enforcement of such a program would far outweigh any advantages such a program would offer. We cannot agree. The registration program of the Office of the Chief Engineer, as modified, is similar to the Commission's type acceptance program which has been in operation and administered with ease for approximately twenty years. Moreover, in the program we are proposing the manufacturer would bear the costs of having his devices tested and registered. These costs would, of course, be passed on to the ultimate user of the device. However, it appears that except to the above extent neither the general public nor other users of the telecommunications network would have to bear the costs of the registration program.

11. On May 16, 1974, the National Association of Regulatory Utility Commissioners (NARUC) filed a report in Docket 20003 entitled: "An Investigation into the Economic and Quality of Service Impact on Telephone Service Subscribers Resulting from the interconnection of Subscriber Provided Equipment to the Public Switched Telephone Network, and From Competition by the Specialized Common Carriers in the Provision of Telecommunication Services." We believe parts of this report are relevant to our considerations in Docket No. 19528.

12. In its report after investigation NARUC Committee on Communications concluded that (1) the public interest would not be adversely affected by the computer industry providing data terminal equipment, subject to the telephone company's needs to incorporate minimal protective features; and (2) customer provided ancillary equipment could be provided subject to an appropriate certification program. We agree with the conclusions reached by NARUC Committee on Communications in this regard and believe a registration program covering data terminals and ancillary devices is technically feasible at this time. We believe the registration program we have constructed will provide adequate protection to the nationwide telephone network and will be able to proceed forward with relative administrative ease. In this regard, we anticipate that the option of requesting sample units of equipment for testing will be exercised often in the early stages of the registration program. Moreover, the experience gathered in the administration of this program will provide valuable insight as to the feasibility of broadening this concept to other areas of interconnect equipment. We believe the direct electrical connection program we envision will minimize any technical problems which may arise. As to the economic aspects of this program, the Commission will receive and analyze appropriate data as to any such impact in Docket No. 20003, and within the parameters of that inquiry, the Commission can institute any action which the facts may warrant. The proceeding in Docket No. 20003 will also of course, analyze appropriate economic data concerning customer provided PBXs and Key Telephone Systems.

13. Set forth below are the rules required to implement the Registration program as contemplated. The program will be administered jointly by the Chief, Common Carrier Bureau and the Office of Chief Engineer. The requirement for registration applies to all terminal devices, whether furnished by carrier-affiliated manufacturers or otherwise, except that main stations, coin and extension telephones, private branch exchanges, and key telephone systems are excluded at this time from the program. At the same time, appropriate grandfathering provisions have been made so that manufacturers supplying equipment to operating telephone companies will have sufficient time to comply with the registration procedures without disrupting the service of such companies to their customers. In this regard, we wish to emphasize that we have designed the program so that operating telephone companies themselves will not have the primary responsibility for registering terminal equipment, but rather the primary responsibility would rest on those furnishing such equipment to the telephone companies.

14. Although we are taking no specific action today with respect to PBX and key system interconnection, the issue of an access arrangement proposal such as that adopted by the Rochester Telephone Company was also raised for public comment in this case. Basically, the Rochester Telephone Company offers a program for the interconnection of customer-provided devices, including a Network Protection Device (NPD) which provides protection from hazardous voltages and currents, limits signals to prescribed levels, and furnishes a remote test feature which reduces the need for service calls to the customer's premises. The telephone company reviews the design of the customer's equipment to assure that it will function properly with the company's loop plant and central office facilities, and it conducts inspections at the initial installation, and on a periodic basis. The NPD is furnished by the telephone company for a one time installation charge.

15. The Rochester Telephone Company's NPD program has been offered for approximately two years, and experience during this period indicates the program has been satisfactorily received by both the telephone company and its customers, as evidenced by the quarterly reports submitted by the company to the New York Public Service Commission. Although we recognize that this NPD program is a limited experiment, and that no specific conclusion can be drawn at this time as to its feasibility on a nationwide basis, we believe that the adoption of such a program may offer a practical solution to the technical problems raised concerning the interconnection of PBX's and key telephone systems. Accordingly, we would be receptive to reviewing any proposals by fully subject or connecting telephone company carriers to accomplish that end.

16. We are aware of the trend in the telecommunications industry toward digital communications and electronic switching. We foresee, therefore, many technological advancements in the design of the nationwide telephone network. We would expect both the telephone common carriers and the interconnect manufacturers to be fully aware of these technological advancements, so that the benefits thereof can be offered to the public on an early and orderly basis.

17. Finally, since the registration program established herein is new, it is essential that it be subject to continuing review and modification as actual experience under the program warrants. For this reason, this proceeding should continue in an open docket, and the Federal-State Joint Board convened hereunder should continue in effect for the purpose of meeting no less than annually to review the progress of the registration program. Pursuant to the procedures established in section 410(c) of the Act, the Joint Board should also recommend, any revisions or modifications of the program deemed necessary as a result of its review. Particular sub-

jects of concern, to which the Joint Board and its staff should direct their attention, include the possibility of strengthening the enforcement mechanisms in the rules for dealing with registered devices which are defectively manufactured in a way that results in equipment harmful to the telephone network being disseminated to the public. Although the existing rules permit carriers to deal with actual harms on an ad hoc basis, some mechanism may be needed for requiring equipment registrants to promptly notify users and provide them with corrective instructions in the event defective product runs find their way into the stream of commerce. A second area for study would be possible action that might be taken to curb the illegal interconnection of non-registered equipment.

18. On April 22, 1975, the Public Utilities Commission of the State of California adopted an interim order, General Order No. 138, promulgating rules for the connection of customer-provided equipment to public utility telephone company systems to become effective May 12, 1975. While this is not a final order and the Federal-State Joint Board has not been afforded sufficient time for review, we believe that the proposed program warrants the Commission's consideration at this time. A copy of General Order 138 is attached.

19. For the reasons set forth above, therefore, we conclude that the rules set forth hereinafter below should be adopted. Accordingly, pursuant to section 410(c) of the Communications Act of 1934, as amended, it is recommended that the following order be adopted:

It is ordered, That Part 68 of the Commission rules, as shown below, be, and it is hereby, adopted effective August 1, 1975.

It is furthered ordered, That this proceeding shall continue in an open docket until further order of the Commission.

Adopted: April 24, 1975.

RICHARD E. WILEY,[1]
Chairman,
Federal-State Joint Board.

A new Part 68 is added to Chapter I of Title 47 of the Code of Federal Regulations, to read as follows:

PART 68—REGISTRATION OF EQUIPMENT TO BE DIRECTLY CONNECTED TO THE TELEPHONE NETWORK—INTERCONNECT CONDITIONS AND INTERFACE SPECIFICATIONS

§ 68.0 Basis and purpose.

(a) The basis for the rules in this part is the Communications Act of 1934, as amended. The rules in this part are issued pursuant to the authority contained in Titles II and III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications.

(b) The purpose of the rules and regulations in this part is to provide for registration of equipment to be directly connected to the telephone network. The procedures are directed to determination of the potential to cause harm and not to the quality of performance of the equipment in its intended usage.

Subpart A—Definitions

§ 68.1 Definitions.

As used in this part:

Harms. Specific parameters causing either degradation of service to persons other than the user of the subject device or malfunction of carrier-connected facilities. Harms also shall include, but are not necessarily limited to, hazards to personnel including non-conformance with the applicable technical requirements set forth in this part.

Interface. Normally considered to be the terminals designated by the equipment manufacturer, for direct connection to the common-carrier provided facilities. If any connecting cable or other user-owned facilities are provided, the equipment terminals are considered to be those connected directly to the common-carrier provided facilities.

Subpart B—Equipment Registration Procedure

GENERAL

§ 68.10 Equipment registration classifications.

(a) The following classes of equipment are subject to the requirement for registration:

(1) *Class I.* Devices which in their operation require no power except as may be supplied from the telephone network.

(2) *Class II.* Devices which in their operation require power supplied from an internal source with no provision for application of power from an external source. (Power supplied by the telephone network is permitted).

(3) *Class III.* Devices which in their operation require power supplied from an external source.

(b) The specific devices and equipment encompassed within the registration procedure are set forth in Subpart C of this part.

§ 68.12 Equipment registration.

(a) Equipment registration is an authorization issued by the Commission for devices to be directly connected to the telephone network. Equipment registration has been requested to its laboratory data submitted by the applicant.

(b) The Commission may require the applicant to submit one or more sample units of equipment for which registration has ben requested to its laboratory for further testing. Shipping costs to the Commission's laboratory and return shall be borne by the applicant.

(c) Equipment registration attaches to all units subsequently produced which are substantially identical in all material respects to the sample tested except for permissive changes or other changes expressly authorized by the Commission.

(d) Registration requirements shall apply to all terminal devices directly connected to the telephone network, except as excluded in § 68.100.

§ 68.14 Written application for equipment registration.

An application for equipment registration shall be filed on FCC Form 730 and shall include the following informa-

[1] Commissioners Larkin, Kalinski, and Brazier concurring in result and joining in a statement; and Commissioner Symons concurring with a separate statement. Concurring statements of Commissioners Larkin, Kalinski, Brazier, and Symons filed as part of the original document.

tion either in answer to the questions on the form or as attachments thereto.

(a) Name of applicant indicating whether applicant is the manufacturer of the equipment, a vendor other than the manufacturer (include the name of the manufacturer), a user or a prospective user.

(b) Identification of the device for which equipment registration is sought.

(c) Information whether quantity (more than one) production is planned.

(d) Technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the interface standards and other requirements as set forth in this rule part. The description shall include the following items:

(1) Complete circuit diagrams.

(2) Instruction books (with equipment registration application, or when available.)

(3) Operational and maintenance and installation instructions. (In preliminary form if not available in final form.)

(4) The voltages and currents applied to each circuit.

(e) The data required for the purpose of showing compliance with the interface specifications set forth in this part, measured in accordance with the procedures set out in § 68.48.

(f) A photograph or drawing of the equipment name plate showing the information to be placed thereon.

(g) Photographs (8" x 10") of the equipment, of sufficient clarity to reveal equipment construction and layout, including at least one view showing control panel(s), including meters, if any, and labels for controls and meters and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the equipment approval request, additional photographs are necessary only to complete the required showing.

(h) A complete description of the quality control methods and procedures which will be utilized to insure that variations in units bearing the same registration number will not affect their ability to comply with pertinent interface standards and any other requirements of this rule part.

(i) Each application, including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. However, the application may be signed by the applicant's authorized representative who shall indicate his title, such as plant manager, project engineer, etc.

(j) Technical test data shall be signed by the person who performed or supervised the tests who shall attest to the accuracy of such data and shall attach a brief statement of his qualificaions. Subsequent filing of test data by such persons need only reference original applications wherein such qualifications are recited.

(k) The signature of the applicant and the person certifying the test data shall be made personally by those persons on the original application; copies of such documents may be conformed. Signatures and certifications need not be made under oath.

§ 68.16 Application fee.

Each appplication for equipment registration shall be accompanied by the requisite application fee prescribed in Subpart G of Part 1 of this chapter. Failure to submit the specified application fee will result in a dismissal of the application.

§ 68.18 Grant of application.

(a) The Commission will grant an application for equipment registration if it finds from an examination of such application and supporting data, or other matter which it may officially notice, that:

(1) The equipment has been shown to comply with pertinent interface standards and any other requirements of this rule part; and,

(2) A grant of the application would serve the public interest, convenience and necessity.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Equipment registration shall not attach to any equipment, nor shall any equipment registration be deemed effective, until the application has been granted.

§ 68.20 Dismissal of applications.

(a) An application which is not in accordance with the provisions of this subpart will be dismissed unless accompanied by an appropriate request for waiver of the rules.

(b) Any application, upon written request signed by the applicant or his attorney, may be dismissed prior to a determination granting or denying the equipment registration requested.

§ 68.22 Denial of application.

(a) If the Commission is unable to make the findings specified in § 68.18(a), it will deny the application. Notification of the denial will include a statement of the reasons for the denial.

(b) If an applicant is requested by the Commission to file any additional documents or information not specifically required by this part, a failure to comply with the request within the time, if any, specified by the Commission will result in the denial of such application.

§ 68.24 Hearing on applications.

Whenever it is determined that an application for equipment registration presents substantial factual questions relating to the qualifications of the applicant or the equipment (or the effects of the use thereof), the Commission may designate the application for hearing. Hearings on equipment authorizations shall be conducted in the same manner as hearings on radio station applications. (See Subpart B of Part 1 of this chapter).

§ 68.26 Petitions for reconsideration and applications for review.

Persons aggrieved by virtue of an equipment registration action may file with the Commission a petition for reconsideration or an application for review. Rules governing the filing of petitions for reconsideration and applications for review are set forth in §§ 1.106 and 1.115, respectively, of this chapter.

§ 68.28 Identification of equipment.

(a) Each item of equipment for which an equipment registration has been granted shall bear an identification plate or label containing the words "FCC REGISTRATION DATA" followed by:

(1) Name of the grantee of the registration as specified on the original application; and

(2) The type number assigned to the equipment by the grantee and as specified on the original application. Such type number shall consist of a series of not more than 17 digits comprised of Arabic numerals, capital letters, punctuation marks or spaces.

(b) The identification plate or label shall be permanently and conspicuously affixed to the equipment so that it is readily visible by the user at the time of purchase, and remains visible without removal of the equipment from a normal position of installation.

(c) Following the grant of an equipment registration, no change in the name of the grantee or the assigned type number required on the identification plate may be made, except pursuant to the notification provisions of § 68.36.

(d) The foregoing identification shall be in addition to any other labelling requirements imposed by applicable sections of the rules governing the operation of the device.

Conditions Attendant to Equipment Registration Grants

§ 68.30 Limitations on grants.

(a) A grant of an application for equipment registration is effective until revoked, withdrawn, rescinded, suspended, surrendered, or otherwise terminated by the Commission.

(b) A grant of an equipment registration signifies that the Commission has determined that the equipment has been shown to comply with the applicable interface standards and other requirements if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. The issuance of an equipment registration should not be construed as a finding by the Commission with respect to matters not encompassed by the Commission's rules.

(c) No person shall, in any advertisement, brochure, sales promotion or similar matter, whether written or oral, use or make reference to an equipment registration in a deceptive or misleading manner or convey the impression, directly or indirectly, that such equipment registration signifies more than a Com-

mission determination that the equipment has been shown to comply with the applicable standards of the Commission's Rules, when properly used and maintained.

§ 68.32 Nonassignability of equipment registration.

(a) Commission equipment registration may not be assigned, exchanged or in any other way transferred to a second party.

(b) Notwithstanding paragraph (a) of this section, the grantee of an equipment registration may license or otherwise authorize a second party to manufacture or market the equipment covered by the grant of the equipment authorization provided:

(1) The equipment manufactured by such second party bears the identical name and number as is set out in the grant of the equipment registration.

NOTE: Any change in the name or number desired as a result of such production or marketing agreement will require the filing of a new application for an equipment registration as specified in § 68.14.

(2) The grantee of the equipment registration shall continue to be responsible to the Commission for the equipment produced pursuant to such an agreement.

(3) The grantee of the equipment registration shall, within 30 days of the execution of such agreement, file written notice with the Commission that such a licensing or other agreement has been entered into. The notice shall state the equipment affected by such agreement, the date of application and date of grant of the equipment registration, and shall specifically state in detail the provisions that the grantee has made to insure that equipment produced by such licensee will continue to comply with the Commission's regulations. The Commission may require the submission of additional information (new measurement data, etc.) depending on the circumstances in the particular case.

(c) No person shall affix the registrant's identification plate or label described in § 68.28 to any equipment produced pursuant to such licensing agreement, until the Commission shall have found that the licensing agreement is consistent with the grant of the original registration application and this rule part.

§ 68.34 Responsibility of grantee of equipment registration.

(a) In accepting a grant of an equipment registration, the grantee warrants that each unit of equipment marketed under such grant and bearing the name and type number specified in the grant will conform to the unit that was measured and that the data (design and rated operational characteristics) filed with the application for registration continues to be representative of the equipment being produced under such grant within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) For each equipment for which an equipment registration has been issued, the grantee shall maintain the records listed below:

(1) A record of the original design drawings and specifications and all changes that have been made.

(2) A record of the procedures used for production inspection and testing to insure the conformance required by paragraph (a) of this section.

(c) The provisions of paragraph (b) of this section shall also apply to a manufacturer of equipment produced under an FCC equipment registration pursuant to a license, purchase or other contractual agreement between said manufacturer and the grantee of the equipment registration. Retention of records by said manufacturer in these circumstances shall satisfy the grantee's responsibility under paragraph (b) of this section.

(d) The records listed in paragraph (b) of this section shall be retained for one year after the manufacture of said equipment item has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the grantee (or under paragraph (c) of this section the manufacturer) is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

§ 68.36 Modification of equipment and changes in identification of equipment, name or control of an equipment registration grantee.

(a) A change in any of the following matters will require the filing of a new equipment registration application (and appropriate application fee):

(1) Design or construction of the device.

NOTE: For specific details on equipment changes with regard to equipment registration see § 68.46.

(2) The identification data specified in § 68.28.

(3) Whenever there occurs a transfer of control of an equipment registration grantee, such as in the case of sale or merger of the grantee.

(b) In the case of changes involving those matters specified in §§ 68.36(a)(1) and 68.36(a)(2), application and approval of such changes must be obtained before such changes will be considered effective.

(c) In the case of transfers of control of an equipment registration grantee not involving design or construction changes of a device (§ 68.36(a)(1)) or equipment identification name and type number (§ 68.28(a)), notice of such transfer must be received by the Commission no later than 60 days subsequent to the consummation of the agreement effecting such changes. Such notice shall be accompanied by a new application for equipment registration for each device held by the predecessor in interest.

(d) Applications for an equipment registration necessitated by any of the changes set forth in paragraph (a)(1) and (a)(2) of this section need not be accompanied by a resubmission of measurement or test data customarily required with a new application unless specifically requested by the Commission. It will be sufficient if such application is accompanied by requisite identification and descriptive data including wiring diagrams, photos, or other descriptive data required by this part.

§ 68.38 F.C.C. inspection.

Upon the request of the Commission, each grantee of an equipment registration shall submit certain devices to the Commission's laboratory or otherwise make available for inspection:

(a) Any device in its possession for which an equipment registration has been granted;

(b) The grantee's compliance control procedure, inspection, and test data, and materials and testing devices;

(c) The manufacturing plant and facilities;

(d) The technical data files on that article for which registration is in effect.

§ 68.40 Equipment defects.

When a complaint of interference or service difficulty or of any other nature is filed with the Commission alleging that a device marketed or operated under an equipment registration fails to comply with pertinent Commission requirements, the Commission may require the grantee to investigate such complaint and report the results of this investigation to the Commission. Such report shall also indicate what action has been taken, or is proposed to be taken by the grantee to correct the defect, both in terms of future production and with reference to articles in the possession of users, sellers and distributors.

§ 68.42 Revocation or withdrawal of equipment registration.

(a) The Commission may revoke any equipment registration:

(1) For false statements or representations knowingly made either in the application or in materials or response submitted in connection therewith or in records required to be kept by § 68.32(b) or § 68.36 (b) and (d).

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.

(3) If it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission.

(4) Because of conditions coming to the attention of the Commission which would warrant it in refusing to grant an original application.

(b) Revocation of an equipment registration shall be made in the same manner as revocation of radio station licenses. (See §§ 1.91 and 1.92 of this chapter.)

(c) The Commission may withdraw any equipment registration in the event of changes in its interface standards. The procedure to be followed will be set forth in the order promulgating such new interface standards after appropriate rulemaking proceedings.

§ 68.44 Availability of information relating to grants.

(a) Grants of equipment registration will be publicly announced in a timely manner by the Commission.

(b) The Commission maintains lists of equipment for which it has granted registration. These lists are available for public inspection at each of the Commission's Field Offices, and in Washington, D.C., and in the Office of the Chief Engineer. The Commission shall furnish on a timely basis, to each State regulatory commission, a copy of such lists and revisions thereto.

(c) Information relating to equipment registration such as data submitted by the applicant in connection with an authorization request, laboratory tests of the device, staff evaluations, etc., shall be available in accordance with § 0.457 of this chapter.

§ 68.46 Changes in registered equipment.

(a) Replacement of components in registered devices will be permitted provided such replacement does not degrade the performance or adversely affect compliance with applicable interface specifications and other requirements with respect to those demonstrated to the Commission. No other changes may be made in registered equipment without specific authorization.

(b) A change which results in a new trade name or type number requires a new application for, and grant of registration.

(c) A change which affects the characteristics required to be reported requires a new application for, and grant of registration. The Commission may require such modified equipment to be identified with a new type number.

(d) Where a new application and grant is required because of changes in the equipment, an application requesting such changes shall be submitted in the same manner as an original application, and shall be accompanied by the appropriate fee prescribed for such application.

(e) If the Commission authorizes the change requested, it may require the assignment of a new type number.

(f) Users shall not modify their own equipment except as provided by paragraph (a) of this section.

§ 68.48 Measurement procedure.

(a) The Commission will consider data which have been measured in accordance with any of the following standards or measurement procedures, as available:

(1) Those set forth in reports from the Office of the Chief Engineer of the Commission. These will be issued as needed.

(2) Those recommended by the appropriate interconnect advisory committees.

(3) Those published by engineering societies and associations such as the Electronic Industries Association, the Institute of Electrical and Electronics Engineers, Inc. and the American National Standards Institute.

(b) Information submitted pursuant to the provisions of paragraph (a) of this section shall include an indication of the specific standard or measurement procedure used.

(c) In the case of devices requiring measurement procedures not specified in the references set forth in paragraph (a) of this section, the applicant shall submit a detailed description of the measurement procedures actually used.

(d) A listing of the test equipment used shall be submitted.

(e) If deemed necessary, the Commission may require additional information concerning the measurement procedures employed in obtaining the data submitted for registration purposes.

§ 68.50 Sampling tests of equipment compliance.

The Commission will, from time to time, request the grantee to submit various equipment(s) for which equipment registration has been granted, to determine the extent to which subsequent production of such equipment continues to comply with the data filed by the applicant. Shipping costs to the Commission's laboratory and return shall be borne by the grantee.

§ 68.52 Device labeling.

Each device for which registration is requested, in addition to the name plate required by § 68.28, shall have affixed to it the following additional information:

(a) Instructions for operating controls;

(b) Instructions for maintenance;

(c) Instructions for installation.

§ 68.54 Maintenance instructions.

The applicant shall supply with each registered device the following:

(a) Instructions indicating a recommended maintenance procedure.

(b) Details showing how service may be obtained.

Subpart C—Conditions for Interconnection of Registered Devices

§ 68.100 Eligibility for equipment registration.

(a) All terminal devices shall be eligible for registration under this rule part, with the following exceptions:

(1) Private Branch Exchanges;

(2) Key Telephone Systems;

(3) Main Station Telephones;

(4) Extension Telephones;

(5) Coin Telephones;

(b) Devices auxiliary and incidental to the equipment shown in the exceptions set forth in paragraph (a) of this section are included in said exceptions to the registration eligibility.

§ 68.102 Interconnection requirement.

Registered equipment may be directly connected to the facilities of any common carrier, only under the following conditions:

(a) The equipment shall operate within the technical specifications set forth in this rule part;

(b) Equipment registration shall have been granted by the Commission prior to any such connection, and shall be in effect during such connection;

(c) Connection shall be made through the use of standard plugs, jacks, or other simple arrangements as provided in tariffs on file with the appropriate regulatory commission. The connecting device shall include provision for easy and immediate disconnection of customer-provided equipment.

(d) Customer modification of carrier-provided facilities is not permitted without express approval of the carrier;

(e) Owners of customer-provided equipment are responsible for maintenance of such equipment;

(f) Carriers may require customers causing actual harm to the telecommunications network facilities or services to cease from causing said harm.

(g) A carrier may immediately disconnect any customer-provided malfunctioning device causing that type of actual harm which results in hazards to personnel or in serious degradation of service affecting others than the customer using customer-provided equipment. The carrier will immediately notify this Commission and the appropriate state regulatory commission of such disconnection pending location of and correction of such harm and degradation and of the restoration of service.

§ 68.104 Incidence of harm.

Information regarding conditions of harm may be brought to the attention of the Commission by any equipment user or common carrier. Action upon complaints will be taken only under the following conditions:

(a) Cases must be fully documented by the complainant;

(b) Complainant shall have the obligation to show the existence of an actual, not potential, harm;

(c) In the event of actual proven harm to either the network or the connected equipment, the Commission may order the elimination of such harm.

§ 68.106 Availability of interface information.

(a) Technical information concerning interface parameters not specified in this part, which must obtain to permit customer provided equipment to operate satisfactorily with common-carrier facilities, shall be provided by the common-carrier and shall be filed both with this Commission and the appropriate State regulatory commission.

(b) Upon written request to the common carrier, the information specified in paragraph (a) of this section shall be provided to any user or equipment manufacturer having need for such information.

§ 68.108 Registered and non-registered equipment.

(a) Customer-provided non-registered devices may be connected to the facilities of any common carrier in accordance with applicable tariffs, which may include the requirement for carrier-furnished protective connecting arrangements.

(b) All applicable carrier provided terminal devices procured after ----------

(effective date + 1 year must be registered to be directly connected to the network.

(c) Registered equipment may be connected to the facilities of any common carrier in accordance with applicable tariffs, which may not include any requirement for carrier-furnished protective connecting arrangements.

(d) Nothing in this part shall be construed to prohibit the connection of customer-provided equipment registered with a state regulatory commission to the facilities of any common carrier within the state where such registration is effective, provided that the state program is not inconsistent with the Federal program. In those instances where an inconsistency exists, the provisions of the Federal registration program shall prevail.

Subpart D—Interface Specifications

§ 68.200 Applicability of specification.

The technical requirements set forth in the Interface Specifications are directed toward the capability to prevent the service impairments or harms specified. They are not addressed to the performance characteristics of the equipment in its intended usage. User-satisfaction with the equipment performance is the responsibility of the user.

§ 68.202 Safety criteria.

(a) Voltages and currents present in the public telephone network lines and terminal devices may be considered hazardous if they are sufficiently high so as to endanger the safety of personnel, cause irreversible damage to network plant or equipment, or interfere with the telephone service. Therefore, all terminal devices must meet the requirements specified in Subparts E and F of this part, as applicable.

(b) The tests specified in paragraph (a) of this section may be performed by a testing facility maintained by the equipment manufacturer. Such facilities are subject to FCC inspection to determine the validity of the test results obtained by the testing facility.

(c) The applicant for registration may, if he desires, supply a production unit of his device to an independent testing facility to be tested as specified in paragraph (a) of this section. The independent testing facility is subject to FCC inspection to determine the validity of the test results obtained by the testing facility.

(d) The tests specified in paragraph (a) of this section shall include an evaluation of the device to determine its capability to meet all applicable requirements during normal operation, abnormal operation or in the event of device failure.

§ 68.204 In-band and out-of band signal power.

The following specifications shall apply to equipment that is directly connected to a voice grade central office line.

(a) *Signal power limits.* (1) The signal power delivered by normal operation of these devices into a 600 ohm resistive load shall not exceed the following values:

Frequency range	*Maximum power limits*
50 to 300 hertz	See subparagraph (7) of this paragraph.
300 to 3995 hertz	0 dbm (for 3 second average).
3995 to 4005 hertz	−18 db relative to power in the 300-3995 hertz frequency range.
4005 to 10,000 hertz	−16 dbm.
10,000 to 25,000 hertz	−24 dbm.
25,000 to 40,000 hertz	−36 dbm.
40,000 hertz and above	−50 dbm.

(2) The terminal equipment shall normally be adjusted to provide no more than −9 dbm (for 3 second average) input to the communications carrier lines except that on customer request, the communications carrier shall specify a higher value should such be necessary to satisfy the requirement for −12 dbm (for 3 second average) at the input to the central office equipment. The signal power so specified shall in no case exceed one milliwatt when averaged over any three second interval.

(3) The instantaneous signal power shall not exceed limits defined by a curve approximating +25 dbm at 300 hertz, 0 dbm at 2,000 hertz, and −9 dbm at 3,500 hertz.

(4) The power delivered by all terminal equipment for the 2,450 to 2,750 hertz frequency band shall never exceed the power present at the same time in the 800 to 2,450 hertz frequency band.

(5) No alternating current signals shall intentionally be applied longitudinally between the tip and/or ring terminals and the ground terminal.

(6) Noise power introduced by all terminal equipment shall be no greater than a value 40 decibels below the noise plus signal power.

(7) The total weighted rms voltage within the band from 50 hertz to 300 hertz shall not exceed 100 volts. The total weighted rms voltage is the square root of the sum of the products of the weighting factors for individual frequency components times the square of the rms voltage of the individual frequency components. The weighting factors are as indicated:

For frequencies between	*Factor*
50 hertz and 100 hertz	$f^2/10^4$
100 hertz and 300 hertz	$f^{3.5}/10^{6.5}$

where f is the numerical value of the frequency, in hertz, of the frequency component being weighted.

§ 68.206 Nonlinearity distortion.

When signaling for network control purposes, nonlinearities in all device circuitry shall not produce harmonic components or intermodulation products that are less than 30 decibels below the composite signal level (for signals of +3 dbm or less) for any of the 16 dual-tone multifrequency signals specified for tone address signaling.

§ 68.208 Longitudinal balance.

At all frequencies between 200 and 4000 Hz, for currents between 20 and 120 milliamperes, the voltages (referenced to ground) on the conductors to be connected to a 2-wire loop, shall not differ in value by more than 1. percent.

§ 68.210 Pulse Signaling Characteristics (dc).

(a) A dialed address digit shall consist of a number of pulses (interruptions or breaks in line current) numerically equal to the value of the digit dialed between 1 and 9, and be equal to 10 pulses when the digit 0 is dialed.

(b) Dial pulses shall have a repetition rate falling in the range of 8 to 11 pulses per second and be uniform in speed in accordance with the following:

The speed uniformity requirement for "make" intervals T_n and "break" intervals t_n, measured in seconds, shall be

* * *

$$0.091 < (t_n + T_n) < 0.125$$

and

$$0.091 < (t_{n+1} + T_n) < 0.125$$

where n is the sequential index of the intervals in the pulse train.

(c) The pulses shall be generated in a uniform train by breaking and making the line current with a 58 to 64 percent break for applicable devices.

(d) For dc-pulse dialing for devices, the following requirements shall be met:

(1) The time between the end of the last pulse of a given digit and the beginning of the first pulse of the succeeding digit of a single address shall be not less than 600 milliseconds and not more than three seconds.

(2) Pulsing contact chatter shall not exceed 3 milliseconds. Split pulses shall not occur.

(3) In the nonpulsing state, the dialer circuit pulsing impedance shall be resistive and smaller than 1 ohm over the current range of 7–200 milliamperes dc. The dialer circuit shall be capable of carrying a continuous current of 200 milliamperes dc, and a surge current of 350 milliamperes dc for one second.

(4) In the pulsing state, the dialer circuit impedence shall be resistive and smaller than 1 ohm during the make periods; and during the break periods shall have an impedance satisfying the condition $Z > 150$ kilo-ohms for $0 < f < 5$ hertz, $Z > \frac{750}{f}$ k ohms for $5 < f < 3400$ hertz

where f denotes the frequency in hertz.

(5) During the nonmuting state, the magnitude of the impedance between leads of each muting pair shall satisfy the condition $Z > 2{,}000$ kilo-ohms for $10 < f < 200$ hertz, $Z > 2 \times 10^5 / f^{1.5}$ kilo-ohms for $200 < f < 3400$ hertz. The muting contacts shall return to the nonmuting state in less than 2 seconds after pulsing is completed or discontinued.

(6) When dialing, short interruptions (spurious opens) in loop current shall be limited to not more than one millisecond. The spurious interruptions shall be separated by at least 100 milliseconds and must not occur in the period starting 100 milliseconds before the first make-to-

break transition and ending 100 milliseconds after the last break-to-make transition of any dial pulse train.

§ 68.212 Network control signaling coordination.

(a) Any method of network control signaling shall be specified in detail. The user or applicant shall submit evidence of coordination of the method with a regulated land-line common carrier. The Commission shall deem the method acceptable unless the carrier files an objection within 20 days following coordination.

(b) The user or applicant shall submit measurement data to indicate the network control signaling performance characteristics of the equipment. These data will be evaluated against the specifications submitted to the common carrier.

(c) Any objection to the proposed signaling method must include a showing that actual, not potential, harm will be caused to the network.

§ 68.214 Tone signaling.

(a) The frequency pairs assigned for tone address signaling shall be as follows:

	High group				
Low group	1209	1336	1477	1633	Hertz
697	1	2	3	—	
770	4	5	6	—	
852	7	8	9	—	
941	(*)	0	#	—	
Hertz					

Frequency pairs not assigned to a character are indicated by dashes.

(b) The frequency deviation of the tone shall not exceed ±1.5 percent of the nominal value.

RELATIVE TONE AMPLITIVE

(c) Among the signaling tones there shall be a standard variation in signal level vs. tone frequency that is referenced to the value used for the tone frequency 697 hertz as follows:

Tone frequency, Hz:	*Relative amplitude, db*
697	0
770	+0.5
852	+0.7
941	+1.0
1209	+2.8
1336	+2.9
1477	+3.0
1633	+3.1

(d) *Extraneous frequency components.* The total power of all extraneous frequency components accompanying the signal shall be at least 20 decibels below the signal power in the voice band above 500 hertz.

(e) *Suppression of non-addressing signals.* Communication signals from the telephone transmitter or other source shall be suppressed at least 40 decibels during tone signal transmission. In the case of automatic tone signaling, the suppression shall be maintained continuously until pulsing is completed.

(f) *Rise time.* Each of the two frequencies of the signal shall attain at least 90 percent of full amplitude within 5 milliseconds, and within 3 milliseconds for automatic tone signaling, from the time that the first frequency begins.

(g) *Pulsing rate for automatic dialing.* (1) The minimum duration of the two-frequency tone signal shall be 50 milliseconds.

(2) The minimum interdigital time shall be 45 milliseconds.

(3) The minimum cycle time (period) shall be 100 milliseconds.

(h) *Tone Leak.* The power of the tone leak during signal off time shall be less than −55 dbm.

(i) *Transient voltages.* Peak transient voltages generated during tone signaling shall not be greater than 12 decibels above the zero-to-peak voltage of the composite two-frequency tone signal.

§ 68.216 On-hook impedance.

(a) The device must have an on-hook ac impedance between tip and ring that falls in the acceptable region of Figure 1. In addition, the ac impedance from tip or ring to ground must be greater than 50,000 ohms from 1 to 3400 Hz.

(b) The device when bridged with one station set shall have a minimum dc resistance tip to ring and simplexed tip and ring to ground of 20 megohms when measured with a current-limited, 200-volt dc test circuit of either polarity.

(c) During the on-hook condition, the application of ringing signals shall not cause the device to draw more than 1.5 ma dc prior to line seizure.

§ 68.218 Off-hook impedance.

(a) The magnitude of the ac impedance of the answering device must be greater than 400 ohms over the range 250 to 3400 Hz.

(b) In addition, when Off-Hook, the dc resistance from either tip or ring to ground must be greater than 150,000 ohms.

(c) The ac impedance of the device must be greater than 400 ohms over the 300 to 3400 Hz range.

(d) The maximum value of dc resistance from tip conductor to ring conductor shall be 300 ohms.

Subpart E—Voltage and Current Test Requirements

§ 68.300 Applicability of requirements.

The applicable test requirements are dependent upon the equipment Class as specified in Subpart B of this part.

§ 68.302 Tests for Class I and Class II devices.

Tests shall be made to determine if these Classes of devices will cause harm to the user of the equipment. The equipment, in use, shall comply with the following requirements:

(a) There shall be no access by the user to potentials of greater than 24 volts ac or dc.

(b) The construction shall be such that the user of the device will not be exposed to any voltages and currents normally associated with the telephone line.

§ 68.304 Tests for Class III devices.

(a) Tests shall be made to determine if this Class of device will cause harm to the telephone network or the user of the equipment. In addition, construction shall be such that, in use, no hazardous voltages or currents will be presented to the equipment user or the telephone line. The equipment shall comply with the requirements specified in ANSI (American National Standards Institute) Standard X4.12—1970, dated October 9, 1970, entitled, "Safety Standards for Office Appliances and Business Equipment," and in addition shall meet the requirements in paragraphs (b), (c), (d) and (e) of this section.

(b) The device shall first be tested by application of a conditioning surge. The surge shall be applied between all interface leads strapped together, and all power leads strapped together. The surge shall consist of a single pulse having the following characteristics: (1) 2500 volts maximum crest amplitude; (2) 1.2 microseconds rise time to crest; (3) 50 microseconds decay time to half-crest.

(c) After completion of the test specified in paragraph (b) of this section, the device shall be tested by application of a 1500 volt, 60 Hz source between all combinations of the following: (1) All interface leads, strapped together; (2) All power leads, strapped together; (3) All exposed conducting surfaces not connected to common circuit-ground; (4) The common circuit-ground.

(d) Under the test conditions specified in paragraph (c) of this section, the leakage current shall be less than 2.5 milliamperes rms.

(e) Maximum operating voltages and currents at the interface shall be as follows:

(1) Steady state voltages:

Measurement Points (at interface)	*Maximum open-circuit voltage*
(i) Between ungrounded conductors	100 volts rms, 270 volts dc.
(ii) Between any conductor and ground	50 volts rms, 135 volts dc, 71 volts peak.

(2) Transient voltages associated with circuit interruptions shall not exceed 600 volts.

(3) The short circuit current in any conductor shall not exceed 0.35 amperes rms.

(4) The maximum continuous current in either the tip or ring conductor shall not, except when permitted by the common carrier, exceed 0.12 amperes rms.

Subpart F—Special Requirements

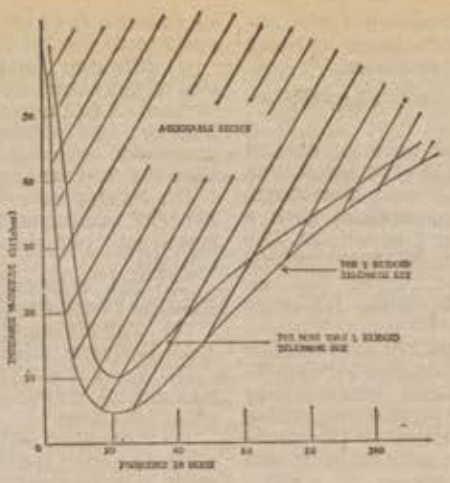
§ 68.400 Cathode ray tubes.

All Classes of equipment employing cathode ray tubes shall comply with the following requirements:

(a) Cathode ray tubes and other similar vacuum devices 5 inches (12.7 cm) diameter or greater measured either on the diameter or diagonal of the face of the tube, must be provided with suitable implosion protection.

(b) All high voltage sources of 10,000 volts and greater that are used to accelerate electrons on a target may produce x-ray radiation. Devices operating at or above this voltage shall be provided with suitable radiation protection.

(c) Radioactive material in the equipment and/or radiation producing equipment shall not emit radiation at a level which, measured two inches (50.8 mm) from the surface of the equipment with all external shielding removed, would exceed a rate of 0.5 millirem in any hour measured at optimum line voltage plus 10%.



APPENDIX B

FCC Form 730 — FEDERAL COMMUNICATIONS COMMISSION — Washington, D. C. 20554 — Form Approved

APPLICATION FOR EQUIPMENT REGISTRATION

This form may be reproduced ONLY in accordance with the requirements on reverse side of this application

INSTRUCTIONS: 1. Use this form as cover sheet and attach the information required by Part 68 of FCC Rules, enumerating the exhibits in Item 5 below.
2. Registration grant will be mailed to the applicant at the address shown in Item 2. Applicant may insert his attorney's name and address in item 2 if he desires.
3. Submit completed application together with the filing fee in the amount required by §1.1120 of FCC Rules to: FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C. 20554

(1) Name of Applicant:

(2) Mailing Address of Applicant: (No., street, city, state, ZIP)

(3) (a) Manufacturer of equipment: (if other than applicant)

(b) Address of Manufacturer:

(4) (a) Kind of Equipment:

(b) Trade name

(c) Type number (d) Registration Class

(5) List Exhibits attached to this application: (continue on reverse) ☐ 1. 2. 3. (6) Amount of Fee attached $

(7) Person to be contacted for information concerning this application.
(a) Name: (b) Title:

(c) Mailing address:

(d) Telephone Area Code: (e) Telephone Number

I certify that I am authorized to sign for the applicant and that all the statement in this application and in the exhibits enumerated above are true and correct to the best of my knowledge and belief.

APPLICATION MUST BE SIGNED AND DATED

Applicant (Must agree with name as shown in Item 1)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT, U. S. CODE, TITLE 18, SECTION 1001.

Signature Date (Mo.-Day-Yr.)

Name and title of signer (print or type)

Applicant should not use this block

Accounting Classification

Page 2 of 2
FCC Form 730

2

FCC FORM 730 MAY BE REPRODUCED PROVIDED THE FOLLOWING CONDITIONS ARE MET:

1. That private companies reproducing the form use the offset process exclusively;

2. That private companies reproducing the form refrain from including therein or attaching thereto any advertising matter or deleting any material from the form;

3. That private companies reproducing the form exercise care to assure that the form being reproduced or distributed is the current edition presently used by the Commission for the type of application involved; such private company to be advised that, though the Commission will endeavor to keep the public advised of revisions in the form, it cannot assume responsibility to the extent of eliminating any element of risk against overstocking, etc.

List of Exhibits continued from Item 5 on reverse side of this application:

4. _____

5. _____

6. _____

APPENDIX C—PARTIES FILING COMMENTS AND REPLY COMMENTS

COMMENTS

AdHoc Telecommunications Committee
Aeronautical Radio Inc.
American Petroleum Institute
American Telephone & Telegraph Co.
Association of American Railroads
Colorado PUC—Commissioner Bjelland
Communications Certification Laboratory
Computer & Business Equipment Manufacturers Association
Communications Workers of America
Dictaphone Corp.
Electronics Industries Association
General Telephone Service Corp.
Independent Data Communications Manufacturers Association
International Business Machines
International Telephone & Telegraph
National Association of Manufacturers
National Association of Regulatory Utility Commissioners
National Retail Merchants Association
National Telephone Cooperative Association
New York Public Service Commission
North American Telephone Association
United States Independent Telephone Association
United Telecommunications, Inc.
Utilities Telecommunications Council

REPLY COMMENTS

American Telephone & Telegraph Co.
Communications Certification Laboratory
Computer & Business Equipment Manufacturers Association
Department of Justice
General Electric Co.
General Telephone Service Corp.
Independent Data Communications Manufacturers Association
International Business Machines
National Association of Regulatory Utility Commissioners
New York Public Service Commission
North American Telephone Association
United States Independent Telephone Association
Utilities Telecommunications Council

APPENDIX D

[Decision No. 84364]

Case No. 9625, (filed October 24, 1973), (See Appendix A for List of Appearances.).

INTERIM OPINION

Before the Public Utilities Commission of the State of California.

Investigation on the Commission's own motion into the promulgation of a General Order providing for the procedures and standards to be followed for the interconnection of customer-provided communications terminal equipment to the telecommunication facilities of intrastate telephone utilities.

On October 24, 1973, this Commission on its own motion instituted an investigation into the promulgation of a General Order providing for the procedures and standards to be followed for the interconnection of customer-provided equipment to the telecommunications network.

On October 30, 1973, Decision No. 82075 was issued to consider interim arrangements and the possible economic impact of interconnection. On January 29, 1974, Decision No. 82412 was issued which provided that the present tariffs for interconnection utilizing utility-provided protective connecting arrangements (PCA) should continue in effect and that all interconnect cases pending before the Commission should be consolidated with this investigation.

Twenty-eight days of hearing explored all of the issues raised by the parties. Concurrent briefs are to be filed by April 28, 1975 and reply briefs by May 31, 1975. It is apparent that it will be some time before a final order can be prepared and considered by the Commission.

Commission staff counsel has made a motion for an interim order providing for certification of ancillary and data equipment so that the customers of telephone utilities will not be delayed in having this alternate available. Accordingly, we will grant the staff's motion and will authorize the proposed General Order for ancillary and data equipment as amended and introduced in the proceeding as Exhibit 39. In adopting this General order we recognize that options other than certification should be available to equipment suppliers. Therefore, we will provide that interconnection may still be made to the telecommunications network by use of a utility-provided PCA.

An additional alternative to certification is the conformance program proposed by respondent The Pacific Telephone and Telegraph Company (Pacific) and introduced in this proceeding as Exhibit 41. This option would afford those manufacturers, who for proprietary reasons object to certification or the use of a PCA, to select the best method for marketing their product. Accordingly, we will authorize Pacific to file tariffs in a form acceptable to the Commission pursuant to this conformance program.

During the latter part of the testimony of Pacific's witness Hoffman, he suggested the use of an access line test unit in connection with certified equipment. The access line test unit would not incorporate protective features. It would, however, provide a disconnect means by which a central office test man could temporarily disconnect the subscriber's equipment and test the telephone company's portion of the line. In our view, such an arrangement would be beneficial both from the utility's and the customer's points of view. It should reduce the need for sending service people to the customer's location and at the same time permit an accurate determination of conditions on the telephone line. Such an arrangement should materially reduce the number of instances when a customer will be charged for a premise call after determination that the reported trouble is not in the utility's equipment. Accordingly, we will authorize Pacific to file tariffs covering an access line test unit for use on appropriate classes of certified customer-owned equipment. Such tariffs will be reviewed by the Commission staff prior to approval by the Commission to assure that rates and conditions of service are fair and reasonable.

FINDINGS AND CONCLUSION

1. It is important to assure adequate protection to the telephone network.

2. Evidence in the record has established that certification of ancillary and data equipment as set forth in the proposed General Order should be permitted as an alternative to other methods of interconnecting customer-owned and maintained equipment.

3. Certification of ancillary and data equipment as proposed assures adequate protection to the telecommunications network.

4. The adoption of a certification program of ancillary and data equipment should be made as soon as possible and not delayed awaiting a final decision in this case.

5. The use of protective connecting arrangements under utility-filed tariffs should continue to be available as an alternative choice of the utility customer.

6. The utility's proposal to provide an access line test unit to permit testing of lines with customer-owned equipment is reasonable. Such an arrangement will permit a clear division of responsibility between the utility and the customer regarding trouble on lines connected to customer-owned equipment.

7. Approval of the conformance program as proposed by respondent Pacific in Exhibit 41 would afford customers an additional alternative to certification.

We conclude that the staff motion to adopt the proposed General Order should be granted.

INTERIM ORDER

It is ordered, That:

1. General Order No. 138 attached hereto as Appendix B is hereby adopted.

2. All tariffs relating to protective connecting arrangements shall remain in effect.

3. Respondent telephone utilities are authorized to file tariffs in a form acceptable to the Commission covering the provision and use of access line test units in connection with telephone lines used in conjunction with customer-owned equipment certified pursuant to this order.

4. Respondent telephone utilities are authorized to file tariffs in a form acceptable to

the Commission establishing a Conformance Program in lieu of a protective connecting arrangement.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 22d day of April 1975.

VERNON L. STURGEON,
President.
WILLIAM SYMONS, Jr.
D. W. HOLMES
Commissioners.

I abstain.

Leonard Ross
Commissioner.

I abstain.

Robert Batinovich
Commissioner.

APPENDIX A—LIST OF APPEARANCES

Respondents: James A. Debois, Milton J. Morris, Robert M. Ralls, and William B. Rowland, Attorneys at Law, for The Pacific Telephone and Telegraph Company; Orrick, Herrington, Rowley & Sutcliffe, by Robert J. Gloistein, Attorney at Law, and Jeanne W. Davis, for Continental Telephone Company of California; A. M. Hart and Donald J. Duckett, by Donald J. Duckett and Lorin H. Albeck, Attorneys at Law, for General Telephone Company of California.

Interested Parties: Neal C. Hasbrook, for California Independent Telephone Association; Meserve, Mumper & Hughes, by David H. Anderson, for Phone-Mate, Inc.; David T. Artson, for Telephone Answering Services of California, Inc.; Robert A. Carr and H. V. McNulty, for Telephonic Equipment Corporation; Romney, Nelson & Cassity, by Donn E. Cassity, for Communication Certification Laboratory; Robert Feiner, for Phonetele, Inc.; Carl B. Hilliard, Jr., Attorney at Law, for DASA Corporation, Concept 1, Inc., and Astrodata, Inc.; McKenna, Wilkinson & Kittner, by Joseph M. Kittner, Attorney at Law, for Computer & Business Equipment Manufacturers Association; Richard S. Kopf, Attorney at Law, for Southern Pacific Communications Company and Southern Pacific Transportation Company; Jay H. Stoffer, for Delphi Communications Corporation; F. Sherwood Lewis, Attorney at Law, for Control Data Corporation and its subsidiary, The Service Bureau Corp.; Robert W. Russell, for City of Los Angeles; Edwin B. Spievack, Attorney at Law, and James F. Holmes, for North American Telephone Association; Tannenbaum, Kaplan, Neiman & Sieroty, by Gary Mitchell Ruttenberg, Attorney at Law, for American Phone Systems, Inc. and Buscom Systems, Inc.; McCutchen, Doyle, Brown & Enersen, by William W. Schwarzer and Boak Christensen, Attorneys at Law, for International Business Machine Corporation; Elliott Werczler, for American Telephonics; Dean E. Wilson, for USE Labs; Richard M. Black, Attorney at Law, for Sanyo Electric, Inc.; Frederick Bolte, for Wilsey & Ham; E. M. Buttner, for California Communications Association; Margaret Cruz, for Mexican-American Political Association; William Edwards, Attorney at Law, for California Farm Bureau Federation; Joseph D. Klein, for The Prod. Company, Inc.; Robert Laughead, for City and County of San Francisco; Bill Lynch, for General Communication Engineering; Warren A. Palmer, Attorney at Law, for Industrial Communication Systems, Inc.; Louis Possner, Bureau of Franchises and Public Utilities, for City of Long Beach; Kelley V. Rea and Larry Yetter, Attorneys at Law, for Litton Business Telephone Systems; Clifford C. Swenson, for GCE Telephone Company; and Michael R. Newman, Attorney at Law, for Electronic Counters, Inc.

Commission Staff: Rufus G. Thayer, Attorney at Law, Paul Popenoe, Kenneth K. Chew, and James B. Shields.

APPENDIX B—RULES FOR THE CONNECTION OF CUSTOMER-PROVIDED EQUIPMENT TO PUBLIC UTILITY TELEPHONE COMPANY SYSTEMS

[General Order No. 138]

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Adopted April 22, 1975.
Effective May 12, 1975.
Decision No. 84364, Case No. 9625.

RULES FOR THE CONNECTION OF CUSTOMER-PROVIDED EQUIPMENT TO PUBLIC UTILITY TELEPHONE COMPANY SYSTEMS

TABLE OF CONTENTS

1. *General.*

1.1 *Intent.*—a. *Purpose.* The purpose of these rules is to establish uniform minimum standards for direct electrical connection of customer-provided equipment of the classes specified herein to the telecommunications network of telephone utilities. These rules provide a basis for:

(1) The direct connection of customer-provided equipment (including customer-provided protective couplers) which meets the minimum network requirement specifications set forth in these rules.

(2) The use of utility-provided protective couplers with customer-provided equipment which does not meet the minimum network requirement specifications set forth in these rules.

b. *Acoustical or inductive interconnection.* Interconnection of customer-provided equipment by acoustical or inductive means is covered by the filed tariffs of the respective utilities and is not subject to these rules.

c. *Limits of order.* These rules are devised solely to protect utility personnel from hazards and the telecommunications network from actual harm. Compliance with these rules and certification does not imply Commission approval of customer-provided equipment design nor constitute a guarantee of its performance.

d. *Absence of civil liability.* The establishment of these rules shall not impose upon utilities, and they shall not be subject to, any civil liability for damages, which liability would not exist at law if these rules had not been adopted.

e. *Revison of scope.* These rules may be revised on the basis of experience gained in their application and as changes in the art of telephony may require.

1.2 *Applicability.*—These rules are applicable to all utilities and interconnected parties within the State of California.

1.3 *Definitions.*—Terms not specifically defined in this section and used in these rules are to be construed within the meaning given them in the "Institute of Electrical and Electronic Engineers Standard Dictionary of Electrical and Electronic Terms" (IEEE Standard No. 100–1972), published by the Institute of Electrical and Electronic Engineers, 345 East 47th Street, New York, N.Y. 10017, and in the "Glossary of Communications" by Emerson E. Smith, published in 1971 by the Telephony Publishing Corporation, 53 West Jackson Boulevard, Chicago, Illinois 60604.

Acoustical connection. Coupling between customer-provided equipment and utility equipment accomplished by means of electromagnetic to acoustic and acoustic to electromagnetic transducers without direct electrical connection.

Ancillary equipment. Line or Station Auxiliary Device Equipment fulfilling the needs of customer to improve the value of utility-provided telephone service in a way which is privately beneficial to him without causing harm to the network. This category includes but is not restricted to answering devices, automatic dialers, conferencing devices, call diverters, call restrictors, traffic monitoring equipment, and similar equipment connected with other customer-provided equipment or utility-provided equipment. Equipment classes 3 through 7 of section 5.1 of these rules are excluded from this definition.

Conferencing equipment. Equipment which interconnects three or more telephones and permits all parties to converse at random.

Connecting device. An arrangement without protective features located at the interface between the utility-owned and customer-provided facilities which permits direct electrical connection and disconnection of the two systems. Connecting devices include jack and plug arrangements and terminal block arrangements.

Customer-provided equipment. Any device, system, or protective coupler not provided by the utility which is connected to the telecommunications network or to other facilities furnished by the Utility.

Direct connection. Connection of customer-provided equipment to the telecommunications network by means of a direct metallic contact between the utility's wiring or equipment and customer-provided equipment.

Harm. Harm consists of hazards to personnel, damage to utility equipment, and impairment of service to persons other than the user of the customer-provided equipment. Types of harm include, but shall not be limited to, voltages dangerous to personnel, destruction of or damage to utility equipment, induced noise or cross talk, incorrect dial pulsing, failure of supervision, false answer, incorrect billing, absence of voice band transmission path for call progress signals, and loss of capability to answer an incoming call.

Inductive connection. Electromagnetic coupling between customer-provided equipment and utility equipment by means of mutual inductance between an inductor in the utility equipment and a customer-provided inductor external to the utility equipment.

Interconnection. The method by which telecommunications facilities of a utility are arranged to transmit to or receive information from customer-provided equipment.

Interface. The junction or point of interconnection between customer-provided equipment and the facilities of the utility.

Line. Any communication path or circuit between the terminal equipment of a subscriber and the switched network.

Network control signaling. Transmission of signals used in the exchange and toll network of the utility which perform the functions of supervision (control, status, and charging signals), address signaling (e.g., dialing), calling progress signals indicating reorder or busy conditions, alerting, coin denominations, coin collect, and coin return tones, which function to control the operation of the central office equipment in the exchange and toll network.

Network control signaling unit. Terminal equipment designed for and capable of providing network control signaling functions.

Portable equipment. An appliance which is actually moved or can be easily moved from one place to another in normal use.

Protective coupler. An arrangement at the interface between utility-owned and customer-provided facilities which effects coupling between the two systems in such manner that no harmful or undesirable voltages, signals, or other physical quantities can pass from the customer-provided equipment to the telecommunications network.

Registered Electrical Engineer. A person who holds a valid certificate of registration in Electrical Engineering issued in accordance with Chapter 7 of Division 3 of the California Business and Professions Code. The Registered Electrical Engineer's seal and signature on the certifying document is a representation that an equipment evaluation has been made by him, that he is qualified to make such evaluation, and that evaluation is in accord with these rules.

1.4 *General conditions on direct interconnection.*—a. Customer-provided equipment shall not endanger the safety of the utility employees or the public, damage or require changes in or alterations of the equipment or other facilities of the utility, interfere with the proper function of said equipment or facilities, impair the operation of the telecommunications network, or otherwise injure the public in its use of the utility's services.

b. Customer-provided equipment shall meet minimum protection criteria set forth in section 5 of these rules.

c. Customer-provided equipment shall be designed in such manner that in the event of damage or failure said equipment will become inoperative and will not be capable of exposing hazardous voltages or currents to personnel or to the telecommunications network.

1.5 *Accessibility of information to the public.*—The utilities shall maintain, open for public inspection in their main offices in California, copies of all reports submitted to this Commission in compliance with these rules and a list of customer-provided equipment that may be connected to the telecommunications network either directly or through a utility-provided protective coupler. Reports shall be held for one year. A copy of these reports and lists shall also be maintained and be available for public inspection at the Commission's San Francisco and Los Angeles offices. Utilities shall make available on request standards and minimum specifications for the connection of customer-provided equipment to the telecommunications network either directly or through a utility-provided protective coupler.

1.6 *Accessibility of records to the Commission.*—All records required by these rules shall be made available to representatives, agents, or employees of the Commission upon reasonable notice.

1.7 *Reports to the Commission.*—Utilities, manufacturers or vendors, and certifying engineers shall furnish to the Commission, at such times and in such form as the Commission may require the results and/or summaries of any measurements and/or tests required by these rules.

1.8 *Deviations from any of these rules.*—In cases where the application of any of these rules results in undue hardship or unreasonable expense to the parties to certification proceedings, they may request specific relief by filing a formal application in accordance with the Commission's rules of procedure, except that where the relief to be requested is of minor importance or temporary in nature, the Commission may accept an application and showing of necessity by letter.

1.9 *Revision of rules.*—Parties subject to these rules may, individually or collectively, file an application with this Commission for the purpose of amending these rules. The application shall clearly set forth the changes proposed and the reasons therefor.

1.10 *Resale of service not authorized.*—Nothing in these rules shall be construed as authorization for resale of utility service through use of customer-provided equipment and systems.

1.11 *Violations.*—a. Any person or corporation making any willfully false or misleading statement or claim with respect to any filing of equipment certification or request for equipment registration is in violation of this General Order.

b. Any person or corporation making representation that equipment is certified by this Commission when such is not the fact or when certification has been suspended or revoked is in violation of this General Order.

c. Any person or corporation making representation that customer-provided equipment may be directly connected to the telecommunications network, except as provided by this General Order, or as otherwise provided by the filed tariffs of the utility, is in violation of this General Order.

d. Any complaint alleging violation of this General Order and the rules set forth herein shall be filed in the manner and form prescribed for formal complaints by the Commission's Rules of Procedure.

e. The Commission may, in its administration of this General Order and the rules set forth herein, investigate on its own motion any violation or noncompliance with these rules by any public utility or any corporation or person other than a public utility.

1.12 *Penalties.*—a. Any public utility which violates or fails to comply with this General Order and the rules set forth herein is subject to the penalties set forth in section 2107 of the California Public Utilities Code and such other penalties as may be provided by law.

b. Any corporation or person, other than a public utility and its officers, agents, or employees, which or who knowingly violates or fails to comply with this General Order and the rules set forth herein is subject to the penalties set forth in section 2111 of the California Public Utilities Code and such other penalties as may be provided by law.

2. *Certification.*

2.1 *Certifying authority.*—a. Certification of customer-provided equipment shall be made by a Registered Electrical Engineer qualified in the field of communications equipment to which these rules are applicable. The certifying engineer shall have no interest, pecuniary or otherwise, in any manufacturer, vendor, or utility that is a party to certification proceedings.

b. The certifying engineer shall file with the Commission an affidavit in which he

shall set forth a statement of qualifying education and experience pursuant to which the certification studies required by these rules will be undertaken.

c. The Commission shall keep a roster of engineers having filed such affidavits. Such roster along with the affidavits shall be open to public inspection. No engineer shall file a certificate without first being so listed.

2.2 *Facts examined by the Certifying Engineer.*—a. The certifying engineer shall examine the design specifications, operating characteristics, and interaction of the customer-provided equipment with the telecommunications network. This examination shall include an evaluation of the production and qualify control methods used in the manufacture of the customer-provided equipment to determine if said methods are adequate and shall include the direction, supervision, and performance of tests necessary to ensure compliance with standards set forth in these rules.

b. The certifying engineer shall ensure, as a condition of certification, that adequate installation, maintenance, and servicing instructions are prepared and published by the manufacturer or vendor of the customer-provided equipment.

2.3 *Preparation and filing of the certificate.*—Upon determining that customer-provided equipment complies in all respects with the standards established in these rules and that the production and quality control methods used in the manufacture of said equipment are adequate, the certifying engineer shall prepare a certificate in which he shall set forth the description of customer-provided equipment being certified, its mode of operation, operating parameters, tolerances, tests performed, facilities and apparatus used in testing, statistical data on testing, and other relevant facts. The certificate shall state that the customer-provided equipment was found to comply with all requirements for direct electrical connection to the telecommunications network and shall bear the seal and signature of the certifying engineer. Equipment not found to comply with all requirements for direct electrical connection shall not be certified.

2.4 *Registration, acceptance, and suspension of certificates by the Commission.*—Certificates prepared by the certifying engineer shall be filed with the Commission which shall maintain a permanent record of such certificates. Copies of certificates shall be mailed to each telephone utility in California or to their designated representative. All photographs, drawings, and other bulky materials constituting part of the certificate shall be on a microfiche size 4" x 6" contained in an envelope attached to the certificate.

Upon the effectiveness of the certificate the Commission shall issue a registration number which shall be included on an equipment identification plate attached to the certified equipment. The registration shall become effective on the 30th day following the filing of the engineer's certificate with the Commission unless suspended by the Commission.

The Commission may suspend the effectiveness of the certificate due to protest received before the 20th day following such filing or upon the Commission's own initiative. If the effectiveness of any certificate is suspended, the Commission shall set the matter for hearing. The burden of proof that the customer-provided equipment complies in all respects with this General Order shall be on the party seeking the effectiveness of the certificate.

2.5 *Equipment registration.*—Equipment registration shall constitute authorization by the Commission for the direct connection of the customer-provided equipment to the telecommunications network.

Equipment registration shall be based on certification submitted by the certifying engineer.

Equipment registration shall apply to all units which are manufactured equivalents to the tested sample(s) and to all other manufactured units which have not been changed in a manner that results in a deviation of performance characteristics from the specifications on which the certification of the type is based.

Issuance of registration by the Commission shall not constitute either approval or disapproval of the certifying engineer's judgment. The responsibility for certification shall remain with the certifying engineer at all times.

2.6 *Assurance of continued proper maintenance of certified equipment.*—a. The manufacturers or vendors of certified customer-provided equipment shall be responsible for continued availability of maintenance, repairs, and parts for the certified equipment.

b. The manufacturers or vendors of certified equipment shall as a condition of certification offer a maintenance agreement in the form of a maintenance contract for a specified period with provisions for renewal. The agreement shall provide for prompt service calls, repairs by qualified personnel, and replacement of parts.

2.7 *Assurance of continued quality of certified equipment.*—The manufacturer of certified equipment shall keep a record of quality control data and procedures and make this information available to the certifying engineer.

Each item of equipment produced shall have a serial number assigned and permanently affixed to the equipment. The record of quality control data will include a listing of equipment produced with the serial numbers and production dates of each production run. Any changes in manufacturing methods, procedures, testing, or components used shall be noted on the quality control records along with the serial numbers of units affected by such changes. The certifying engineer shall examine such records on a yearly basis to determine whether the quality and design of the manufactured equipment continues to conform to the standards of section 5 of these rules. A report of said annual examination shall be filed with the Commission by the certifying engineer. Such a report shall be filed within 30 days after the completion of the first year after the date of certification and within 30 days of the completion of each subsequent year.

2.8 *Decertification.*—a. Certified equipment that causes actual harm to the telecommunications network shall be decertified upon a showing before and a finding by the Commission that actual harm to the telecommunications network has occurred and that said harm is attributable to failure of the customer-provided equipment to meet the minimum standards set forth in these rules.

b. Equipment that was certified as a result of the certifying engineer's error shall be decertified as of the date when it was originally issued upon a showing before and finding by the Commission.

c. Where it is shown that units produced after a certain date fail to meet the standards of these rules, the Commission may order decertification of units produced after that date.

d. Failure to make a timely filing of assurance of continued Quality of Certified Equipment pursuant to Section 2.7 of these rules shall constitute automatic decertification.

e. The burden of proof that a device does not meet the certification standards shall be on the party initiating the decertification proceedings.

f. Decertification shall apply to all items of customer-provided equipment having the same registration number.

g. The registration number issued to customer-provided equipment that is decertified shall not be issued again.

h. Any party may initiate a decertification proceeding. The petition for decertification shall be filed in the form and manner specified for formal complaints in the Commission's rules of procedure.

2.9 *Evidence of network harm required for decertification.*—Potential harm shall not be considered cause for action.

Allegations of actual harm shall be fully documented when brought to the attention of the Commission.

Evidence supporting allegations of actual harm to the telecommunications network shall, when applicable, include information concerning the sampling methodology and key statistical parameters relied upon to establish said harm.

Evidence of actual harm attributable to customer-provided equipment shall be considered only when accompanied by statistics on performance of equivalent utility-provided equipment tested under similar circumstances to serve as a control. This requirement does not apply when equivalent utility-provided equipment is not available.

In assessing the statistics, data, and other evidence of actual harm to the telecommunications network, it shall be determined if systematic statistical differences exist with respect to the actual harm between the customer-provided equipment or the utility-provided equipment.

Customer-provided equipment shall not be deemed to cause harm to the telecommunications network if its failure to operate within the minimum standards of these rules is attributable to utility-provided protective coupler.

2.10 *Protests.*—Protests against certification of customer-provided equipment shall include a statement signed and sealed by a Registered Electrical Engineer, who shall specify, with particularity, the standards of these rules which the equipment fails to meet and the degree in which the equipment deviates from the standards.

The report of the protesting party's engineer shall be prepared in like manner and include the same elements as prescribed in section 2.3 of these rules.

2.11. *Foreign quality standards.*—Customer-provided equipment manufactured in a state or country which has established quality standards shall be certified only if it complies with the quality standards of its state or country of origin.

Compliance with said quality standards shall be a prerequisite but not a substitute for certification.

3. *Procedures on certified devices.*

3.1 *Notification to utilities.*—The customer shall inform the utility of his intention to use certified equipment. Upon receiving such notification, and after payment of any required advance charges, the utility shall provide a connecting device and such information necessary to effect the interconnection of the certified equipment to the telecommunications network. Rates and charges for connecting devices shall be set forth in the utility's tariffs on file with this Commission.

3.2 *Notification to purchasers of equipment.*—Manufacturers or vendors shall be responsible to notify the users of customer-provided equipment that the equipment has been certified and that the registration by the Commission means only that the equipment has been certified as harmless to the telecommunications network without expressing or implying any guarantee of its

continued satisfactory performance in other respects.

3.3 *Advertising and promotion requirements.*—No person shall, in any advertising matter, brochures, or other promotional material, use or make reference to equipment certification in a deceptive or misleading manner, or convey the impression that customer-provided equipment registration implies more than a determination that the device is capable of compliance with the applicable minimum standards set forth in these rules. Failure to comply with the provisions of this section may result in a suspension of certification. A suspension of certification shall not affect customer-provided equipment directly connected to the telecommunications network prior to the suspension. However, no customer-provided equipment, whose certification has been suspended, may thereafter be directly connected to the telecommunications network during such time as the suspension of certification remains in effect.

3.4 *Demarcation of the utility and customer-provided equipment.*—In all installations where customer-provided equipment and circuits are connected to utility-provided equipment and circuits the boundaries between the two classes shall be readily accessible and clearly marked so that lines of demarcation shall be easily discernible.

3.5 *Malfunction testing.*—Whenever feasible there shall be provision for easy and immediate disconnection of customer-provided equipment to enable users, in the event of service malfunction, to determine if the malfunction is still present when the customer-provided equipment is disconnected from the telecommunications network. When the malfunction is still present with the customer's equipment removed, it may be assumed that the difficulty exists in the utility's system. When the malfunction terminates upon removal of the customer's equipment, it may be presumed that the difficulty exists in the customer's equipment.

3.6 *Procedure when harm to network occurs.*—a. Utilities may require customers causing actual harm to the telecommunications network facilities or services to cease from causing said harm.

b. Upon notifying the Commission, a utility may immediately discontinue service to any customer causing that type of actual harm which results in hazards to personnel or in serious degradation of service affecting other than the customer using customer-provided equipment.

c. Except as provided above, a utility may not disconnect a customer's service for noncompliance with these rules except upon five days' notice in writing to the affected customer.

d. The utility may in situations described under sections (b) and (c) of this paragraph substitute installation of a protective coupler for the disconnection of service.

3.7 *Service call charges.*—The utility is authorized to charge for service calls when such calls are found to be attributable to malfunctions of customer-provided equipment. Such charges shall be specified in the utility's filed tariffs.

3.8 *Reporting procedure for noncompliance.*—A reporting procedure on customer-provided equipment which fails to continue to meet the minimum standards set forth in these rules shall be developed after the standards and the initial procedures have been promulgated. This reporting procedure shall establish the need for further testing and for decertification of equipment.

3.9 *Responsibility of the utility when making changes in telecommunications network.*—a. When the utility decides to make technical changes or modifications in the telecommunications network and such changes or modifications require an alteration of the minimum standards that must be met by customer-provided equipment, it shall promptly inform the Commission and all users of customer-provided equipment connected to the telecommunications network as well as the manufacturers or vendors of said customer-provided equipment of the forthcoming change and of the new minimum standards that will have to be met by the customer-provided equipment.

b. Upon a showing before and a finding by the Commission that the technical changes or modifications in the telecommunications network require revision of the minimum standards set forth in these rules, manufacturers, vendors, and users of customer-provided equipment shall be required to have their equipment certified with respect to the new standards within 90 days after the establishment of such standards.

c. When the utility makes technical changes or modifications in its system which do not require an alteration of minimum standards, but which may affect the operation of the customer-provided equipment, the utility shall provide reasonable public notice of such change or modification. Examples of such changes include changes in dialing characteristics, dial tone, loop loss, etc.

4. *Procedures on non-certified devices.*

4.1 *Requirements for connecting arrangements.*—a. Non-certified customer-provided equipment shall be connected through a protective coupler unless otherwise provided by the utility's filed tariffs.

b. The protective coupler may be provided either by the utility or by the customer. A customer-provided protective coupler must be certified under the provisions of these rules. Customer-provided protective couplers shall be used only with those classes of equipment specified in Rule 5.1.

4.2 *Notices by utility to purchasers of equipment.*—Upon request the utility shall inform a customer of the type of protective coupler required for the customer-provided equipment in which the customer expresses interest.

4.3 *Notices by utility to manufacturers and vendors.*—Upon request the utility shall inform a manufacturer or vendor of customer-provided equipment of the type of protective coupler required for the equipment which it manufactures or offers for sale.

5. *General standards for interconnection.*

5.1 *Classes of customer-provided equipment for direct electrical connection.*—a. *Class 1.* Station Auxiliary Equipment—Ancillary Equipment.

Equipment used in connection with primary station equipment. Such equipment shall have a customer-provided plug to be connected to the telecommunications network only through a utility-provided jack. The jack and plug shall be arranged in such a way as to permit disconnection of the customer-provided equipment without disrupting the utility's facilities.

b. *Class 2.* Multi-Line Station Auxiliary Equipment—Ancillary Equipment.

Equipment used in connection with primary station equipment or systems involving connection with more than one central office line. Such equipment shall be provided with one of the following means of disconnection:

(1) A plug to be used in conjunction with a utility-provided jack.

(2) A patching panel wired to the customer-provided equipment with a terminal block to which the utility line extensions are connected.

(3) A switching or other disconnect arrangement wired to the customer-provided equipment with a terminal block to which the utility line extensions are connected.

(4) A combination of the above. The disconnection facilities shall be arranged to permit disconnection of the customer-provided equipment without disruption of the utility's facilities.

c. *Class 3.* [Reserved]

d. *Class 4.* Customer-Provided Data Terminal Equipment. Data modems and devices used instead of utility-provided terminal equipment on a single central office line.

5.2 *Maintenance and disconnection.*—a. *General requirement.* The maintenance of customer-provided equipment is the responsibility of the customer. The equipment while connected to the utility's system shall be maintained in such a manner as to assure absence of harm to the network.

b. *Requirements According to Class.* (1) *Class 1.* No specific maintenance requirement.

(2) *Class 2.* No specific maintenance requirement except where two utility lines are connected together to provide a continuous communications path and an amplifier is inserted in such path in which case adjustments affecting circuit gain shall be made by a qualified technician.

(3) *Class 3.* [Reserved].

(4) *Class 4.* No specific maintenance requirement except where signal levels applied to the line are amplified or electronically generated in which case adjustments of signal level shall be made only by a qualified technician.

c. *Persons authorized to perform maintenance.* All maintenance shall be carried out only by qualified technicians.

d. *Disconnection of equipment causing actual harm.* Customer-provided equipment shall be disconnected from the telecommunications network if actual harm is indicated and attributed to the customer-provided equipment. Such equipment shall not be reconnected until the malfunction causing actual harm to the telecommunications network is corrected.

e. *Records of maintenance.* Users of customer-provided equipment shall keep and make available for inspection records of maintenance and repair work carried out in accordance with these rules. Such records shall show the date and description of all work and tests performed on said equipment and the name and address of the person performing the maintenance. Absence of maintenance records shall create a presumption that equipment maintenance requirements have not been met and may subject the particular equipment to disconnection from the telecommunications network.

f. *Manuals.* Manufacturers or vendors of customer-provided equipment shall furnish appropriate installation and maintenance instruction manuals with each item of customer-provided equipment.

5.3 *Power Supplies and Wiring Methods.*—a. *Connection to commercial power sources.* No connection of customer-owned equipment shall be made to commercial alternating current power and lighting sources except through an isolation transformer which is a constituent part of the customer-provided equipment. Transformers used in this service shall have a breakdown voltage rating of not less than 1500 volts rms between primary and secondary windings and between either winding and ground.

b. *Connection to communication utility power supply.* Customer-provided equipment may be connected to sources of low-voltage, current-limited power provided by the utility pursuant to the rates, charges, and conditions set forth in the utility's filed tariffs.

c. *Battery power.* Customer-provided equipment may be operated by self-contained battery supplies. Any battery charging apparatus connected to commercial al-

ternating current power sources shall meet the requirements of paragraph a., above.

d. *Wiring Methods.* Wiring methods used to interconnect units of customer-provided equipment shall be in accordance with the provisions of California Administrative Code, Title 24, Article E725 for Class 2 remote control and signal circuits.

5.4 *Hazardous voltages and currents.*—Voltages and currents in the telecommunications network are considered hazardous if they are present at sufficiently high levels to endanger the safety of personnel, cause irreversible damage to the utility plant or equipment, or interfere with the service.

a. Voltages and Currents Applied to Central Office Lines of the Telecommunications Network.

(1) No alternating current potentials shall be applied between tip and ring conductors or between tip and ring to ground except for the tip and ring signal in the transmission mode.

(2) No direct current energy sources shall be applied to the telephone line at any time.

(3) Transients applied to telecommunications network shall consist only of interruptions of the central office battery power.

(4) In instances where transients are generated in the customer-provided equipment transient suppression circuits shall be included in the equipment to limit the peak transient voltage applied to the telecommunications network to not more than 600 volts and the decay time of said transient voltage to not more than 5 milliseconds.

b. Voltages and Currents Applied to Customer-Provided Facilities and Equipment of Utility-Provided Private Lines.

(1) Steady-state voltages applied at the point of connection to the utility's facilities shall be limited as follows:

(a) The peak alternating current voltage between the tip and ring conductors shall not exceed 71 volts. In cases where the peak voltage between either conductor and ground does not exceed 71 volts, the voltage between the two conductors shall not exceed 142 volts.

(b) The direct current voltage between tip and ring conductors shall not exceed 135 volts. In cases where the voltage between either conductor and ground does not exceed 135 volts the direct current voltage between the two conductors shall not exceed 270 volts.

(c) The peak alternating current voltage between either conductor and ground shall not exceed 71 volts.

(d) The direct current voltage between either conductor and ground shall not exceed 135 volts.

(2) The short circuit current in any conductor shall not exceed 0.35 amperes rms.

(3) The maximum continuous current in either the tip or ring conductor shall not, except when permitted by the utility, exceed 0.12 amperes rms.

(4) Transient voltages associated with current interruptions shall not exceed 600 volts with a decay time limited to 5 milliseconds.

c. The leakage current from the connecting device leads (connected together) to the power conductors (connected together) and from power conductors (connected together) to exposed surfaces of customer-provided equipment shall not exceed 2.5 milliampere rms when the applied test voltage is 1,500 volts rms at 60 hertz.

The leakage current from the connecting device leads (connected together) to exposed surfaces must be less than 2.5 milliampere rms when the applied test voltage is 1,000 volts rms at 60 hertz.

d. Components or modules of customer-provided equipment in which voltages in excess of 150 volts are required shall be designed so that:

(1) None of said voltages may appear on any external leads or terminals of such equipment at any time.

(2) All external handles, controls, and cables accessible to operating personnel shall be effectively grounded.

(3) Parts where high voltage is present shall be enclosed in a metal frame or grid, or separated from other parts by a barrier or other equivalent means, all metallic parts of which shall be effectively grounded.

(4) All access to parts where high voltage is present shall be provided with interlocks which will disconnect all voltages in excess of 150 volts when any access door is opened.

(5) Proper bleeder resistors or other automatic means shall be installed across the capacitor banks to lower any residual voltage to less than 150 volts within 5 seconds after the access door is opened.

5.5 *Surge voltage protection.*—Protective devices providing a path to ground for voltages exceeding 600 volts shall be installed between the telecommunications network connecting device and any customer-provided equipment exposed either by metallic contact or by induction to extraneous voltages exceeding 600 volts.

5.6 *Signal and noise power.*—a. *Reference transmission level point.* A suitable point shall be designated as the reference transmission level point. Said point shall be designated as zero level point in all plans and other documents. All level points on either the utility-provided or customer-provided portion of the circuit shall be referred to the reference transmission level point by the difference in the nominal loss or gain in decibels between these points at a frequency of 1,000 hertz.

b. *Signal power limit.* The power of the signal in the 300–3,995 Hz frequency band generated by customer-provided equipment received at the central office shall not exceed 12 decibels below one milliwatt when averaged over any 3-second interval. This requirement is deemed to be met when the level at the customer-provided equipment does not exceed 9 decibels below one milliwatt when averaged over any 3-second interval.

The power of the signal applied by the customer-provided equipment to the connecting device shall be specified for each type of equipment, but in no case shall it exceed one milliwatt.

c. *Out of band signal power.* The signal power delivered by customer-provided equipment shall meet the following limits:

Frequency Range	*Maximal Allowed Power*
3,995 to 4,005 hertz	−18 db*
4,005 to 10,000 hertz	−16 dbm
10,000 to 25,000 hertz	−24 dbm
25,000 to 40,000 hertz	−36 dbm
40,000 hertz and above	−50 dbm

* The power in this frequency range shall be at least 18db below the power specified in paragraph 5.5.b.

d. *Single frequency restriction.* The power delivered by customer-provided equipment at the connecting device in the 2,450 to 2,750 hertz frequency band shall never exceed the power present at the same time in the 800 to 2,450 hertz band.

e. *Longitudinally applied signals.* Any alternating current signal applied longitudinally between the tip and/or ring simplexed to ground terminals shall not exceed −40 dbm in power.

f. *Noise to noise plus signal power.* Noise power introduced by customer-provided equipment shall be limited so that the noise power shall be at least 40 decibels below the noise plus signal power.

5.7 *Nonlinearity distortion at signaling.*—When signaling for network purposes, nonlinearities in customer-provided equipment circuits shall not produce harmonic components or intermodulation products that are less than 30 decibels below the composite signal level for any of the 16 dual-tone multifrequency pairs specified for tone address signaling for any composite signal power levels lower than +3 decibels above one milliwatt.

5.8 *Longitudinal balance.*—At all frequencies between 200 and 4,000 Hz, for currents between 20 and 120 milliamperes, the voltages, referenced to ground, on the conductors to be connected to a 2-wire loop, shall not differ in value by more than one percent.

5.9 *Dial pulsing characteristics.*—a. *Coordination with utility specifications.* Utilities shall publish in their tariffs technical criteria for network control signaling and supervision. Any method of network control signaling shall be coordinated in detail with the utility specifications.

The certifying engineer shall submit records of measurements to document compliance with the required network control signaling specifications.

b. *Digit codes.* A dialed address digit shall consist of a number of pulses (interruptions or breaks in line current) numerically equal to the value of the digit dialed between 1 and 9, and be equal to 10 pulses when the digit 0 is dialed.

c. *Allowable speed.* Dial pulses shall have a repetition rate falling in the range of 8 to 11 pulses per second and be uniform in speed. The speed uniformity requirement for make intervals T_n and break intervals t_n measured in seconds shall be $0.091<t_n+T_n<0.125$ and $0.091<t_{n+1}+T_n<0.125$, where n is the sequential index of the intervals in a pulse train.

d. *Allowable percent break.* The pulses shall be generated in a uniform train by breaking and making the line current with a 58 to 64 percent break. The percent break uniformity requirement is met if the break intervals t_n and make intervals T_n satisfy the conditions $0.58<t_n/(t_{n+1}+T_n)<0.64$ and $0.58<t_n/(T_{n-1}+t_n)<0.64$.

e. *Interdigital time.* For an automatically operated dialing function the time between the end of the last pulse of a given digit and the beginning of the first pulse of the succeeding digit shall be greater than 600 milliseconds and less than 3 seconds. The 3-second restriction shall not apply if the digits concerned are separated by a dialing pause.

f. *Chatter and split pulses.* Pulsing contact chatter shall not exceed 3 milliseconds. Split pulses shall not occur.

g. *Pulsing pair impedance.* (1) *Nonpulsing State.* The dialer circuit pulsing impedance shall be resistive and smaller than 1 ohm over the current range 7–200 milliampere dc. The dialer circuit shall be capable to carry a continuous current of 200 milliampere dc and a surge of 330 milliampere for 1 second.

(2) *Pulsing State.* The pulsing circuit impedance shall be resistive and smaller than 1 ohm during the make periods and have an impedance satisfying the condition $Z>150$ kilohm for $0<f<5$ hertz; $Z>750/f$ kilohm for $5<f<3{,}400$ hertz where f denotes the frequency in hertz, during the break period.

h. *Muting Pairs.* During the nonmuting state, the magnitude of the impedance between leads of each muting pair shall satisfy the condition $Z>2{,}000$ kilohm for $10<f<200$ hertz; $Z>2\times10^6/f^{0.86}$ kilohm for $200<f<3{,}400$ hertz.

The muting contacts shall return to the nonmuting state in less than 2 seconds after pulsing is completed or after stopping for dialing pause.

i. *Spurious Opens.* Short interruptions (spurious opens) in loop current not associated with the make-to-break dial pulse

transitions shall be limited to not more than one millisecond. The spurious interruptions shall be separated by at least 100 milliseconds and must not occur in the period starting 100 milliseconds before the first make-to-break transition and ending 100 milliseconds after the last break-to-make transition of any dial pulse train.

5.10 *Tone address signaling.*—a. (1) *Assigned frequency pairs.* The frequency pairs assigned for signaling shall be as follows:

	High Group				
Low Group	1209	1336	1477	1633	Hertz
697	1	2	3	—	
770	4	5	6	—	
852	7	8	9	—	
941	(*)	0	#	—	
Hertz					

NOTE.—Frequency pairs not assigned to a character are indicated by dashes.

(2) The standard signal power level with reference to the signal power at 697 hertz shall be as follows:

Tone Frequency (hertz):	Relative Power (decibel)
697	0
770	+0.5
852	+0.7
941	+1.0
1209	+2.8
1336	+2.9
1477	+3.0
1633	+3.1

b. *Frequency deviation.* Frequency deviation shall not exceed ±1.5 percent of the nominal value.

c. *Extraneous frequency components.* The total power of all extraneous frequencies accompanying the signal shall be at least 20 dB below the signal power in the voice band above 500 hertz.

d. *Voice suppression.* Voice energy from the telephone transmitter or other source should be suppressed at least 40 dB during tone signal transmission. In the case of automatic dialing the suppression shall be maintained continuously until pulsing is completed.

e. *Rise time.* Each of the two frequencies of the signal shall attain at least 90 percent of full amplitude within 5 milliseconds and perferably within 3 milliseconds for automatic dialers, from the time that the first frequency begins.

f. *Pulsing rate.* Pulsing rates shall be as follows:

Minimum duration of two-frequency tone signal: 50 milliseconds.

Minimum interdigital time: 45 milliseconds.

Minimum cycle time (period): 100 milliseconds.

g. *Tone Leak.* The power of the tone leak during signal off time shall be less than −55 dbm.

h. *Transient Voltages.* Peak transient voltages generated during tone signaling shall not be greater than 12 db above the zero-to-peak voltage of the composite two-frequency tone signal.

5.11 *Impedance.*—a. *On-hook impedance.* (1) Customer-provided equipment shall have an on-hook impedance between tip and ring terminals greater than 5,000 ohms between 10 Hz and 300 Hz and greater than 20 kilohms between 300 Hz and 3,400 Hz. The impedance from tip or ring to ground shall be greater than 50 kilohms within the frequency range of 10 Hz to 3,400 Hz.

(2) Customer-provided equipment when bridged with one station set shall have a minimum direct current resistance from tip and ring to ground of 20 megohms when measured with a 200-volt direct current limited test circuit of either polarity.

(3) During the on-hook condition, the application of ringing signals shall not cause an answering device to draw more than 15 milliamperes of current prior to line seizure.

b. *Off-hook impedance.* (1) The magnitude of the off-hook impedance between the tip and ring terminals of customer-provided equipment shall be greater than 400 ohms over the frequency range between 250 to 3,400 hertz.

(2) The off-hook direct current resistance from tip or ring to ground shall be greater than 10 kilohms.

(3) The impedance of the customer-provided equipment shall be designed for optimum voice signal power transfer.

5.12 *Environmental conditions.*—Operating parameters of customer-provided equipment subject to minimum standard requirements prescribed in these rules shall remain within the specified minimum standard limits under the following conditions (not measured simultaneously).

a. Temperature range between −10 degree and +50 degree Celsius.

b. Relative humidity range between 10 and 95 percent.

c. Mechanical shock that may be expected in normal handling including a drop from an elevation of 0.75 meter for portable equipment.

Storage environment temperatures between −40 degree and +65 degree Celsius shall not cause the operating parameters to remain permanently outside the minimum standard limits prescribed by these rules.

Degradation of capability to meet minimum standards at temperatures below the freezing point due to a continuous frost buildup shall not be considered failure to meet the requirements of this section.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
WILLIAM R. JOHNSON,
Secretary.

[FR Doc.75-14198 Filed 6-2-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

EMERGENCY AMENDMENT REVOKING SPECIAL RULE NO. 4

Cancellation of Public Hearing

The Federal Energy Administration hereby gives notice that the public hearing scheduled for June 3, 1975 in the above captioned proceeding has been cancelled. No requests to make oral presentations were received by FEA as of 4:30 p.m., May 23, 1975. Written comments and other data concerning the Emergency Amendment received by May 28, 1975, will be considered by FEA.

Issued in Washington, D.C., May 29, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-14416 Filed 6-2-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 544]

[No. 75-468]

FEDERAL SAVINGS AND LOAN SYSTEM

Voting by Members of Federal Savings and Loan Associations

MAY 28, 1975.

The following summary of the amendment proposed by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and the specific provisions in the regulations.

I. *Existing regulation.* In the consideration of each question requiring action by the members of a Federal savings and loan association, a savings member is entitled to cast one vote for each $100, or fraction thereof, of the withdrawal value of the member's account and a borrowing member is entitled to cast, as a borrower, one vote, subject to the overall limit that no member (whether saver, borrower, or both) may cast more than 50 votes.

II. *Proposed amendment.* Federal associations may adopt an optional charter amendment stating that the maximum number of votes per member is one vote for each Federal Savings and Loan Insurance Corporation insured amount of $100 in the member's savings account (a maximum of 400 votes per member based on the present maximum FSLIC-insurance of $40,000 per member; 1,000 votes maximum per public unit account based on maximum FSLIC-insurance of $100,000 for public unit accounts) and, if applicable, one additional vote as a borrowing member.

III. *Reason for proposal.* A. To permit members' votes to reflect the members' monetary investments, within reasonable limits.

B. To permit a borrowing member to cast one vote independently from his voting as a savings member.

IV. *Effects.* A. The proposal would update the limitation on the maximum number of votes per member in line with the maximum FSLIC-insurance per member. The maximum number of votes permitted to be cast by a member, as a savings member, would be increased from 40 to 400 votes (1,000 votes in the case of a public unit deposit). A borrowing member would be entitled to cast one vote, whether or not the borrowing member also casts any votes in the capacity of being a savings member.

B. The proposal would affect only a Federal association which adopts the optional charter amendment.

All charters of Federal savings and loan associations provide in substance that, in the consideration of each question requiring action by the members of an association, a savings member is entitled to cast one vote for each $100, or fraction thereof, of the withdrawal value of the member's account and a borrowing member is entitled to cast, as a borrower, one vote, subject to the overall limit that no member (whether saver, borrower, or both) may cast more than 50 votes on the question. The Board believes that a Federal association should be permitted, if it desires to do so, to liberalize these voting rights limitations which were probably based on the $5,000 limit on FSLIC-insurance specified by Congress at the time the FSLIC was incorporated. Since the FSLIC-insurance limit per member has been increased over the years from $5,000 to $40,000 ($100,000 in the case of a public unit deposit), reconsideration of these charter provisions seems appropriate.

Accordingly, the Board hereby proposes to amend § 544.8 of the rules and regulations for the Federal Savings and Loan System by revising the heading of paragraph (d) thereof and by adding a new paragraph (g) thereto to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by July 3, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

§ 544.8 Amendment of charter.

* * * * *

(d) *Amendment of charter relating to the record date as to a member's eligibility to vote.* * * *

* * * * *

(g) *Amendment of charter relating to a member's maximum number of votes.* (1) The provisions of this paragraph (g) (1) shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter N or Charter K (rev.) of the amendment of section 4 of such association's charter by revising the second, third and fourth sentences thereof to read as follows: "In the consideration of all questions requiring action by the members of the association, each holder of a savings account shall be permitted to cast one vote for each $100, or fraction thereof, of the funds in such account to the extent that such funds are insured by the Federal Savings and Loan Insurance Corporation. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes as to which he may be entitled as the holder of a savings account.

(2) The association shall follow the requirements of section 11 of its charter in adopting such amendment.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GREENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-14485 Filed 6-2-75;8:45 am]

[12 CFR Part 545]

[No. 75-459]

FEDERAL SAVINGS AND LOAN SYSTEM

Electronic Funds Transfer Through Remote Service Units

MAY 28, 1975.

The following summary of the amendment proposed by this Resolution is included for the reader's convenience and is subject to the full description in the preamble and the specific provisions in the regulations.

I. *Existing regulation.* Expires by its terms on July 31, 1975.

II. *Proposed amendment.* Makes two changes to the existing regulation:

a. Extends the term of the temporary regulation to July 31, 1976.

b. Permits additional applications to be made through February 29, 1976.

III. *Reason for proposal.* To permit continued experimentation by Federal associations in the use of remote service units.

The Federal Home Loan Bank Board by Resolution No. 74–573, dated June 26, 1974 (39 FR 23991), permitted Federal associations, upon application therefor, to establish, maintain or use, or to participate in the establishment, maintenance or use of, remote service units. At the time of the promulgation of the existing regulation the Board expressed its opinion that reports from, and observations of, the actual operation of electronic funds transfer systems would furnish valuable experience and information to the Board, the savings and loan industry, and the public relating to the substance of any permanent regulations which the Board may promulgate regarding such systems. The Board continues to be of this opinion.

After adoption of the regulation, Pub. L. 93–495 (October 28, 1974; 88 Stat. 1500), created the National Commission on Electronic Fund Transfers to "conduct a thorough study and investigation and recommend appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems." The Board believes that the operation of a variety of experimental electronic funds transfer systems by savings and loan associations will contribute significantly to the aforesaid study and investigation. The Board has received and acted upon several applications under its existing regulation which appear to provide substantial consumer benefits in terms of increased financial services performed for Federal association accountholders. However, some associations have experienced equipment and operational problems which have delayed or hindered implementation of approved remote service unit projects. In addition, in light of the Board's experience to date, it expects that the extension of its temporary regulation may result in the filing of a limited number of new applications for permission to engage in experimental electronic funds transfer systems projects by Federal associations, which may employ innovative technologies or offer improved public services, and thus enlarge the informational base for the development of permanent regulations. In view of the foregoing, the Board has determined that it would be appropriate to propose extension of its current temporary regulation for an additional year and to re-open the application process for approximately an additional eight months.

Extension of the termination date of remote service unit applications approved under existing § 545.4–2 would be considered on an individual basis, but without the need for further application. Any material alteration of applications approved under the existing regulation would require application during the proposed new application period.

Accordingly, the Board hereby proposes to amend paragraphs (g)(1) and (k) of § 545.4–2 to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by June 19, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

§ 545.4–2 Remote service units (temporary provision).

* * * * *

(g) *Applications.* (1) A Federal association may not establish, maintain or use a remote service unit, or participate in the establishment, maintenance, or use of a remote service unit, without prior written approval by the Board. Applications for Board approval shall be filed on or before February 29, 1976. One original and one copy of any application made pursuant to this section shall be filed with the Supervisory Agent and two copies of such application shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. An applicant may file additional information in support of its application and may amend the application. The Director or the Supervisory Agent may request an applicant to furnish additional information.

* * * * *

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of July 31, 1976.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Sec. 2, Pub. L. 93–100, 87 Stat. 342. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-14484 Filed 6-2-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Fair Credit Billing; Extension of Comment Period

By documents appearing at 40 FR 19489, Monday, May 5, 1975, the Board proposed amendments to Regulation Z

to implement Title III of Pub. L. 93–495 (sec. 301–308) dealing with fair credit billing. Written comments were solicited to be received not later than May 30, 1975. Due to the complexity of the proposed amendments and the fact that other consumer credit regulations have also recently been proposed making meaningful comment more difficult, the Board hereby extends the comment period for the proposed fair credit billing amendments to Regulation Z until June 20, 1975.

By order of the Board of Governors, May 29, 1975.

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

[FR Doc.75–14498 Filed 6–2–75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Proposed Trade Regulation Rule

Correction

In FR Doc. 75–13680 appearing at page 23086 in the issue of Wednesday, May 28, 1975, in the second column on page 23087, under the heading "Statement" in the second paragraph, immediately after the seventh line, insert the following: "nutrition claims that do not, in fact, ac-".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 11]

[Docket No. 14682; Notice No. 75–24]

PETITIONS FOR EXEMPTION

Proposed Procedural Requirements

The Federal Aviation Administration is considering amending Part 11 of the Federal Aviation Regulations—General Rulemaking Procedures, to provide that certain petitions for exemption must be submitted at least 180 days before the proposed effective date of the exemption unless priority handling has been shown to be necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before July 21, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under sections 307(c) and 601(c) of the Federal Aviation Act of 1958, the Administrator may grant exemptions from the requirements of any rule or regulation prescribed under Title III or VI of the Act if he finds that such action would be in the public interest. During the past several years, the number of petitions for exemption the FAA has considered and disposed of each year has steadily and significantly increased. In 1959, the FAA granted or denied 54 exemption petitions. In 1974, that number had grown to over 200, or more than four times the 1959 total. Inevitably, petitions for exemption have absorbed more and more of the time and resources that the FAA expends on the safety regulatory program. In turn, this has had a cumulative and increasingly adverse impact on the FAA's general safety rulemaking program.

The purpose of the proposed extension of the lead-time provisions applicable to petitions for exemption under Subpart B of Part 11 is to allow for the orderly integration of exemption requests into the overall regulatory workload of the FAA and thereby reduce the disruptive effect that short-notice exemption requests can have on the general rulemaking processes of the FAA. The FAA believes that the current practice, in which a large volume of exemption requests must frequently be disposed of in 60 days or less, is contrary to the public interest in three respects. First, it directs FAA regulatory resources away from general rule-making projects involving safety in air commerce. Second, it can result in the failure of the regulations to keep pace with the rapid growth of, and technological advances in, aviation. This, in turn, unreasonably increases the pressure on the public to file petitions for exemption. Third, it can cause a situation in which a person who petitions for an exemption does not know whether his petition is granted or denied until close to the date that he has requested it to be effective. This may interfere with the petitioner's ability to conduct his affairs in an orderly fashion. Thus, from the standpoint of better service to the public through increased rulemaking efficiency, as well as better service to petitioners requesting relief from the regulations, the FAA believes that the increased lead-time proposed herein is a necessary tool of effective agency management.

Furthermore, it is believed that the longer lead-time will better enable the FAA to determine whether or not general rule making is appropriate to eliminate the cause of the request for an exemption. This is necessary not only in determining whether relief would be appropriate in the petitioner's case, but also in determining whether all persons similarly situated should be granted relief through general rule making.

Finally, it is recognized that there may be exemption requests that involve matters, such as urgent safety considerations requiring early FAA response. Therefore, this proposal would permit petitions for exemptions to be submitted less than 180 days before the requested effective date where the petitioner demonstrates a need for earlier action by the FAA.

In view of the above, § 11.25 would be amended to require a petition for exemption to be submitted to the FAA at least 180 days before the proposed effective date of the exemption, "unless it is shown that priority handling is required."

In consideration of the foregoing, it is proposed to amend Part 11 of the Federal Aviation Regulations by amending paragraph (b)(1) of § 11.25 to read as follows:

§ 11.25 Petitions for rulemaking or exemptions.

* * * * *

(b) Each petition filed under this section must—

(1) In the case of a petition for exemption, be submitted at least 180 days before the proposed effective date of the exemption, unless it is shown that priority handling is required;

* * * * *

This amendment is proposed under the authority of sections 313(a) and 601(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421(c)); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 29, 1975.

GERARD J. TURNER,
Chief Counsel.

[FR Doc.75–14518 Filed 6–2–75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75–14; Notice 01]

NON-PASSENGER-CAR SEAT BELT SYSTEMS

Proposed Motor Vehicle Safety Standard

This notice proposes an amendment of Standard No. 208, *Occupant crash protection*, 49 CFR 571.208, that would permit until January 1, 1976, the installation of current seat belt assemblies in trucks and multipurpose passenger vehicles (MPV) with a gross vehicle weight rating of 10,000 pounds or less. This notice responds to petitions for rulemaking from Chrysler Corporation and Jeep Corporation.

Chrysler and Jeep petitioned for an extension of the present requirements for 1975 model vehicles (contained in S4.2.1) beyond the normal conclusion of the model year when new requirements are scheduled to take effect (contained in S4.2.2 and scheduled for August 15, 1975). Both companies stated that the current economic situation makes desirable a possible delay of introduction of their 1976-model light trucks and MPV's. Each company asserted that the costs of installing the new 3-point belt systems as a running change in 1975-model vehicles produced after August 15, 1975, would be prohibitive. Additionally, Jeep cited the cost of inventory of the existing belt systems which have accumulated because of decreased vehicle sales.

The National Highway Traffic Safety Administration (NHTSA) has responded in several cases to the current economic situation of the country in general and the automobile industry in particular. As

noted in proposals to delay implementation of Standard No. 121 and Standard No. 105–75 (39 FR 44480, December 24, 1975; 40 FR 10483, March 6, 1975), and in proposed modifications of Standard No. 215 (40 FR 10, January 2, 1975; 40 FR 11598, March 12, 1975), full consideration has been given to economic consequences in weighing the reasonableness of its requirements. At the same time, this agency is charged with issuance of safety standards and its primary concern must be the potential safety consequences of its regulations.

The NHTSA requested further information from Chrysler and Jeep as to the number of vehicles involved and the unit cost of introducing the new system in 1975-model vehicles. Their responses appear in the public docket. In making this proposal, this agency relied on those figures, and projected the estimated total number of vehicles of all manufacturers which would be involved in the proposed 4-month delay. The submitted costs figures are of course only those of two companies, and require comparison with more detailed cost submissions from the entire industry.

Based on this initial data, the NHTSA tentatively concludes that the significant costs of running changes in 1975-model vehicles whose production may be continued after August 15, 1975, would not be justified for the numbers of vehicles which it is estimated would be affected. It is therefore proposed that manufacturers have the option of meeting present requirements or new requirements until January 1, 1976.

Section 113 of the National Traffic and Motor Vehicle Safety Act requires that manufacturers, when objecting to agency actions on cost grounds, provide sufficient information to permit evaluation of their cost arguments. Chrysler and Jeep provided significantly different cost estimates for the new systems and the costs of mid-model-year introduction. In order accurately to evaluate any cost arguments of manufacturers who object to the August 15, 1975, implementation of the new requirements, the following cost information must be included in comments on this proposal:

(1) A list of the components for the new safety belt systems (S4.2.2) and the S4.2.1 systems, their itemized prices both with and without markups to dealers and the consumer, and the differences between the two systems.

(2) A description of the modifications in design and production necessary to install the S4.2.2 belt systems in vehicles for which the S4.2.1 belts were intended, and the total costs of these changes.

(3) An estimate of the number of additional 1975-model vehicles that the manufacturer would equip with belt assemblies conforming to S4.2.1 of Standard No. 208 if the proposal were made final.

(4) An estimate of the number of 1975-model vehicles that the manufacturer would modify by running change to accommodate seat belt assemblies conforming to S4.2.2 of Standard No. 208 if the proposal were not made final.

(5) Estimates of the manufacturer's cost, and the number of systems that could not be used up in planned production or placed in normal aftermarket inventory, if the proposal were not made final.

In consideration of the foregoing, it is proposed that Standard No. 208 (49 CFR 571.208) be amended as follows:

1. S4.2.1 would be amended to read:

S4.2.1 *Trucks and multipurpose passenger vehicles, with GVWR of 10,000 pounds or less, manufactured from January 1, 1972, to December 31, 1975.* Each truck and multipurpose passenger vehicle with a gross vehicle weight rating of 10,000 pounds or less, manufactured from January 1, 1972, to December 31, 1975, inclusive, shall meet the requirements of S4.2.1.1 or S4.2.1.2, or at the option of the manufacturer, the requirements of S4.2.2. A protection system that meets the requirement of S4.2.1.1 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.2.1.2.

2. The date "August 15, 1975" appearing twice in S4.2.2, would be replaced by "January 1, 1976".

Comment closing date: June 24, 1975.

Because of the need to make production decisions for the 1975-model vehicles as soon as possible, a 20-day comment period has been established.

Proposed effetcive date: 30 days following date of publication of the final rule in the FEDERAL REGISTER.

(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 May 30, 1975.

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

[FR Doc.75–14715 Filed 6–2–75;11:00 am]

notices

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

DEPARTMENT OF STATE

Agency for International Development

RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on June 27-28, 1975, at the Sheraton National Motor-Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia. The purpose of the meeting is to discuss procedural matters relating to research project review, utilization of research results, integration of research with AID's operational programs and future directions of the Agency's Research efforts. The meeting will be held from 9 a.m. to 10 p.m. on June 27 and from 8:30 a.m. to 3 p.m. on June 28. This meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 2201 C Street, NW., Washington, D.C. 20523, or call area code 202-632-3800.

Dated: May 22, 1975.

CURTIS FARRAR,
Assistant Administrator for Technical Assistance.

[FR Doc.75-14483 Filed 6-2-75;8:45 am]

Office of the Secretary

[Public Notice CM-5/57]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on June 25, 1975, under the chairmanship of Mr. Harold L. Kassens. The meeting will convene at 10:00 a.m., in Room 8210, Federal Communications Commission, 2025 M Street, NW., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The agenda for the meeting is:

1. Approval of agenda;
2. Approval of minutes of May 1 meeting;
3. Reports on progress of work for: a. 1977 World Administrative Radio Conference (12 GHz); b. 1979 World General Administrative Radio Conference;
4. Reports on preparations for the 1976 meetings of the international Study Groups 10 and 11;
5. Any further business.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Admittance of public members will be limited to the seating available.

Dated: May 22, 1975.

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

[FR Doc.75-14384 Filed 6-2-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

SHOES AND STEEL PRODUCTS

Termination of Countervailing Duty Investigations

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice announced that petitions had been received, including, among others, petitions alleging that certain payments, bestowals, rebates or refunds granted by the governments listed below upon the manufacture, production, or exportation of shoes and steel products constitute the payment or bestowal of a bounty or grant, directly, or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). On March 7, 1975, a notice was published in the FEDERAL REGISTER (40 FR 10698) to add a petition with respect to steel products from Italy to the petitions referred to in the previous notice.

Subsequent to the publication of the above-mentioned notices in the FEDERAL REGISTER, the petitions concerning the following commodities were withdrawn.

Commodity	*Country*
Shoes	West Germany
Steel Products	Do.
Do	France
Do	Netherlands
Do	Luxembourg
Do	Belgium
Do	United Kingdom
Do	Austria
Do	Italy

For this reason, I hereby announce the termination of the countervailing duty investigations enumerated above.

This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved May 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-14440 Filed 6-2-75;8:45 am]

WOVEN TIE FABRICS FROM JAPAN, WEST GERMANY, AND KOREA

Termination of Countervailing Duty Investigation

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice announced that petitions had been received, including among others, a petition alleging that certain payments, bestowals, rebates or refunds granted by the Governments of Japan, West Germany, and Korea upon the manufacture, production, or exportation of woven tie fabrics constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Subsequent to the publication of the above-mentioned notice in the FEDERAL REGISTER, the petition concerning this merchandise was withdrawn. For this reason, I hereby announce the termination of the countervailing duty investigation with respect to woven tie fabrics from Japan, West Germany, and Korea.

This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: May 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-14441 Filed 6-2-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-2]

DALE W. BAKER

Notice of Hearing

Notice is hereby given that on February 10, 1975, the Drug Enforcement Administration, Department of Justice, issued to Dale W. Baker, t/a Northridge

Drug Store, Dayton, Ohio, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AB2791007 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed by the Respondent with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 11 a.m. on June 3, 1975, Room 1210, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C.

Dated: May 29, 1975.

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

[FR Doc.75-14634 Filed 6-2-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Office and Serial No. C-18254—Withdrawal]

DEPARTMENT OF AGRICULTURE

Proposed Withdrawal and Reservation of Lands

MAY 22, 1975.

The Department of Agriculture, U.S. Forest Service, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation except leasing under the Mineral Leasing Laws.

The applicant desires the land to protect high value watershed for domestic and municipal water supplies and high scenic values.

On or before July 3, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (5-943).

The Department's regulations (43 CFR Part 231) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The lands involved in the application are:

T. 6 S., R. 76 W., 6th P.M.,
Sec. 1, lots 5, 6, 7, 10, 11, and 12, E½SW¼, SE¼;
Sec. 11, lot 16;
Sec. 12, NE¼, E½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 13, lot 2;
Sec. 14, lot 1.

excluding those portions of mineral patents lying within the withdrawn area.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

EVERETT K. WEEDIN,
Chief,
Branch of Land Operations.

[FR Doc.75-14477 Filed 6-2-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

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

Applicant. San Antonio Zoological Gardens & Aquarium, 3903 N. St. Mary's Street, San Antonio, Texas 78212, Louis R. DiSabato, Director.

OMB NO. 42-R1370

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

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

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

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Export one female captive born jaguar (Endangered Species) to Venezuela to participate in a supervised scientific reintroduction program under the auspices of Dr. Pedro Trebbau, Director of Zoos, Caracas, Venezuela. The animal will also be used in natural history studies in semi-natural and natural conditions in Venezuela.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
San Antonio Zoological Gardens & Aquarium
3903 N. St. Mary's Street
San Antonio, TX 78212
(512) 734-7183

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological gardens and aquarium devoted to the exhibition, care and propagation of animals in captivity. Operated by the San Antonio Zoological Society for the City of San Antonio.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (512) 734-7183
Louis R. DiSabato, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Texas

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Export from San Antonio, Texas, to Caracas, Venezuela

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☒ YES ☐ NO
(If yes, list license or permit numbers) ES-78, ES-61, ES-48, ES-12, 2-SP-320, 2-PR-365

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

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$50.00

10. DESIRED EFFECTIVE DATE
Immediately

11. DURATION NEEDED
120 days from date issued

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

CERTIFICATION

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

SIGNATURE (In ink) Louis R. DiSabato
DATE May 1, 1975

9-200
16/76

DIRECTOR,
Fish and Wildlife Service,
Law Enforcement, USDI,
Washington, D.C. 20240.

MAY 1, 1975.

DEAR SIR: Enclosed is a permit application in accordance with paragraph 17.23 Title 50 CFR for the export of one female jaguar (*Panthera onca*), born 24 January 1974 at the San Antonio Zoological Gardens, to the Parque Caricuao, Instituto Nacional de Parques, Caracas, Venezuela.

The following is the information required by paragraph 17.23.

(1) Jaguar (*Panthera onca*), one female, born January 24, 1974, at the San Antonio Zoological Gardens, San Antonio, Texas.

(2) Enclosed are copies of the correspondence between the San Antonio Zoological Gardens and Dr. Pedro Trebbau establishing the agreement under which the animal is to be shipped to Venezuela. The animal will be a gift from the San Antonio Zoological Gardens to the Parque Caricuao, Caracas, Venezuela, operated by the Instituto Nacional de Parques of the Venezuelan government.

(3) The jaguar will be donated for use in a major program of ecological investigation in Venezuela in cooperation with the Organization for the Conservation of Natural Resources in Venezuela, the Ministry of Rural Affairs, the Parque Caricuao, Caracas, and the Smithsonian Institution, National Zoological Park (see National Zoological Park, Endangered Species Permit Application, Federal Register Vol. 40, No. 13, January 20, 1975). Part of the research program involves ecological, behavioral and reproductive investigations of the jaguar (*Panthera onca*) to be conducted by Dr. Pedro Trebbau, Director of Zoological Parks, National Institute of Parks, Venezuela and staff of the National Zoological Park, Washington, D.C.

It is proposed that the animal will be released in a large natural enclosure of about 2000 square meters in a new zoo in Caracas in order to study certain aspects of jaguar ecology, behavior and reproduction (see attachment). In this enclosure basic natural history information will be developed to correlate with work being conducted on natural wild-ranging jaguars elsewhere in Venezuela. It is our understanding that this jaguar will be used in the same project as outlined in the National Zoological Park Endangered Species Application (Fed. Reg., Vol. 40, No. 13, January 20, 1975) requesting permit to export three jaguars to Dr. Trebbau in Venezuela.

(4) The jaguar will be maintained in a large natural enclosure with an area of about 2000 square meters. The animal will be maintained by personnel of the Parque Caricuao, National Institute of Parks under the supervision of Dr. Pedro Trebbau, Director of Zoos, National Institute of Parks, Apartado 28058, Caracas 102, Venezuela.

(5) This jaguar was born 24 January 1974 at the San Antonio Zoological Gardens of parents, both of whom were also zoo born.

(6) Not appropriate—This animal is second generation captive born and will have no adverse effect on the natural population of jaguars in the wild. All information derived from this project would have positive value for the natural population.

(7) This animal is to be exported to Venezuela and is not an importation.

(i) See attachments. The animal will be housed in 2000 square meter natural enclosure at a new zoo in Caracas, Venezuela.

(ii) Technical expertise will be provided by Dr. Pedro Trebbau and his personnel of the National Institute of Parks who have had extensive experience in maintaining and reproducing many diverse species of animals. Dr. Trebbau has also successfully maintained and reproduced the jaguar in captivity. In addition, personnel of the National Zoological Park, Washington, DC, will be involved with this project, and they also have extensive experience with exotic animals and jaguars.

(iii) The San Antonio Zoological Gardens and the Parque Caricuao will readily participate in cooperative breeding programs and in the maintenance of a studbook on the jaguar (*Panthera onca*). The purpose of this application is, in fact, the establishment of a cooperative breeding program. The San Antonio Zoological Gardens already participates in the maintenance of studbooks on a number of other animals in its collection and is well-versed in the format and use of these important records.

(iv) The animal will be shipped in a wooden crate lined with metal 24" wide x 45" long x 30½" high. There is a double grill on one end of the crate and a metal lined guillotine door on the other. This door will allow food and water to be placed in the crate. In addition, water may be provided with a hose through the grill.

It is anticipated that the animal will be shipped to Venezuela via Miami, Florida, and zoo officials at the Crandon Park Zoo will be requested to check the animal and provide any necessary food and water while it is at Miami.

Dr. Pedro Trebbau is requesting the necessary import permit to Venezuela, and he will assist the animal through customs and health inspection upon entering Venezuela. It will then proceed to the new zoo for necessary quarantine under the supervision of a registered veterinarian.

Very truly yours,

LOUIS R. DISABATO,
Director, San Antonio Zoological Gardens and Aquarium.

SAN ANTONIO ZOOLOGICAL GARDEN,
Louis R. DiSabato, Director,
San Antonio, Tex.

DEAR COLLEAGUE: From the Washington Zoo I have learned, that you have a female jaguar available for our breeding program here in Caracas, and that the cost of this animal is $500.

We would be interested to receive the animal and for this purpose we need your instructions when and how this animal could be shipped.

Hoping to hear from you soon, I remain

Sincerely yours,

PEDRO TREBBAU.

Caracas, el 4 de enero de 1975.

PEDRO TREBBAU,
Parque Caricuao,
Apartado 25058,
Caracas 102, Venezuela.

FEBRUARY 11, 1975.

DEAR PEDRO: I discussed with Ted Reed your need for jaguars for the project which I believe you and John Eisenberg are engaged in.

Although the value of the animal is $500.00 here in the United States, I will forego receiving any money for the animal itself and say that if you want the female jaguar, I will ask you only to pay the shipping charges from San Antonio to Caracas.

I propose to ship the animal via Air Freight Collect with as few transfers or flight changes as possible. For instance, Continental Airlines has a flight from San Antonio to Miami, then transfer to Varig for the remainder of the flight. Our first step, however, must be for me to apply for a permit from the United States Department of Interior to move the animal from our Zoo to you. This is a little time-consuming, but necessary.

Please send me a letter requesting the animal, which is surplus to our collection and born in our Zoo, and explaining for what purpose you are going to need it. Some details will help. Immediately upon receiving the permit, I will contact you with flight arrangements.

Sincerely,

LOUIS R. DISABATO.

Mr. LOUIS R. DISABATO,
San Antonio Zoological Gardens and Aquariums,
3903 N. St. Mary's Street,
San Antonio, Tex. 78212,
U.S.A.

APRIL 4, 1975.

DEAR LOUIS: Thank you very much for your generous offer of donating a female jaguar for our new zoo. I will apply immediately for the necessary import permit and will send it to you next week.

As you probably know we have a big natural enclosure with an area of about 2,000 square meters, where we will proceed to study certain aspects of the jaguars.

Your proposition to send the animal via air freight collect sounds excellent and Miami is the point to do this, but please do it with Pan American, as they have daily flights to Caracas and at the same time are doing great service.

I hope this information will be enough and thanks again for your great offer.

Sincerely,

PEDRO TREBBAU,
Director of Zoos.

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

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before July 3, 1975 will be considered.

Dated: May 29, 1975.

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

[FR Doc.75-14424 Filed 6-2-75;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 4, 1975, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisor Council on Historic Preservation, 36 CFR Part 800.

The following properties have been added to the National Register since May 6, 1975. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER.

ALABAMA

Jefferson County

McCalla vicinity, *Sadler House*, 3 mi. S of McCalla on Eastern Valley Rd. (4-23-75).

Lee County

Auburn, *Ebenezer Missionary Baptist Church*, Thach St. and Auburn Dr. S. (4-21-75).
Auburn, *Scott-Yarborough House*, 101 DeBardeleben St. (4-16-75).

Tuscaloosa County

Tuscaloosa, *Searcy House*, 2606 8th St. (4-21-75).

ARIZONA

Mohave County

Kingman, *Bonelli House*, Spring and 5th Sts. (4-24-75).

Santa Cruz County

Ruby and vicinity, *Ruby*, N of U.S./Mexico border between Ruby and Montana peaks (4-28-75).

CALIFORNIA

Alameda County

Oakland, *Pacific Press Building*, 1117 Castro St. (4-14-75).

Los Angeles County

Pomona, *La Casa Primera de Rancho San Jose*, 1569 N. Park Ave. (4-3-75).

Nevada County

Nevada City, *Ott's Assay Office/South Yuba Canal Office*, 130 Main St. (4-14-75).

Orange County

Orange, *Orange Union High School (Chapman College)*, 333 N. Glassell St. (4-14-75).
Placentia, *Key, George, Ranch*, 625 Bastanchury Rd. (4-21-75).
San Juan Capistrano, *Montanez Adobe*, 31745 Los Rios St. (4-21-75).
Santa Ana, *Lighter-than-air Ship Hangers*, Valencia and Redhill Aves. (4-3-75).

Sacramento County

Orangevale, *Indian Stone Corral*, roughly bounded by Cherry Ave., Granite and Mountain Sts., and county line (4-16-75).
Sacramento, *Southern Pacific Railroad Company's Sacramento Depot*, 5th and I Sts. (4-21-75).

San Bernadino County

Barstow, *Harvey House Railroad Depot (Casa del Desierto)*, Santa Fe Depot (4-3-75).

Santa Clara County

Gilroy, *Old City Hall*, 7410 Monterey St. (4-16-75).
San Jose, *Murphy Building*, 36 S. Market St. (4-28-75).

Shasta County

Burney vicinity, *Lake Britton Archeological District*, 10 mi. N of Burney in Lassen National Forest (4-14-75).

Stanislaus County

Knights Ferry and vicinity, *Knights Ferry*, on Stanislaus River 2 mi. from Stanislaus/Calaveras county line off CA 108/120 (4-23-75).

Ventura County

San Buenaventura, *Mission San Buenaventura and Mission Compound Site*, bounded by Poli St., Ventura and Santa Clara Aves., and Palm St. (4-10-75).

Yuba County

Woodleaf, *Woodleaf Hotel*, Marysville-La Porte Rd. (4-9-75).

COLORADO

Costilla County

San Luis, *Smith-Gallego House*, Main St. (4-14-75).

Denver County

Denver, *Richthofen Castle*, 7020 E. 12th Ave. (4-21-75).

El Paso County

Colorado Springs, *Glen Eyrie*, 3280 N. 30th St. (4-21-75).

Jefferson County

Arvada, *Arvada Flour Mill*, 5580 Wadsworth Blvd. (4-24-75).
Lakewood vicinity, *Stone House*, S of Lakewood off of S. Wadsworth Blvd. (5-1-75).

Ouray County

Ouray, *Ouray City Hall and Walsh Library*, 6th Ave. between 3rd and 4th Sts. (4-16-75).

Saguache County

Saguache, *Saguache School and Jail Buildings*, U.S. 285 and San Juan Ave. (5-2-75).

CONNECTICUT

Hartford County

Hartford, *Colt, James B., House*, 154 Wethersfield Ave. (4-14-75).
Hartford, *Day-Taylor House*, 81 Wethersfield Ave. (4-14-75).

DELAWARE

Kent County

Dover, *Bullen, John, House*, 214 S. State St. (4-14-75).

New Castle County

Delaware City, *Eastern Lock of the Chesapeake and Delaware Canal*, Battery Park (4-21-75).

FLORIDA

Escambia County

Pensacola, *Pensacola Athletic Club (Rafford Hall)*, SW corner of Baylen and Belmont Sts. (4-16-75).

Gadsden County

Quincy, *Shelfer, E. B., House*, 205 N. Madison St. (4-4-75).

Hillsborough County

Plant City, *Plant City Union Depot*, E. North Drane St. (4-14-75).

Lake County

Eustis, *Clifford House*, 536 N. Bay St. (4-4-75).
Mount Dora, *Donnelly House*, Donnelly Ave. (4-4-75).

Pinellas County

St. Petersburg, *U.S. Port Office*, SW corner of 1st Ave. N. and 4th St. N. (4-4-75).
St. Petersburg, *William, John C. House (Manhattan Hotel)*, 444 5th Ave. S. (4-24-75).
St. Petersburg Beach, *Don Ce Sar Hotel*, 3400 Gulf Blvd. (4-3-75).

Polk County

Bartow, *Holland, Benjamin Franklin, House (The Gables)*, 590 E. Stanford St. (4-3-75).

Sarasota County

Osprey vicinity, *Osprey Archeological and Historic Site*, N of Osprey (4-16-75).

GEORGIA

Barrow County

Bethlehem vicinity, *Kilgore Mill Covered Bridge and Mill Site*, 3.5 mi. SW of Bethlehem across Apalachee River/county line (also in Walton County) (4-14-75).

DeKalb County

Atlanta and vicinity, *Druid Hills Parks and Parkways*, both sides of Ponce de Leon Ave. between Briarcliff Rd. and the Seaboard Coast Line RR. tracks (4-11-75).

Walton County

Bethlehem vicinity, *Kilgore Mill Covered Bridge and Mille Site*, see Barrow County.

IDAHO

Benewah County

Desmet, *Coeur d'Alene Mission of the Sacred Heart*, off U.S. 95 (4-21-75).

Blaine County

Sun Valley vicinity, *Sawtooth City*, off U.S. 93 in Sawtooth National Forest NW of Sun Valley (4-4-75).

Caribou County

Soda Springs, *Lander Road*, NE of Soda Springs in Caribou National Forest S of ID 34 (4-24-75).

Lemhi County

Salmon vicinity, *Leesburg*, W of Salmon at Napias Creek in Salmon National Forest (4-4-75).

ILLINOIS

Bond County

Greenville, *Old Main, Almira College*, 315 E. College St. (4-21-75).

Bureau County

Princeton vicinity, *Red Covered Bridge*, 2 mi. N of Princeton off IL 26 on Old Dad Joe Trail (4-23-75).

Cook County

Chicago, *Chicago Avenue Water Tower and Pumping Station*, both sides of N. Michigan Ave. between E. Chicago and E. Pearson Sts. (4-23-75) HABS.
Chicago, *Rosehill Cemetery Administration Building and Entry Gate*, 5600 N. Ravenswood Ave. (4-24-75).
Wilmette, *Chicago and North Western Depot*, 1135-1141 Wilmette Ave. (4-24-75).

DeWitt County

Birkbeck vicinity, *Pabst Site*, SE of Birkbeck off U.S. 54 (4-24-75).

Henry County

Kewanee vicinity, *Francis, Frederick, Woodland Palace*, 2.5 mi. NE of Kewanee on IL 34 (4-14-75).

Jackson County

Carbondale, *West Walnut Street Historic District*, roughly bounded by W. Elm, S. Poplar, W. Main, and S. Forest Sts. (5-2-75).

Jo Daviess County

Warren, *Old Stone Hotel*, 110 W. Main St. (4-16-75).

Morgan County

Jacksonville, *Jacksonville State Hospital Main Building*, 1201 S. Main St. (4-24-75).

Vermilion County

Danville, *Fithian House*, 116 N. Gilbert St. (5-1-75).

INDIANA

Montgomery County

Crawfordsville, *Montgomery County Jail and Sheriff's Residence*, 225 N. Washington St. (5-1-75) HAER.

IOWA

Buchanan County

Independence, *Wapsipinicon Mill*, 100 1st St. W. (4-21-75).

Johnson County

Iowa City, *Nicking House*, 410 E. Market St. (4-21-75).

Page County

Clarinda, *Goldenrod Schoolhouse*, block 48, Frazer Addition (4-23-75).

KANSAS

Atchison County

Atchison, *Atchison County Courthouse*, SW corner of 5th and Parallel Sts. (4-16-75).
Atchison, *Brown, J. P., House*, 805 N. 4th St. (4-14-75).

Douglas County

Lawrence, *Douglas County Courthouse*, SE corner of Massachusetts and 11th Sts. (4-14-75).

Elk County

Moline vicinity, *Durbin Archeological Site*, SE of Moline (5-2-75).

Mitchell County

Beloit, *St John the Baptist Catholic Church*, 701 E. Court St. (4-14-75).

KENTUCKY

Garrard County

Lancaster, *Boyle, Robertson-Letcher House*, 106 W. Maple St. (4-14-75).

Woodford County

Versailles, *Carter House*, 110 Morgan St. (5-2-75).

MAINE

Cumberland County

Harpswell vicinity, *Bailey Island Cobwork Bridge*, on ME 24 connecting Bailey and Orrs islands (4-28-75).
Harpswell vicinity, *Kellogg, Elijah, House*, N of N. Harpswell on ME 123 (4-28-75).

Hancock County

Bucksport, *Bucksport Railroad Station*, Main St. (4-28-75).

Kennebec County

Clinton, *Brown Memorial Library* (4-28-75).

Knox County

Union, *Alden, Ebenezer, House*, off ME 131 (4-28-75).

Lincoln County

Alna, *Alna School*, Alna Center (4-28-75) HABS.
New Castle, *Glidden-Austin Block*, Jct. of U.S. 1 and ME 215 (4-28-75) HABS.

Washington County

Columbia Falls, *Bucknam House*, Maine St. (4-28-75).
Machiasport, *Gates House*, ME 92 (4-28-75).

York County

Alfred, *Holmes, Senator John, House*, U.S. 202 (4-24-75) HABS.
Old Orchard Beach, *Temple, The*, Temple Ave. in Ocean Park (4-28-75).
Sanford, *Goodall, Thomas, House*, 232 Main St. (4-28-75).
York, *Moody Homestead*, Ridge Rd. (4-28-75).

MARYLAND

Baltimore County

Pikesville, *Mettam Memorial Baptist Church*, Old Court Rd. between Sudbrook and and Reisterstown Rds. (4-24-75).

Cecil County

Charlestown, *Charlestown Historic District*, bounded by Tasker and Ogle Sts., Louisa La., and the North East River (4-14-75).

Frederick County

Frederick vicinity, *Stancioff House*, 8 mi. SE of Frederick off MD 80 (4-23-75).

Prince Georges County

Beltsville, *Ammendale Normal Institute*, Jct. of Ammendale Rd. and U.S. 1 (4-14-75).

Talbot County

Easton vicinity, *Troth's Fortune*, 3.25 mi. E of Easton on MD 331 (4-24-75) HABS.

Washington County

Hagerstown vicinity, *Trovinger Mill*, 3 mi. E of Hagerstown on Trovinger Mill Rd. and Antietam Creek (4-21-75).

Worcester County

Ocean City vicinity, *Sandy Point Site*, SW of Ocean City (4-28-75).

MASSACHUSETTS

Barnstable County

Dennis, *West Schoolhouse*, Nobscusett Rd. at Whig St. (4-24-75).
Provincetown, *Provincetown Public Library*, 330 Commercial St. (4-21-75).

Bristol County

New Bedford, *Carney, Sgt. William H., House*, 128 Mill St. (4-21-75).
New Bedford, *First Baptist Church*, 149 William St. (4-21-75).

Essex County

Beverly, *Cabot, Capt. John, House*, 117 Cabot St. (4-16-75).
Marblehead, *Fort Sewall*, Fort Sewall promontory (4-14-75).

Hampden County

West Springfield, *Day, Josiah, House*, 70 Park St. (4-16-75).

Middlesex County

Arlington, *Fowle-Reed-Wyman House*, 64 Old Mystic St. (4-14-75).
Cambridge, *First Baptist Church*, River and Magazine Sts., (4-14-75) HABS.
Cambridge, *Mount Auburn Cemetery*, 580 Mount Auburn St. (4-21-75).
Lowell, *City Hall Historic District*, roughly area between Broadway and French Sts., Colburn St. and both sides of Kirk St. (4-21-75).
Medford, *Angier, John B., House*, 129 High St. (4-23-75).
Medford, *Brooks, Shepherd, Estate*, 275 Grove St. (4-21-75).
Medford, *Hall, Isaac, House*, 43 High St. (4-16-75) HABS.
Medford, *Hillside Avenue Historic District*, property on both sides of Hillside and Grand View Aves. (4-21-75).
Medford, *Old Ship Street Historic District*, both sides of Pleasant St. from Riverside Ave. to Park St. (4-14-75).
Medford, *Park Street Railroad Station*, 20 Magoun Ave. (4-21-75).
Medford, *Unitarian Universalist Church and Parsonage*, 141, 147 High St. (4-21-75) HABS.
Medford, *Wade, Jonathan, House*, 13 Bradlee Rd. (4-21-75).
Somerville, *Powder House Park*, Powder House Circle (4-21-75).

Norfolk County

Franklin, *Dean Junior College Historic District*, Dean Junior College campus (4-23-75).

Suffolk County

Boston, *St. Stephen's Church*, Hanover St. between Clark and Harris Sts. (4-14-75).

Worcester County

West Brookfield vicinity, *White Homestead*, NW of West Brookfield on Ware Rd. (MA 9) (4-14-75).

MICHIGAN

Delta County

Escanaba vicinity, *Peninsula Point Lighthouse*, 6.5 mi. SE of Escanaba in Hiawatha National Forest (4-28-75).

Lenawee County

Adrian, *Dennis and State Streets Historic District*, both sides of Dennis and State Sts. between Union St. and NYC RR. tracks (4-14-75).

Marquette County

Marquette, *Marquette City Hall*, 204 Washington St. (4-11-75).

Wayne County

Detroit, *Penn Central Station*, 2405 W. Vernor St. (4-16-75).

MINNESOTA

Koochiching County

Island View vicinity, *Little American Mine*, N of Island View on Little American Island (4-16-75).

Ramsey County

St. Paul, *Gibbs Farm*, 2097 Larpentuer Ave. (4-23-75).

St. Louis County

Duluth, *Endion Passenger Depot*, 1504 South St. (4-16-75).
Duluth, *Kitchi Gammi Club*, 831 E. Superior St. (4-16-75).

MISSISSIPPI

Hinds County

Pocahontas vicinity, *Sub Rosa*, S of Pocahontas on U.S. 49 (4-28-75).

Oktibbeha County

Starkville, *Stone, John M., Cotton Mill*, Gillespie St. (4-29-75).

Quitman County

Lambert vicinity, *Norman Site*, SW of Lambert near Cassidy Bayou (5-2-75).

Washington County

Erwin, *Ward, Junius R., House*, Old Hwy. 1 (4-28-75).

Winston County

Louisville vicinity, *Old Robinson Road*, 16.6 mi. NE of Louisville on Noxubee National Wildlife Refuge (4-3-75).

MISSOURI

Butler County

Naylor vicinity, *Little Black River Archeological District*, also in Ripley County. (4-21-75).

Ripley County

Naylor vicinity, *Little Black River Archeological District*, see Butler County.

NEBRASKA

Gage County

Beatrice, *Burlington Northern Depot*, 118 Court St. (5-2-75).

Hall County

Grand Island, *Grand Island Carnegie Library*, 321 W. 2nd St. (5-2-75).

NEVADA

Carson City County

Carson City, *Nye, Gov. James W., Mansion*, 108 N. Minnesota St. (4-16-75) HABS.

Douglas County

Minden vicinity, *Mormon Station*, 7 mi. NW of Minden on NV 57, in town of Genoa (4-16-75).

NEW JERSEY

Bergen County

Fair Lawn, *Radburn*, irregular pattern between Radburn Rd. and Erie RR. tracks N to Owen Ave. and S to Berdan Ave. (4-16-75).

Burlington County

Bridgeboro vicinity, *Schoolhouse*, 2 mi. E of Bridgeboro on Salem Rd. (4-21-75).

Monmouth County

Imlaystown vicinity, *Upper Freehold Baptist Meeting*, E of Imlaystown on Red Valley Rd. (4-21-75).

Salem County

Salem, *Market Street Historic District*, irregular pattern on both sides of Market St. from Broadway to Fenwick Creek (4-10-75) HABS.

NEW MEXICO

Sante Fe County

Santa Fe, *Fort Marcy Ruins*, off NM 475 (4-14-75).

Toas County

Ojo Caliente, *Chapel of Santa Cruz*, S side of plaza off U.S. 285 (4-14-75).

Valencia County

Los Lunas vicinity, *Tranquilino Luna House*, SW of Los Lunas at Jct. of U.S. 85 and NM 6 (4-16-75).

NEW YORK

Dutchess County

Amenia vicinity, *Winegar, Hendrik, House*, SE of Amenia on SR 2 off NY 343 (4-15-75).

Rhinebeck vicinity, *Evangelical Lutheran Church of St. Peter*, 2.25 mi. N of Rhinebeck on U.S. 9 (4-24-75).

Tivoli vicinity, *Montgomery Place (Chateau de Montgomery)*, S of Tivoli (5-2-75).

Franklin County

Malone, *Horton Gristmill*, Mill St. (4-21-75).

Malone, *Lincoln, Anselm, House*, 49 Duane St. (4-21-75).

Jefferson County

Alexandria Bay, *Cornwall Brothers' Store*, 2 Howell Pl. (5-2-75).

New York County

New York, *Seventh Regiment Armory*, 643 Park Ave. (4-14-75).

Oneida County

Utica, *Union Station*, Main St. between John and 1st Sts. (4-28-75).

Saratoga County

Round Lake and vicinity, *Round Lake Historic District*, U.S. 9 (4-24-75).

Washington County

Whitehall, *Main Street Historic District*, both sides of Williams St. and both sides of Main St. from Main St. Bridge to below Saunders St. Bridge (4-26-75).

NORTH CAROLINA

Brunswick County

Southport vicinity, *Bald Head Island Lighthouse*, S of Southport on Smith Island at Bald Head (4-28-75).

Buncombe County

Fairview vicinity, *Sherrill's Inn*, 2.5 mi. S of Fairview off U.S. 74 (4-16-75) HABS.

Franklin County

Louisburg vicinity, *Dean Farm*, 6 mi. E of Louisburg on NC 56 (5-2-75).

New Hanover County

Wilmington, *Market Street Mansion District*, 1704, 1705, 1710, 1713 Market St. (4-21-75).

NORTH DAKOTA

Billings County

Medora vicinity, *Chateau de Mores*, 0.5 mi. SW of Medora, W side of Little Missouri River (4-16-75).

Burleigh County

Bismarck, *Former North Dakota Executive Mansion*, 320 Avenue B, E. (4-16-75).

Bismarck, *Towne-Williams House*, 722 7th St. N. (4-14-75).

Cass County

Fargo, *Fargo and Southern Depot*, 1101 2nd Ave., N. (4-14-75).

Ward County

Minot, *Eastwood Park Bridge*, Central Ave. and 6th St., SE. (4-21-75).

OHIO

Greene County

Xenia vicinity, *Old Chillicothe Site*, 3 mi. N of Xenia on U.S. 68 (4-21-75).

Hamilton County

Cincinnati, *Cox, Jacob D., House*, 241-243 Gilman Ave. (4-14-75).

Wood County

Perrysburg, *Perrysburg Historic District*, Front St. (between E. Boundary St. and W. Boundary Lane), 2nd St. (between Pine and Hickory Sts.) and 3rd St. (at Louisiana Ave.) (4-14-75).

OKLAHOMA

Beaver County

Turpin vicinity, *Sharps Creek Crossing Site*, 5 mi. SE of Turpin (4-4-75).

Comanche County

Fort Sill, *General Officers Quarters (Patrick Hurley House)*, 1310 Shanklin Ct. (4-14-75).

McCurtain County

Eagletown vicinity, *Gardner, Jefferson, House*, 3 mi. W of Eagletown off U.S. 70 (4-4-75).

Tulsa County

Tulsa, *Westhope*, 3704 S. Birmingham St. (4-10-75).

Washington County

Dewey, *Dewey Hotel*, Delaware and Don Tyler Ave. (4-4-75).

OREGON

Multnomah County

Portland, *First Congregational Church*, 1126 SW. Park St. (5-2-75).

PENNSYLVANIA

Beaver County

Beaver, *Fort McIntosh Site*, River Rd. (4-24-75).

Berks County

Douglassville, *White Horse Tavern*, 509 Old Philadelphia Pike (4-21-75).

Clearfield County

DuBois, *Dubois Mansion*, College Pl. (4-16-75).

Dauphin County

Harrisburg, *Salem United Church of Christ*, 231 Chestnut St. (4-23-75).

Mercer County

Mercer vicinity, *Big Bend Historical Area (Shenango River Lake)*, 6 mi. NW of Mercer on Shenango River (4-21-75).

Warren County

Warren, *Wetmore House*, 210 4th Ave. (4-28-75).

Washington County

Canonsburg, *Roberts House*, 225 N. Central Ave. (4-10-75).

Westmoreland County

New Florence vicinity, *Laurel Hill*, SE of New Florence on Baldwin Run (4-28-75).

PUERTO RICO

Hormigueros, *Santuario de la Monserrate de Hormigueros and Casa de Peregrinos*, Calle Pelegrinos No. 1, on Insular Rte. 344 (4-17-75).

Toa Baja, *Iglesia Parroquial de San Pedro Apostol de Toa Baja*, Las Flores St. No. 47 (4-17-75).

RHODE ISLAND

Newport County

Middletown, *Joseph, Lyman C., House*, 438 Walcott Ave. (5-2-75).

Newport, *Malbone, Francis, House*, 392 Thames St. (4-28-75) HABS.

Providence County

Johnston, *Angell, Daniel, House*, 15 Dean Ave. (4-21-75).

SOUTH CAROLINA

Aiken County

North Augusta, *Rosemary Hall (Jackson House)*, 804 Carolina Ave. (4-28-75).

Charleston County

Charleston, *Old Bethel United Methodist Church*, 222 Calhoun St. (4-21-75).

Charleston, *Old Slave Mart*, 6 Chalmers St. (5-2-75).

Greenville County

Greenville, *Kilgore, Josiah, House*, N. Church and Academy Sts. (4-28-75).

Lexington County

Cayce, *Cayce, William J., House*, 517 Holland Ave. (4-16-75).

Lexington, *Haselius, Ernest L., House*, Fox St. (4-24-75).

Newberry County

Newberry, *Coateswood*, 1700 Boundary St. (4-28-75).

Richland County

Columbia, *Allen University*, 1530 Harden St. (4-14-75).

Sumter County

Sumter, *Sumter Historic District*, commercial area centered around Main and Liberty Sts. (4-21-75).

Union County

Union, *Culp House*, 300 N. Mountain St. (4-9-75).

SOUTH DAKOTA

Charles Mix County

Greenwood vicinity, *Rising Hail Colony*, 5 mi. NW of Greenwood along Seven Mile Creek (4-28-75).

Kingsbury County

De Smet, *Ingalls House*, 210 3rd St. W. (4-21-75).

TENNESSEE

Cocke County

Parrottsville, *Yett-Ellison House*, Main St. (Greeneville Hwy.) (4-16-75).

Davidson County

Nashville, *Fort Negley*, Ridley Blvd. and Chestnut St. (4-21-75).

Knox County

Knoxville, *Zeigler, Isaac, House*, 712 N. 4th Ave. (5-2-75) HABS.

TEXAS

Arkansas County

Fulton, *Fulton, George W., Mansion*, Fulton Beach Rd. (4-24-75) HABS.

Bexar County

San Antonio, *Schoeder-Yturri House*, 1040 E. Commerce St. (4-14-75) HABS.
San Antonio, *Vogel Belt Complex*, 111-121 Military Plaza (4-10-75).

Brewster County

Santa Elena Junction vicinity, *Wilson, Homer, Ranch*, 8 mi. S of Santa Elena Junction on Park Rte. 5, Big Bend National Park (4-14-75).

Briscoe County

Quitaque vicinity, *Lake Theo Folsom Site Complex*, 3 mi. N of Quitaque (4-28-75).

Comal County

Gruene and vicinity, *Gruene Historic District*, both sides of Sequin, New Braunfels, and Austin Sts. (4-21-75).

Dallas County

Dallas, *Sanger Brothers Complex*, block 32, bounded by Elm, Lamar, Main, and Austin Sts. (4-8-75).
Dallas, *Trinity Methodist Episcopal Church*, 2120 McKinney Ave. (4-24-75).

Ellis County

Waxahachie, *Ellis County Courthouse Historic District*, roughly bounded by both sides of Waxahachie Creek N to Union Pacific RR. tarcks and between both sides of Elm and Flat Sts. (4-23-75).

El Paso County

El Paso, *El Paso Union Passenger Station*, SW corner of Coldwell at San Francisco St. (4-3-75).

Fayette County

Dubina vicinity, *Pytlovany, Simon, House*, 1.5 mi. S of Dubina off F.R. 1383 (4-14-75).
LaGrange vicinity, *Kreische, Henry L., Brewery and House*, S of LaGrange off U.S. 77 on Monument Hill (4-16-75).

Round Top vicinity, *Cummins Creek Bridge*, 2 mi. NW of Round Top across Cummins Creek (4-21-75).
Schulenburg vicinity, *Mulberry Creek Bridge*, 2.5 mi. SW of Schulenburg on old Praha Rd. (4-21-75).

Galveston County

Galveston, *Grace Episcopal Church*, 1115 36th St. (4-3-75).
Galveston, *Mosquito Fleet Berth, Pier 19*, N end of 20th St., Pier 19 (4-21-75).

Garza County

Post, *Old Algerita Hotel*, S corner of Main and Avenue I (4-23-75).

Grimes County

Navasota, *Smith, P. A., Hotel*, Railroad St. (4-16-75).

Guadalupe County

Seguin vicinity, *Wilson Utility Pottery Kilns Archeological District*, 9 mi. E Sequin on TX 466 (4-16-75).

Harris County

Houston, *Kellum-Nobel House*, 212 Dallas St. (4-3-75) HABS.
Houston, *Sewall, Cleveland Harding, House*, 3452 Inwood St. (4-14-75).

Howard County

Big Spring, *Hayden House*, SW corner of Gregg and 2nd Sts. (4-14-75).

Jasper County

Jasper, *Blake-Beaty-Orton House*, 206 S. Main St. (4-16-75).

Kerr County

Kerrville, *Schreiner, Capt. Charles, Mansion*, 216 Earl Garrett St. (4-14-75).

McCulloch County

Brady, *Old McCulloch County Jail*, 117 N. High St. (4-3-75).

Medina County

Devine, *Devine Opera House*, Transportation Blvd. (4-24-75).

Montague County

Spanish Fort vicinity, *Spanish Fort Site*, NW of Spanish Fort off F.M. 103 (4-14-75).

Potter County

Amarillo vicinity, *McBride Ranchhouse*, N of Amarillo in Lake Meredith Recreation Area (4-23-75).

Tarrant County

Fort Worth, *Wharton-Scott House*, 1509 Pennsylvania Ave. (4-14-75).

Travis County

Austin, *Caswell, Daniel H. and William T., Houses*, 1404, 1502 West Ave. (4-21-75).
Austin, *Paggi, Michael, House (Goodrich Homestead)*, 200 Lee Barton Dr. (4-16-75).
Austin, *Wooten, Goodall, House*, 700 W. 19th St. (4-3-75).

Washington County

Washington vicinity, *Brown, John M., House*, S of Washington on F.M. 912 (4-16-75).

Williamson County

Georgetown, *Southwestern University Administration Building and Mood Hall*, University Ave., Southwestern University campus (4-23-75).

VERMONT

Addison County

Cornwall vicinity, *Old Stone Blacksmith Shop*, N of Cornwall on VT 30 (4-21-75).

Chittenden County

Burlington, *University Green Historic District*, University of Vermont campus (4-14-75).

Grand Isle County

South Hero, *South Hero Inn*, South St. and U.S. 2 (4-16-75).

Orleans County

Greensboro Bend, *Greensboro Depot*, W side of Main St. at RR. track Jct. (4-21-75).

Washington County

Barre, *Italian Baptist Church*, 10 N. Brook St. (4-23-75).
Montpelier, *College Hall*, Vermont College campus, Ridge St. (4-23-75).

Windsor County

Windsor, *Windsor Village Historic District*, area centered around Main, Depot Ave., State St., and Court Sq. (4-23-75).

VIRGINIA

Petersburg (independent city)

Wallace, Thomas, House, SW corner of Brown and S. Market Sts. (5-2-75).

WASHINGTON

King County

Kirkland, *Relief* (lightship), Central Waterfront at Moss Bay (4-23-75).

Thurston County

Bucoda, *Seatoo Prison Site*, off WA 507 (5-2-75).

WEST VIRGINIA

Kanawha County

Charleston, *Craik-Patton House (Elm Grove)*, U.S. 60 in Daniel Boone Roadside Park (4-16-75).

Randolph County

Beverly, *Blackman-Bosworth Store*, Main and Court Sts. (4-14-75).

WISCONSIN

Milwaukee County

Milwaukee, *Pabst, Frederick, House*, 2000 W. Wisconsin Ave. (4-21-75).

Rock County

Fulton vicinity, *Mouth of the Yahara Archeological District*, SE of Fulton at confluence of Yahara and Rock rivers (4-28-75).

Winnebago County

Butte des Morts, *Grignon, Augustin, Hotel*, SE corner of Main and Washington Sts. (4-14-75).
Oshkosh vicinity, *Overton Archeological District*, 6 mi. W of Oshkosh off WI 110 (5-2-75).

WYOMING

Goshen County

Fort Laramie vicinity, *Fort Laramie Three-Mile Hog Ranch*, 5.5 mi. W of Fort Laramie along Laramie River (4-23-75).

Laramie County

Cheyenne, *Frewen, Moreton, House*, 506 E. 23rd St. (4-14-75).

* * * * *

The following are corrections for properties previously listed in the "Federal Register":

ALABAMA

Baldwin County

Stockton vicinity, *Bottle Creek Indian Mounds*, 7 mi. W of Stockton (12-2-74).

DeKalb County

Fort Payne, *Alabama Great Southern Railroad Passenger Station*, NE. 5th St. (9–10–71).

IOWA

Lee County

Koebuk, *Miller, Justice Samuel, Freeman, House*, 318 N. 5th St. (10–10–72).

KANSAS

Wyandotte County

Kansas City, *Huron Cemetery (Wyandot National Cemetery)*, Minnesota Ave. between 6th and 7th Sts. (9–3–71).

MISSOURI

Jackson County

Kansas City, *Boone, Albert G., Store (Kelly's Westport Inn)*, Westport Rd. and Pennsylvania Ave. (9–7–72).

SOUTH CAROLINA

Berkeley County

Moneks Corner vicinity, *Strawberry Chapel and Site of Town of Childsbury*, SE of Moneks Corner of CR 44, N of Tee of Cooker River (4–26–72).

Calhoun County

St. Mathews, *Dantzler, Col. Olin M., House*, 412 E. Bridge St. (3–30–73).

TENNESSEE

Washington County

Jonesboro, *Taylor, Christopher, House*, Main St. (moved from 1 mi. N of Jonesboro on Old U.S. 11E).

UTAH

Utah County

Fairfield vicinity, *Camp Floyd Site*, 0.5 mi. S of Fairfield (11–11–74) (formerly Millard County).

VIRGINIA

Accomack County

Mappsville vicinity, *Wharton Place*, 0.7 mi. NE of Jct. of VA 762 and 679 (11–3–72).

Alexandria (independent city)

Bank of Alexandria, 133 N. Fairfax St. (formerly 125 Fairfax St.).

Charles City County

Hopewell vicinity, Shirley, 5 mi. N of Hopewell off VA 608 (10–1–69) NHL.

* * * * *

The following properties have been demolished and therefore removed from the National Register of Historic Places:

KENTUCKY

Carter County

Grahn, *Sellers Mansion and Laboratory.*

Fayette County

Lexington, *West High Street District.*

Fulton County

Fulton, *Vendome Opera House.*

Jefferson County

Louisville, *Tyler Block.*

McCracken County

Paducah, *Paducah Market House.*

OKLAHOMA

Washita County

Colony, *Seger Indian Training School (Colony School).*

* * * * *

The following properties have been removed from the National Register of Historic Places:

IOWA

Washington County

Washington, *Wilson, Col. C. J., House* (correct title is listed, see *Conger, Jonathan Clark, House*).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Wentworth, Joshua, House.*

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 C.F.R. Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Dallas County

Selma, *Gill House*, 1109 Selma Ave.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

ALASKA

Northwestern District

Little Diomede Island, *Iyapand, John, House.*

ARIZONA

Coconino County

Grand Canyon National Park, *Old Post Office.*
Grand Canyon National Park, *O'Neill, Buckley, Cabin.*
Grand Canyon National Park, *Ranger's Dormitory.*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,257.*
Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District. Site T:4:6.
Skunk Creek Archeological District.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson vicinity, *Old Santan*, NW of Tucson.

Yuma County

Wickenburg vicinity, *Harquahala Peak Observatory*, SW of Wickenburg.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuelumne County).

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Los Angeles County

Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN 475, 491, 492, and 493.

Marin County

Point Reyes, *Point Reyes Light Station.*

Mariposa County

Yosemite National Park, *Degnan Residence and Bakery*, Southside Dr.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Alturas vicinity, *Yellowjackets Landing*, NW of Alturas in Modoc National Forest.
Canby vicinity, *Sevenmile Flat*, NW of Canby in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Riverside County

Blythe vicinity, *Blythe Intaglios, Indian Intaglios*, N of Blythe on U.S. 95.
Twentynine Palms, *Barker Dam*, Joshua Tree National Monument.
Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Desert Queen Mine*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Cow Camp*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.
Twentynine Palms, *Wallstreet Mill*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Shasta County

Redding vicinity, *Squaw Creek Archeological Site,* NE of Redding.
Whiskeytown, *Irrigation System (165 and 166),* Whiskeytown National Recreation Area.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office.*

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel,* Building No. 27, Reeves St., on Lowry AFB.

Eagle County

Wolcott, *Wolcott Stage Station.*

El Paso County

Colorado Springs, *Alamo Hotel,* corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail,* corner of Vermijo and Cascade Ave.

Rio Blanco County

Meeker vicinity, *Thornburgh Monument,* NE of Meeker on Thornburgh Rd. 9 mi. from jct. of CO 13 and 789.
Rangely vicinity, *Canon Pintado,* S of Rangely on Hwy. 139.
Rangely vicinity, *Carrot Men Pictograph Site,* SW of Rangely and W of Rangely Dragon Rd.

CONNECTICUT

Hartford County

Hartford, *Church of the Good Shepherd and Parish House,* Wyllys St. and Van Block Ave.
Hartford, *Colt Factory Housing,* Huyshope Ave., between Sequassen and Weehasset Sts.
Hartford, *Colt Factory Housing (Potsdam Village),* Curcombe St. between Hendricxsen Ave. and Locust St.
Hartford, *Colt Park,* bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.
Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings,* Van Dyke Ave.
Hartford, *Flat-Iron Building (Motto Building),* Congress St. and Maple Ave.
Hartford, *Houses on both sides of Congress Street.*
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue,* between Morris and Wyllys Sts., particularly Nos. 97–81, 65.

Middlesex County

Middletown, *Mather-Douglas-Santangelo House,* 11 S. Main St.

New Haven County

New Haven, *City Hall and Annex.*
New Haven, *Post Office-Courthouse,* Church and Court Sts.

New London County

New London, *Thames Shipyard,* west bank of Thames River N. of the U.S. Coast Guard Academy.

DELAWARE

New Castle County

Wilmington, *Wilmington Custom House,* King St.

Sufolk County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608 17th St. NW.

FLORIDA

Hillsborough County

Tampa, *Firehouse No. 10,* Ybor City.

Pinellas County

Bay Pines, *VA Center,* Sections 2, 3, and 11 TWP 31–S, R–15E.

GEORGIA

Chatham County

Archeological Site, N end of Skidway Island.

Clarke County

Athens, *Carnegie Library Building,* 1401 Prince Ave.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chert Quarry,* Souther Field.

HAWAII

Moanalua Valley.

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District,* SW of Hana on Rte. 31.

IDAHO

Ada County

Boise, *Alexanders,* 826 Main St.
Boise, *Falks Department Store,* 100 N. 8th St.
Boise, *Idaho Building,* 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank),* 805 Idaho St.
Boise, *Union Building,* 712½ Idaho St.

Custer County

Orofino vicinity, *Canoe Camp—Suite 18,* W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Custer County

Challis, *Challis Bison Jump.*

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15,* SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, First Flag Unfurling.*
Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo),* S of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters,* Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*

ILLINOIS

Cook County

Chicago, *McCarthy Building (Landfield Building)* NE corner of Dearborn and Washington Sts.
Chicago, *Methodist Book Concern (later Stop and Shop Warehouse),* 12 W. Washington St.
Chicago, *Ogden Building,* 130 W. Lake St.
Chicago, *Oliver Building,* 159 N. Dearborn St.
Chicago, *Springer Block* (Bay, State, and Kranz Buildings), 126–146 N. State St.
Chicago, *Unity Building,* 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory,* corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum, Bldg. 33,* Lyster Rd.
Fort Sheridan, *Water Tower,* Bldg. 49, Leonard Wood Ave.

INDIANA

Monroe County

Bloomington, *Carnegie Library.*

St. Joseph County

Mishawaka, *180 NW Block,* properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S of Jct.

IOWA

Muscatine County

Muscatine, *Clark, Alexander, Property,* 125–123 W. 3rd and 307, 309 Chestnut.

KANSAS

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Jefferson County

Louisville, *Old Louisville Historic District,* bounded on N by Broadway; on the W by 7th and the Louisville/Nashville RR tracks; on the E by I 65 and Brook St; on the S by Eastern Pkwy. and Gaulbert Ave.

Trigg County

Golden Pond, *Center Furnace,* N of Golden Pond on Bugg Spring Rd.

MARYLAND

Anne Arundel County

Chestertown, *Bloody Point Bar Light,* on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light,* on Chesapeake Bay.

Baltimore County

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Cecil County

Perryville, *Perry Point Mansion House*, Veterans Administration Hospital grounds.
Perryville, *Perry Point Mill*, Veterans Administration Hospital grounds.
Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light*.

St. Marys County

Piney Point, *Piney Point Light Station*.
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilgman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

Chatham vicinity, *Old Harbor U.S. Life Saving Station—U.S.C.G. Station*, North Beach.
North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Truro, *Highland House*, Cape Cod Light (Highland Light) area.

Middlesex County

Watertown, *Commanding Officer's Quarters Bldg. 111, Watertown Arsenal*, 443 Arsenal St.
Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S of Blackduct in Chippewa National Forest.

Winona County

Winona, *Second Street Commercial Block*.

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S, 10th on E, and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House*.

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

MONTANA

Carbon County

Barry's Landing, *Bad Pass Trail (Sioux Trail)*, Big Horn Canyon National Recreation Area.
Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark Campsite, May 23, 1805.
Lewis & Clark Campsite, May 24, 1805.
Rocky Point.

Lewis and Clark County

Marysville, *Marysville Historic District*.

Ravalli County

Conner vicinity, *Alta Ranger Station*, S of Conner in Bitterroot National Forest.

Sheridan County

Medicine Lake, *Tipi Hills*, Medicine Lake National Wildlife Refuge.

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Lincoln County

Alamo vicinity, *Black Canyon Petroglyphs*, Pahranagat National Wildlife Refuge.

Nye County

Las Vegas, vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Storey County (also in Washoe County)

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80.

Washoe County

Derby Division Dam, see Storey County.

NEW HAMPSHIRE

Grafton County

Bedell Covered Bridge.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District*.

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Sussex County (also in Warren County)

Old Mine Road Historic District.

Warren County

Old Mine Road Historic District, see Sussex County.

NEW YORK

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Schoharie County

Breakabeen, *Breakabeen Historic District* between villages of North Blenheim and Breakabeen.

Suffolk County

New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S of Fishers Island, 10 mi. N of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County (also in Rockingham Co.)

Archeological Sites CS-12, County Line Creek Watershed Project.

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market St. between 17th and 18th Sts.

Rockingham County

Archeological Sites CS-12 (see Caswell County).

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

OKLAHOMA

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Camp Comanche Site*, E range on *Cache Creek*.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of Macomb Rd.
Fort Sill, *Geronimo's Grave*, N of Jct. of Dodge Hill and Elgin Rds.
Fort Sill, *Henry Post Air Field*, Post Rd.
Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota, vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*
Wolf Creek, *Rogue River Branch*, Star Rte. Box 78.

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Josephine County

Whiskey Creek Cabin.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lake County

Silver Lake, *Picture Rock Pass Petroglyphs Site.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yaquina Head Lighthouse.*

Sherman County

Grass Valley vicinity, *Mack Canyon Archeological Site*, at end of BLM access road adjacent to Deschutes River N of Maupin.

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

PENNSYLVANIA

Brumbaugh Homestead, Raystown Lake Project.

Adams County

Gettysburgh, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey, Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Philadelphia County

Philadelphia, *Quartermaster's Depot, U.S. Marine Corps*, 1100 S. Broad St.

SOUTH CAROLINA

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Henry County

Mt. Zion Church and Cemetery (United Baptist Church).

Monroe County

Vonore vicinity, *Tellico Blockhouse Site*, E of Vonore.

Stewart County

Dover vicinity, *Fort Henry Site*, NW of Dover.
Great Western Furnace.

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

UTAH

Salt Lake County

Salt Lake City, *Karrick Building (Leyson-Pearsoll Building)*, 236 S. Main St.
Salt Lake City, *Lollin Block*, 238–240 S. Main St.

Tooele County

Wendover vicinity, *Wendover Air Force Base*, S of Wendover.

VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missiquoi River.

Windsor County

Windsor, *Post Office Building.*

WASHINGTON

Clallam County

Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Grays Harbor County

West port, *Grays Harbor Light Station.*

Jefferson County

Olympic National Park Archeological District (see Clallam County).

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station*

Pacific County

Ilwaco, *Cape Disappointment Light Station.*
Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

St. Albans, *Chilton House*, 439 B St.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Door County

Chambers Island, *Chambers Island Light House Dwelling*, northern tip Chambers Island, Green Bay, Lake Michigan.

Milwaukee County

Milwaukee, *Plainkinton, Elizabeth, House*, 1492 W. Wisconsin Ave.

WYOMING

Goshen County

Torrington, *Union Pacific Depot.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

A. R. MORTENSEN,
Director, Office of Archeology and Historic Preservation.

[FR Doc.75-14189 Filed 6-2-75;8:45 am]

[Order No. 5, Amdt. No. 3]

PROCUREMENT AND PROPERTY MANAGEMENT OFFICER

Delegation of Authority

Southwest Region Order No. 5, approved March 22, 1972, and published in the FEDERAL REGISTER of April 19, 1972 (37 FR 7722) and Amendment No. 1 approved April 25, 1972, and published in the FEDERAL REGISTER of June 13, 1972 (37 FR 11736) and Amendment No. 2 approved February 13, 1974, and published in the FEDERAL REGISTER of April 18, 1974 (39 FR 13905) are hereby amended to read as follows:

Section 2. Delegation.

(c) Procurement and Property Management Officer. The Procurement and Property Management Officer may exercise all the procurement and contracting authority now vested in the Regional Director, Southwest Region, up to $100,000, except authority to contract for acquisition of land and related property and options and offers to sell related thereto.

(National Park Service Order No. 77 (38 FR 7478), as amended.)

Dated: March 27, 1975.

JOSEPH C. RUMBURG, Jr.,
Regional Director, Southwest Region.

[FR Doc.75-14443 Filed 6-2-75;8:45 am]

Office of the Secretary

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on June 18 and 19, 1975, at the Vernal Elk's Lodge, 35 North 300 West, Vernal, Utah. The meeting will begin at 11 a.m. on Wednesday, June 18, and conclude at 5 p.m. Thursday, June 19, after a field tour.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of this meeting is to review the second quarterly environmental data report for the two Utah lease tracts, to receive reports from Departmental officials, to hear a briefing by the Colorado Regional Council of Governments on one of the Colorado Cooperative Oil Shale Studies, and to tour the two Utah oil shale lease tracts.

The meeting is open to the public. It is expected that space will permit 100 persons to attend the meeting in addition to the Panel members. Interested persons may make brief presentations to the Panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, Office of the Secretary, Department of the Interior, Room 688—Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone number (303) 234–3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Panel Office.

JACK O. HORTON,
Assistant Secretary of the Interior.

MAY 28, 1975.

[FR Doc.75–14476 Filed 6–2–75;8:45 am]

[INT FES 75–51]

PROPOSED RICE LAKE AND MILLE LACS ISLANDS WILDERNESS AREAS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190, the Department of the Interior has prepared a Final Environmental Statement for the Proposed Rice Lake and Mille Lacs Islands Wilderness Areas, Aitkin County, Minnesota.

The proposal recommends that approximately 1,406 acres of Rice Lake National Wildlife Refuge and .6 acre of the Mille Lacs National Wildlife Refuge in Aitkin County, Minnesota be designated as wilderness within the National Wilderness Preservation System.

Copies of the Final Statement are available for inspection at the following locations:

Regional Director
U.S. Fish and Wildlife Service
Federal Building, Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Refuge Manager
Rice Lake and Mille Lacs National Wildlife Refuges
McGregor, Minnesota 55760

U.S. Fish and Wildlife Service
Office of Environmental Coordination
Department of the Interior
Room 2252
18th and C Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: May 27, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–14383 Filed 6–2–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SAWTOOTH NATIONAL RECREATION AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the General Management Plan for the Sawtooth National Recreation Area, Sawtooth National Forest, Idaho. The Forest Service report number is USDA–FS–FES (Adm) R4–74–8.

The environmental statement identifies and evaluates the environmental effects of the general management plan. The general management plan sets forth the allocation of land to recreation development and resource uses and activities; establishes objectives; documents management direction, decisions, and necessary coordination between recreational and resource uses; and provides for the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values within the unit as prescribed in the legislation establishing the Sawtooth National Recreation Area (Pub. L. 92–400).

This final environmental statement was transmitted to CEQ on May 27, 1975.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324–25th Street
Ogden, Utah 84401

Forest Supervisor
Sawtooth National Forest
1525 Addison Avenue East
Twin Falls, Idaho 83301

Area Ranger (Superintendent)
Sawtooth National Recreation Area
P.O. Box 438
Ketchum, Idaho 83340

A limited number of single copies are available upon request to Forest Supervisor Edwin A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

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

Dated: May 27, 1975.

P. M. REES,
Director,
Regional Planning and Budget.

[FR Doc.75–14378 Filed 6–2–75;8:45 am]

Rural Electrification Administration

OGLETHORPE ELECTRIC MEMBERSHIP CORP.

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 REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), 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 $101,700,000 to Oglethorpe Electric Membership Corporation of Atlanta, Georgia.

These loan funds will be used to finance a project consisting of approximately 64 miles of 500 kV transmission line, 580 miles of 230 kV transmission line, 84 miles of 115 kV transmission line, 34 transmission substations and 46 distribution substations. The facilities are all presently owned and operated by Georgia Power Company of Atlanta, Georgia.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. F. F. Stacy, Manager of Oglethorpe Electric Membership Corporation, 148 Cain Street, Suite 845, Atlanta, Georgia 30303.

In order to be considered, proposals must be submitted on or before July 3, 1975 to Mr. Stacy. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as OEMC and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 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 23d day of May, 1975.

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

[FR Doc.75-14402 Filed 6-2-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Meeting

The Management-Labor Textile Advisory Committee will meet at 2 p.m. on July 9, 1975, in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-967-5078.

Dated: May 29, 1975.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-14433 Filed 6-2-75;8:45 am]

HEALTH RESEARCH, INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00198-33-46040. Applicant: Health Research Inc., 666 Elm Street, Buffalo, New York 14203. Article: Electron Microscope, Model Elmiskop 51. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine leukemic blasts from humans as well as other human cancers such as Ewing's Sarcoma, breast cancer, etc. In addition, the article will be used in the course Techniques of Electron Microscopy in which the student will learn the principals of fixation, dehydration, and embedding of tissues for electron microscopy. The student will also obtain practical training in the use of the electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 21, 1973).

Reasons: This application is a resubmission of Docket Number 74-00418-33-46040 which was denied without prejudice to resubmission on August 7, 1974 for informational deficiencies.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 21, 1975 that the Model ETEM-101 electron microscope, which was being manufactured by the Elektros Company at the time the foreign article was ordered, was the domestic instrument most nearly comparable to the article. The applicant in response to Question 8 alleges that the foreign article provides the following pertinent features not matched in the ETEM-101:

(A) Proven, established and good servicing.
(B) Price advantage.
(C) Electromagnetic lenses (rather than electrostatic lenses which have no proven efficacy for routine electron microscopy).
(D) Multiple specimen holder in which 16 specimens can be processed at one time.

HEW advises that the applicant provides no pertinent specification within the meaning of § 301.2(n) of the regulations upon which duty-free entry can be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(A) Appropriate service is offered for domestic microscopes from various established company service organizations, as well as private sources, as long as parts are available. This claim of the applicant does not enter into the Department's decision because service for electron microscopes is considered a cost related feature and not a justification for duty-free entry under Pub. L. 89-651. Thus, HEW advises that service cost or availability is not relevant to duty-free entry.

(B) Cost or difference in cost between the article and the domestic ETEM-101 cannot be considered a pertinent feature within the meaning § 301.2(n) which defines "pertinent specifications."

(C) The foreign article operates with electromagnetic lenses whereas the ETEM-101 utilizes electrostatic lenses. In this connection HEW advises that lens type is a non-pertinent design feature. We further note a lens system for an electron microscope, regardless of design, is intended to provide certain capabilities, e.g., resolution. The capabilities conferred by the system are listed in the guaranteed specifications of the electron microscope.

(D) HEW advises that the multiple specimen holder of the article is a convenience which is not pertinent.

As to the four features or characteristics listed below which are included in the applicant's comparison of the foreign and domestic articles, the applicant concedes the ETEM-101 and Siemens 51 are equivalent: Column, water cooled diffusion pump, movable, and specially constructed area not needed for proper operation of EM (Electron Microscope).

For the foregoing reasons, we find that the Model ETEM-101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-14426 Filed 6-2-75;8:45 am]

NATIONAL BUREAU OF STANDARDS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00383-00-46040. Applicant: National Bureau of Standards, Inorganic Glass Section, Washington, D.C. 20234. Article: Specimen Holder for X-ray Analysis. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope to be used to study phase separations in glass.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is in-

tended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-14427 Filed 6-2-75;8:45 am]

PRESBYTERIAN—UNIVERSITY OF PENNSYLVANIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00393-33-22400. Applicant: Presbyterian University of Penna., Schiel Eye Institute, 51 North 39th Street, Philadelphia, Pa. 19104. ARTICLE: MSE Ultrasonic Disintegrator. Manufacturer: Measuring & Scientific Equipment, Ltd., United Kingdom. Intended use of article: The article is intended to be used to study viruses and subcellular fractions both from virus-infected and normal cells; in addition, the molecular architecture of envelope viruses will be studied in (sic) electron microscopy following cryotechniques. Other purified viruses or subcellular fractions will be prepared by density gradient centrifugation and will be studied both morphologically and biochemically in an effort to understand how viral envelopes are assembled and the mechanism whereby viral specific macromolecules are synthesized and/or transported to their site of assembly at specific membranes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a feedback pulse amplitude control and a proven safety cabinet. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 15, 1975 that the capabilities provided above are pertinent to the applicant's use in the controlled ultrasonic disruption of virus-infected cells in the preparation of purified viruses and subcellular fractions. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materals)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-14428 Filed 6-2-75;8:45 am]

UNIVERSITY OF CALIFORNIA—SAN FRANCISCO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00394-33-28500. Applicant: University of California, San Francisco, Material Management Department, 1438 South Tenth Street, Richmond, California 94804. Article: Free-Flow Electrophoresis, Model FF5. Manufacturer: Garching Instruments Company, West Germany. Intended use of article: The article is intended to be used in purifying bovine choroid plexus cells and brush border surfaces. Studies will be conducted to obtain a more thorough understanding of the molecular events involved in the translocation of metabolites across the brush border surfaces of the choroid plexus.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 15, 1975 that the resolution in the separation of cells and fragments provided by the article is pertinent to the applicant's use in separating cells and membrane fragments from general cellular debris in cerebrospinal fluid. HEW further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-14429 Filed 6-2-75;8:45 am]

WASHINGTON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00369-33-07795. Applicant: Washington University, School of Medicine, 660 South Euclid Avenue, St. Louis, Missouri 63110. Article: Oscilloscope Continuous Recording Camera, Model #RC-2A and accessories. Manufacturer: Nihon Kohden Kogyo Co. Ltd., Japan. Intended use of article: The article is intended to be used in experiments involving analysis of the physiological characteristics of synaptic connections between spinal cord explants and dissociated superior cervical ganglion neurons. These synapses form de novo in culture and the purpose of the experiments is to study these newly formed synapses and also to determine the factors that control their formation.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a data marking unit for frame identification and can operate in a lighted room. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 15, 1975 that the capabilities described above are pertinent to the applicant's use which involves recording electrophysiological activity of nerve cells in tissue culture in order to study the newly formed synapses and the factors that control their formation. HEW also advises that comparable domestic oscillo-

scope cameras do not provide the pertinent features.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc. 75-14430 Filed 6-2-75;8:45 am]

VIRGINIA POLYTECHNIC INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00388-91-73610. Applicant: Virginia Polytechnic Institute & State Univ., Plant Pathology, Fruit Research Laboratory, Winchester, Virginia 22601. Article: Burkard Seven Day Recording Volumetric Spore Trap and accessories. Manufacturer: Burkard Scientific Sales Ltd., United Kingdom. Intended use of article: The article is intended to be used for the continuous monitoring of air for the presence of fungus spores. Experiments will be conducted to determine periods during the growing seasons when spore loads are heavy and to correlate these spore loads with environmental conditions in order to reduce the total amount of pesticides necessary in the control of a major apple disease.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article can continuously sample airborne particles for periods up to seven days. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 15, 1975, that the capability described above is pertinent to the applicant's use in studies in the control of powdery mildew apple disease caused by fungus. HEW further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-14431 Filed 6-2-75;8:45 am]

PRINCETON UNIVERSITY

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974). (See especially 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00365-33-46040. Applicant: Princeton University, Department of Biology, Guyot Hall, Washington Road, Princeton, New Jersey 08540. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for developmental studies with animals, plants, and with lower organisms. These studies will include the following:

(1) Cell adhesion and cell movement studies,
(2) An investigation of the effect of ethylene on the normal growth patterns of plants.
(3) Differentiation in the cellular slime molds,
(4) Ultrastructural studies of differentiating plant cells.
(5) Developmental studies in Caulobacter crescentus,
(6) Drosophila Y Chromosomes Structure and Function,
(7) Junctions in neurons and receptors.

The major considerations of the research being carried on are as follows:

Studies on DNA replication, and localization of sites of RNA, identification of cell fractions including membranes, ribosomes etc. Enzyme-labeled antibody techniques for ultrastructure localization of macromolecules. The article will also be used to train personnel in electron microscopy techniques, particularly graduate students engaged in some aspect of research in the proposals set forth above. Application received by Commissioner of Customs: February 7, 1975. Advice submitted by the Department of Health, Education, and Welfare on: May 9, 1975. Article ordered: June 18, 1974.

Docket number: 75-00357-33-46040. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The foreign article is intended to be used for studies in virology including investigations into viral membrane structure, assembly of influenza virus, the structure of Rauscher Leukemia Virus (RLV) and replication and assembly of RNA tumor viruses; as well as for studies in molecular biology including investigation of drug-nucleic acid interactions and the study of protein structure. The article will also be used for routine monitoring of specimens involved in all procedures undertaken in biochemical virology. Graduate students and postdoctoral trainees will receive training in the use of the article and will be expected to utilize electron microscopy in their research projects. Application received by Commissioner of Customs: January 31, 1975. Advice submitted by the Department of Health, Education, and Welfare on: May 9, 1975. Article ordered: August 29, 1974.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU-4C electron microscope supplied by Adam David. The Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 111105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-14432 Filed 6-2-75;8:45 am]

UNIVERSITY OF FLORIDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701. 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00191-35-46040. Applicant: University of Florida, College of Dentistry, Box 202 MSB, J. Hillis Miller Health, Ctr., Gainesville, Fla. 32610. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used as a research support and screening instrument for a number of investigations, all of which relate to various basic and applied dental sciences. Specifically the instrument will be used by (1) graduate students doing research for their masters thesis; (2) clinical faculty members in various disciplines such as Periodontology, Endodontics, Biomaterials, Oral Pathology, etc. who need supportive evidence through electron microscopy for their clinical studies; (3) advanced dental students doing small research projects in the context of our proposed elective program; (4) support personnel such as E. M. technicians checking and screening thin sections and replicas.

Planned projects include the following:

1. Development of various morphological components of human teeth such as odontoblasts, tooth pulp, ameloblasts, etc.

2. Studies on collagen formation and mineralization in human teeth.

3. Comparative studies between scanning electron microscopy and replication.

4. Pulpal effects of filling materials.

5. Replication studies on the effect of dental instruments on hard tissues.

6. Replication studies on sealing effectiveness of biomaterials in cavity preparations.

Comments: Comments with respect to this application were received from Adam David Company (AD) on December 19, 1974. In those comments, AD alleged, inter alia, that its Model PA-1 electron microscope possesses capabilities claimed by the applicant to be lacking therein, and was offered to the applicant prior to the purchase of the foreign article. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (October 11, 1974). Reasons: The foreign article is a relatively simple, medium resolution electron microscope providing 30X and 140X magnifications for distortion free, low magnifications in the light microscopy range and a maximum magnification of 60,000X. The article is also designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 12, 1975 that the lowest magnifications and simplicity and ease of operation are pertinent to the applicant's intended uses. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C available from the Adam David Company. The Model EMU-4C is more complex than the article and provides distortion free magnifications from 500x up which is not equivalent to the 30x and 140x magnification supplied by the article in the light microscopy range. HEW advises the EMU-4C is too complex for the applicant's purposes. For these reasons, we find the EMU-4C was not of equivalent value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

Further, HEW advises the Model PA-1, claimed by A.D. to be equivalent to the foreign article, was in development when the foreign article was ordered (October 11, 1974). In this regard, we note that a prototype of the PA-1 was first shown by A.D. in November, 1974. The record shows that neither the Department nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus the Department does not have a sufficient basis for ruling that the Adam David Company was able to supply the PA-1 at the time the foreign article was ordered, or that it is the scientific equivalent of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-14385 Filed 6-2-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security," will hold a meeting from 9 a.m. to 4 p.m. on Tuesday, July 29, 1975 and Wednesday, July 30, 1975, in Room B-163, Building 222, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to continue drafting guidelines in five areas of computer systems security: information management; internal controls; teleprocessing and network control; requirements; and risk analysis and methodology.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3861).

Dated: May 29, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-14451 Filed 6-2-75;8:45 am]

Office of the Secretary

ROOM AIR CONDITIONERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above-referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for room air conditioners as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Room Air Conditioners by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting writ-

ten comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 3, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to achieve by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15 Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

Issued:

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

The following is the proposed Voluntary Program for Appliance Efficiency—Room Air Conditioners now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—ROOM AIR CONDITIONERS

1.0 *Purpose.* 1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Room Air Conditioners, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new room air conditioners by 1980.

2.0 *Scope.* 2.1 Except as provided in this section, this program shall apply to the product class consisting of all room air conditioners as defined in 3.8.

2.2 Individual units of room air conditioners manufactured for export are not included in the Program.

2.3 Room air conditioners, designed to be used in through-wall applications only, are not included in the Program.

3.0 *Definitions.* 3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of room air conditioners in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of room air conditioners into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on room air conditioners supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers and importers of room air conditioners who are participants in the Program.

3.8 The term "room air conditioners" means an encased assembly designed as a unit primarily for mounting in a window for the purpose of providing delivery of conditioned air to an enclosed space It includes a prime source of refrigeration and a means for circulating and cleaning air and may include means for ventilating and heating.

3.9 The term "basic model" means all room air conditioners actually manufactured or assembled by one manufacturer and having the identical wattage and amperage ratings and Btu per hour rating. Derivatives of a basic model may differ in details that do not affect performance as measured by the test methods set out in the standards identified in 4.1. Acceptable differences include, but are not limited to, variations in trim, color, mounting method, sales model number, and brand name.

3.10 The term "factory shipment" means the number of room air conditioners that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.10.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.10.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.10.3 Shipments to factory distributing branches, sales districts, and (factory) owned distributing outlets for their use where their inventory is owned by the manufacturer.

4.0 *Test Methods.* 4.1 Samples of room air conditioners shall be tested by manufacturers or their agents for cooling capacity and electrical power requirement in accordance with the following standards:

4.1.1 American National Standard Z234.1–1972, Room Air Conditioners, Sections 4, 5, 6.1, and 6.5.

4.1.2 American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 16–69, Method of Testing for Rating Room Air Conditioners.

4.2 Samples of room air conditioners shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary, under 4.2.5, test results obtained in the testing of one derivative of a basic model of room air conditioner may be accepted as applicable to all derivatives of that basic model.

4.2.2 Sufficient units of each basic model of room air conditioner, that are representative of units to be produced, shall be tested according to the methods and conditions specified in 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Models having dual voltage ratings shall be tested at the higher voltage.

4.2.4 Manufacturers shall maintain such quality control programs, to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances specified in 4.4. The use of national certification programs that are open to all manufacturers and under which electrical power requirement and cooling capacity are certified based on the standards listed in 4.1 is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.5 In addition to the testing required under 4.2.2, 4.2.3, and 4.2.4, the Secretary may require that one or more units of any specified basic model or any specified derivative of the basic model, selected at random from among recent production units, be tested by the manufacturer or his agent according to the methods and conditions specified in 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any model or unit of room air conditioner.

4.3 Ratings for room air conditioners shall be as follows:

4.3.1 Electrical power requirement shall be reported in watts and shall be based upon the result of the electrical power test called for in 4.1.

4.3.2 Cooling capacity shall be reported in Btu per hour and shall be based

upon the result of the cooling capacity test called for in 4.1.

4.4 For specific models of room air conditioners tested under 4.2.4 or 4.2.5, the unit shall be held to be in accordance with the requirements of the Program only if the results of such tests fall within the following limits:

4.4.1 The value for electrical power requirement shall not be greater than 110 percent of the rated value.

4.4.2 The value for cooling capacity shall not be less than 95 percent of the rated value.

4.5 Optional energy saving features on a basic model of room air conditioners that are not explicitly covered by the existing standard test procedures as defined in 4.1, will be covered by test procedures developed in response to the specific situation.

5.0 *Method for Determining Efficiency.* 5.1 The basic measure of efficiency for room air conditioners shall be the Energy Efficiency Ratio (EER), which shall be reported in Btu per watt-hour.

5.2 The EER of a model shall be equal to the rated cooling capacity in Btu per hour as determined in 4.3.2 divided by the rated electrical power requirement in watts as determined in 4.3.1. This quotient is then rounded to the nearest 0.01.

5.3 The factory shipment weighted EER for a manufacturer is equal to the sum of the products of the rated cooling capacity for each model the manufacturer shipped in a given (model or calendar) year and the factory shipment of that model in the given year, the resulting sum then being divided by the sum of the products of the rated electric power requirement for each model and the factory shipment of that model for that year. This quotient is then rounded to the nearest 0.1.

5.4 The factory shipment weighted EER for the industry is equal to the sum of the products of the rated cooling capacity for each model the industry shipped in a given (model or calendar) year and the factory shipment of that model in the given year, the resulting sum then being divided by the sum of the products of the rated electric power requirement for each model the manufacturer shipped in the given year and the factory shipment of that model for that year. This quotient is then rounded to the nearest 0.1.

5.5 The amount of saving obtainable from any optional energy saving feature for a basic model, expressed in percent of power reduction, shall first be determined through test procedures to be developed under 4.5. Unless otherwise established, 50 percent of the saving shall be initially credited to the model. This credit is subject to subsequent adjustment based on data obtained through field surveys of users. An adjusted EER, which is equal to the rated cooling capacity divided by the rated power requirement adjusted for the saving, shall be considered as the EER of the model.

6.0 *Base Data.* 6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who produce room air conditioners by model year, model year 1972 will be used. For manufacturers who have no definite model year, calendar year 1972 will be used. Other special yearly periods, such as fiscal year 1972 may be used if a request to that effect is approved by the Secretary. Unless otherwise qualified, the term "year" or the year designations used in 4.0 through 9.0 means the calendar year, model year, or other year as appropriate to the manufacturer and approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models produced by the manufacturer in 1972.

6.2.2 The rated cooling capacity, as defined in 4.3.2, and the rated electrical power requirement, as defined in 4.3.1, of each model produced in 1972.

6.2.3 Factory shipment data for each model for 1972, as defined in 3.10.

6.2.4 Identification of any optional energy saving feature which was in existence in 1972.

7.0 *Goal.* 7.1 The objective for the Program is to effect a 22 percent decrease in the total energy usage for the total cooling capacity of all 1980 factory shipped room air conditioner models, when compared with the energy usage of a mix of 1972 models proportional to those shipped in 1972 and having the same total cooling capacity as those shipped in 1980. This is equivalent to increasing the factory shipment weighted EER for the industry for 1980 by 28 percent over the factory shipment weighted EER for the industry for 1972.

7.2 The industry goal under this program shall be expressed in terms of an increased factory shipment weighted EER for the industry. This goal will be determined by calculating the factory shipment weighted EER for the industry for the base year 1972, and then dividing by 0.78. This recalculated factory shipment weighted EER for the industry will be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted EER for the industry will be determined on the basis of the base data, as defined in 6.1 and 6.2, provided by manufacturers and importers participating in the Program.

7.4 After receiving the base data, the Secretary will have the calculations indicated in 7.2 performed and determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted EER for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for Calculating the Industry Goal.* 8.1 For the base year 1972, factory shipment weighted EER is calculated for each manufacturer and the industry.

8.2 The assigned EER goal for the industry is equal to the 1972 factory shipment weighted EER for the industry divided by 0.78.

8.3 The required improvement for each manufacturer is the difference between the assigned EER goal for the industry, and the 1972 factory shipment weighted EER for that manufacturer. Should the difference be negative, improvement is not required but is encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted EER for a manufacturer and the 1980 industry goal is given in Appendix A.

9.0 *Monitoring and Record Keeping Requirements.* 9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary will set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal should be at least that which has been attained since the base year.

9.2 The intermediate yearly goals will be used to monitor the progress of the individual manufacturers and of the industry as a whole and will also serve as a basis for yearly reports on the program.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of the determination.

9.4 For calendar years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent: 9.4.1 A list of all models produced in that year.

9.4.2 The rated cooling capacity, as defined in 4.3.2, and the rated electrical power requirement, as defined in 4.3.1, of each model produced in that year.

9.4.3 The factory shipment data for each model produced in that year.

9.4.4 Information of any newly installed optional energy saving feature and the approval for adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted EER for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted EER for the industry and notify each manufacturer separately of his own factory shipment weighted EER.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to any-

one. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer is automatically granted upon this notification to the Department, provided that the conditions for participation as set forth in this Program are observed. Receipt of this notification will be acknowledged.

10.2 Participating manufacturers shall submit the base data described in Section 6 to the Secretary's designated agent within sixty days after the effective date of the Program, or whenever the designated agent is appointed, whichever is later.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals will not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving feature newly installed on a model or new features which affect the primary function of a model or other innovations. No adjustment for an energy saving feature can be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons will be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of room air conditioners to another manufacturer for purposes of resale, the seller and not the buyer shall report the units as part of their factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged Material.* Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program will be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

Appendix A—Method for Calculating the Industry Goal—An Example

In this hypothetical example, for convenience of economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted EER for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the EER of the model. Table 4 shows how the data for determining the factory shipment weighted EER for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted EER for the industry for the base year. The 1980 industry factory shipment weighted EER goal for the industry is then obtained by dividing the factory shipment weighted EER for the industry by 0.78. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted EER goal.

TABLE 1.—CALCULATION OF FACTORY SHIPMENT WEIGHTED EER FOR MANUFACTURER A

	1	2	3	1X3	2X3
Model	British thermal units per hour	Watts	Factory shipment	British thermal units per hour by factory shipment	Watts by factory shipment
1	6,000	923	14,000	84,000,000	12,922,000
2	10,000	1,250	7,000	70,000,000	8,750,000
3	12,000	1,380	25,000	300,000,000	34,500,000
4 [1]	15,000	1,362	20,000	300,000,000	27,240,000
5	18,000	2,571	2,000	36,000,000	5,142,000
Total			68,000	790,000,000	88,554,000

[1] Model 4 of Manufacturer A has been rated according to the standard test procedures defined in 4.1, to have 15,000 Btu/hr. cooling capacity and 1,434 watts power requirement. The manufacturer reports that a power saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10 percent power reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted power requirement is calculated as:
$1{,}434 \times (1 - 0.1 \times 0.5)$ watts = 1,362 watts

NOTE.—Factory Shipment Weighted EER for Manufacturer A = 790,000,000/88,554,000 = 8.9.

TABLE 2.—CALCULATION OF FACTORY SHIPMENT WEIGHTED EER FOR MANUFACTURER B

	1	2	3	1X3	2X3
Model	British thermal units per hour	Watts	Factory shipment	British thermal units per hour by factory shipment	Watts by factory shipment
1	4,500	1,000	30,000	135,000,000	30,000,000
2	6,500	956	5,000	32,500,000	4,780,000
3	10,000	1,389	20,000	200,000,000	27,780,000
4	11,500	1,420	10,000	115,000,000	14,200,000
5	15,000	2,459	35,000	525,000,000	86,065,000
Total			100,000	1,007,500,000	162,825,000

NOTE.—Factory Shipment Weighted EER for Manufacturer B = 1,007,500,000/162,825,000 = 6.2

TABLE 3.—CALCULATION OF FACTORY SHIPMENT WEIGHTED EER FOR MANUFACTURER C

	1	2	3	1X3	2X3
Model	British thermal units per hour	Watts	Factory shipment	British thermal units per hour by factory shipment	Watts by factory shipment
1	5,000	1,000	50,000	250,000,000	50,000,000
2	5,500	917	45,000	247,500,000	41,265,000
3	11,000	1,222	35,000	385,000,000	42,770,000
4	14,000	1,386	25,000	350,000,000	34,650,000
5	25,000	4,545	8,000	200,000,000	36,360,000
Total			163,000	1,432,500,000	205,045,000

NOTE.—Factory Shipment Weighted EER for Manufacturer C = 1,432,500,000/205,045,000 = 7.0

TABLE 4.—FACTORY SHIPMENT WEIGHTED [illegible] FOR THE INDUSTRY

Manufacturer	British thermal units per hour by factory shipment	Watts by factory shipment
A	790,000,000	88,554,000
B	1,007,500,000	162,825,000
C	1,432,500,000	205,045,000
Total	3,230,000,000	456,424,000

NOTES.—Factory Shipment Weighted EER for the Industry = 3,230,000,000/456,424,000 = 7.1.
The Assigned Factory Shipment Weighted EER for the Industry for 1980 = (1.0.78) × (3,230,000,000/456,424,000) = 9.1.

TABLE 5—CHANGES PER MANUFACTURER

Manufacturer	1972 EER	Assigned EER	Required change
A	8.9	9.1	0.2
B	6.2	9.1	2.9
C	7.0	9.1	2.1

APPENDIX B—FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230.

(Name of corporation) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to room air conditioners. Accordingly (name of corporation), agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Room Air Conditioners (FEDERAL REGISTER, ——), including provision to the Secretary's designated agent of the information enumerated in Sections 6 and 9.4.

The effective date for participation of (name of corporation) in the program is ----------

(Date)
(Signature)
(Corporate title)

[FR Doc.75-14375 Filed 6-2-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of a Proposed Report

The following request for emergency clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 8, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt and the action taken by GAO.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Request was made for emergency approval of a revision to the annual filing requirement, "Equal Employment Opportunity Employer Information Report EEO–1". The revision is a change to the instructions to the form. It will increase the number of respondents and emergency clearance was requested so that the additional forms can be sent out to the additional respondents as soon as possible. The form is now required to be filed by government contractors, banks, and savings and loan associations with 50 or more employees.

Based on the nature of the revision and discussions held with several Federal agencies, GAO has provided expedited clearance of the revision to the EEO–1 Report, Form SF–100, under number B–180541 (R0077).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-14437 Filed 6-2-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–708]

INTRAMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Withdrawal of Approvals

A notice of opportunity for hearing proposing to withdraw approvals for certain intramammary infusion products containing certifiable antibiotics in fixed combination and intended for use in treating mastitis in milk-producing animals was published in the FEDERAL REGISTER on August 30, 1974 (39 FR 31678). The basis for the proposed action was section 512 of the Federal Food, Drug, and Cosmetic Act and the applicable regulations, which require that each ingredient designated as active in any new animal drug combination must make a contribution to the effect in the manner claimed or suggested in the labeling. If in the absence of express labeling claims of advantages for the combination such a product purports to be better than either component alone, it must be established that the new animal drug has that purported effectiveness. The requirement of effectiveness includes the requirement that the most effective level for each component be used. In the case of drug combinations for concurrent therapy, the requirement of effectiveness also includes the requirement that the dosage of each component is such that the combination is safe and effective for a population of significant size specifically described in the labeling as requiring such concurrent therapy.

The holders of the approvals listed below failed to file timely written appearance and request for hearing within 30 days (after publication in the FEDERAL REGISTER) as required by 21 CFR 514.200 (formerly § 135.15 prior to recodification (40 FR 13802)), which constituted an election by such persons not to avail themselves of the opportunity for a hearing concerning the action proposed with respect to such drug products and a waiver of any contentions concerning the legal status of any such drug product.

The following companies hold or have held effective applications for certification of products subject to the August 30, 1974 notice. Each entry lists the holder of the new animal drug application (NADA), the NADA number assigned to the product, the formula name, and the applicable monograph regulation in 21 CFR Part 540 (formerly Part 146a prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)):

1. Hamilton Pharmacal Co., 1 Spring St., R.D. #2, Hamilton, NY 13346, Division of West Agro-Chemical, Inc., a subsidiary of West Chemical Products, Inc., 42–16 West St., Long Island City, NY 11101. NADA 65–347; HPX–28; § 540.274e(a). NADA 65–348; HPX–12; § 540.274e(a).

2. G. C. Hanford Mfg. Co., P.O. Box 1055, Syracuse, NY 13201. NADA 55–053; Four-Dri; § 540.274e(a). NADA 65–325; 3600; § 540.274e(a). NADA 65–326; 1400; § 540.274e(a). NADA 65–327; 1900; § 540.274e(a). NADA 65–328; 1800; § 540.874c(a). NADA 65–329; 3500; § 540.274e(a). NADA 65–340; 3800; § 540.274e(a). NADA 65–344; 4401; § 540.274e(a).

3. Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, MO 64141. NADA 65–321; TriInstillin III; § 540.874c(a). NADA 65–322; TriInstillin IV; § 540.874c(a).

4. Pharm-House, Inc., P.O. Box 298, Mechanic St., Hope Valley, RI 02832. NADA 65–404; PST; § 540.274e(a). NADA 65–405; PNT; § 540.874c(a). NADA 65–418; PNG; § 540.874c(a). NADA 65–419; PSG; § 540.274e(a). NADA 65–425; HPIS; § 540.274e(a). NADA 65–426; PNR; § 540.874c(a). NADA 65–427; PSS; § 540.274e(a). NADA 65–442; PND; § 540.874c(a).

5. Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502. NADA 65–316; Masti-Matic; § 540.874c(a). NADA 65–317; Sul Mycin-H; § 540.874c(a). NADA 65–318; #5; § 540.874c(a). NADA 65–319; #12; § 540.874c(a). NADA 65–320; #1; § 540.274e(a).

6. Rhinecliff Laboratories, Inc., 723 East Manchester Ave., Los Angeles, CA 90001. NADA 65–362; 1272; § 540.274e(a). NADA 65–363; 1272–A; § 540.274e(a). NADA 65–367; 1260–A; § 540.274e(a). NADA 65–368; 1260; § 540.274e(a). NADA 65–369; 2872; § 540.274e(a). NADA 65–407; 12175; § 540.874c(a).

7. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance, OH 44601. NADA 65–331; Triples; § 540.274e(a).

8. The Upjohn Co., Kalamazoo, MI 49001. NADA 65–389; Biocort; § 540.874c(a). NADA 65–430; Biocort II; § 540.874b(a). NADA 65–447; Biomast; § 540.274e(a).

Furthermore, because the current files of the Food and Drug Administration may be incomplete and may fail to reflect the existence of some approvals created by the transitions provisions of the Animal Drug Amendments of 1968, section 108(b)(2) of Pub. L. 90–399, the Commissioner gave notice to any person holding such an approval to come forward with proof of its existence within the period allowed by the notice of opportunity for

hearing. The failure of any person holding such an approval to submit proof of its existence constituted a waiver of any right to assert or rely on it. No holder of such approvals has come forward, and this constituted an election by any such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug products.

Two products manufactured by Pharm-House, Inc., designated as NADA's 65-403 and 65-417 are single entity products, Procaine Penicillin G 100,000 units, and were erroneously listed in the notice of opportunity for hearing. Those drug product approvals will not be withdrawn or affected by this order since they are not combination products.

The Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 507, 512, 701, 52 Stat. 1055-1056, as amended, 59 Stat. 463, as amended, 72 Stat. 1785-1788, as amended, 82 Stat. 343-351 (21 U.S.C. 348, 357, 360b, 371)) and the Animal Drug Amendments of 1968 (sec. 108(b), 82 Stat. 353) and under authority delegated to him (21 CFR 2.120), finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approvals, there is a lack of substantial evidence that the drug products have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, in that there is a lack of substantial evidence that these products are effective as fixed combinations in accordance with section 512 of the act and 21 CFR 135.4a(b)(8)(v), recodified (40 FR 13802) as 21 CFR 514.1 (b)(8)(v).

Therefore, pursuant to these findings, the Commissioner hereby orders:

1. That the foregoing specifically enumerated approvals and all amendments and supplements thereto be and they are hereby withdrawn.

2. That any approval held by any sponsor for any fixed combination intramammary infusion drug product for treating mastitis under 21 CFR 540.274c(a) (formerly § 146a.45), 21 CFR 540.274e (a) (formerly § 146a.57), 21 CFR 540.874c (a) (formerly § 146a.62), or 21 CFR 540.874b(a) (formerly § 146a.128), which was not named in the notice of opportunity for hearing published in the FEDERAL REGISTER of August 30, 1974 (39 FR 31678) be and it is hereby withdrawn.

This order shall become effective at such time as certification services are terminated for those products of Masti-Kure Products Co., Inc., whose withdrawal of approvals (Docket No. FDC-D-708) is under review by the United States Court of Appeals for the District of Columbia Circuit in No. 75-1231.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-14397 Filed 6-2-75;8:45 am]

PANEL ON REVIEW OF BLOOD AND BLOOD DERIVATIVES

Meeting Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21745), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the Panel on Review of Blood and Blood Derivatives meeting scheduled for June 26, 1975, will begin at 10 a.m. instead of 9 a.m. as stated previously.

Dated: May 27, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-14394 Filed 6-2-75;8:45 am]

[FAP 5B3072]

ROHM AND HAAS CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3072) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 121.-2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of oxazolidinylethylmethacrylate copolymers with ethyl acrylate and methyl methacrylate as components of paper and paperboard for food contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: May 22, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-14401 Filed 6-2-75;8:45 am]

Office of Education

ADVISORY COUNCIL ON BILINGUAL EDUCATION

Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Advisory Council on Bilingual Education will be held from 9 a.m. to 12 Noon on Wednesday, June 18, and on Thursday, June 19, and Friday, June 20, 1975 from 9 a.m. to 5 p.m. The Council will meet at the di Lido Hotel, 155 Lincoln Road, Miami Beach, Florida in the Venetian B Conference Room.

The Advisory Council on Bilingual Education is established pursuant to section 732 of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the Committee meeting will include the following:

1. Council report on position paper and draft
2. Annual Report to the Commissioner
3. Site Visitations
4. Council Budget
5. New Business

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building, #3, 7th and D Streets, SW., Washington, D.C. 20202.

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

JOHN C. MOLINA,
Director, Office of Bilingual Education.

[FR Doc.75-14388 Filed 6-2-75;8:45 am]

Office of the Secretary

CENTER FOR DISEASE CONTROL

Statement of Organization, Functions, and Delegations of Authority

Part 9 (Center for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1461-68, January 9, 1974, as amended), is hereby amended with regard to Section 9-B, *Organization and Functions*, as follows:

Transfer the rabies laboratory activities from the Viral Diseases Division (9E57), Bureau of Epidemiology (9E00), to the Virology Division (9G67), Bureau of Laboratories (9G00), by making the following changes under the heading entitled "BUREAU OF EPIDEMIOLOGY (9E00)":

1. Delete item (11) from the mission statement, and renumber item (12) to item (11).

2. Substitute the following sidehead and accompanying text for the Viral Diseases Division (9E57):

Viral Diseases Division (9E57). (1) Conducts surveillance programs and investigations of viral diseases, including viral zoonoses; (2) provides epidemic aid and epidemiological consultation, upon request, to State and local health departments, other Federal agencies, and international organizations; (3) conducts ecological studies for the control of rabies.

Statements for the Bureau of Laboratories (9G00) and its Virology Division (9G67) are unchanged.

Transfer laboratory management reviews within the Bureau of Laboratories (9G00) from the Laboratory Training and Consultation Division (9G53) to the Office of the Director (9G01) by making the following changes under the heading entitled "BUREAU OF LABORATORIES (9G00)":

1. Add item (8) to the statement for the Office of the Director (9G01) as follows: (8) conducts laboratory management reviews.

2. Substitute the following sidehead and accompanying text for the Laboratory Training and Consultation Division (9G53):

Laboratory Training and Consultation Division (9G53). (1) Administers a national laboratory training program directed primarily to State public health and other health laboratories; (2) provides technical consultation to local, State, and Federal health laboratories; (3) coordinates the Center's health laboratory manpower development program.

Dated: May 22, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-14403 Filed 6-2-75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

CUMBERLAND ISLAND ARCHEOLOGICAL SITES ET AL.

Memoranda of Agreement

Pursuant to § 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the month of May 1975:

Cumberland Island Archeological Sites, Cumberland Island, Georgia, affected by a land exchange project by the Department of the Interior, National Park Service (5/2/75);

Tenino Depot, Thurston County, Tenino, Washington, affected by a demolition project of the Burlington Northern Railway Company and proposed moving of the Depot by the American Revolution Bicentennial Commission (5/2/75);

Taliesin West, Maricopa County, Scottsdale vicinity, Arizona, affected by construction of an earthen and stone dike (Granite Reef Aqueduct) by the Department of the Interior, Bureau of Reclamation (5/12/75);

Cow-Killer Archeological Site, Osage County, Melvern Lake, Kansas, affected by a highway construction project near Melvern Dam, by the Department of the Army, Corps of Engineers (5/22/75);

Kualoa Ahupua's Historical District and *Molii Fish Pond,* Kaneohe vicinity, Oahu, Hawaii, affected by proposed grant assistance for continued archeological survey and excavation by the U.S. Department of Labor, Manpower Administration, (5/22/75);

Richmond National Battlefield Park, Richmond, Virginia, affected by the laying of a sewer line through the battlefield site and granting of a special use permit; Environmental Protection Agency and Department of the Interior, National Park Service (5/27/75).

These Memoranda were executed in accordance with section 800.5 of the Advisory Council's Procedures, in fulfillment of Federal Agency responsibilities to afford the Advisory Council on Historic Preservation an opportunity to comment on Federal, federally assisted, and federally licensed undertakings which have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places. These agency responsibilities derive from section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470[f]), and Sections 1(3) and 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," (16 U.S.C. 470, 36 Fed. Reg. 8921). The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

Dated: May 29, 1975.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.75-14450 Filed 6-2-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27137; Order 75-5-115]

COMPANIA ECUATORIANA DE AVIACION, S.A.

Notification and Order Disapproving Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of May 1975.

Compania Ecuatoriana de Aviacion, S.A. (Ecuatoriana) is the holder of a foreign air carrier permit, issued pursuant to Order 74-7-129, which authorizes it to perform foreign air transportation with respect to persons, property, and mail, over a route between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, and Panama City, Panama; and the terminal point Miami, Florida; and to engage in charter trips subject to Part 212 of the Board's Economic Regulations. There is currently in effect an Air Transport Services Agreement between the Government of the United States and the Government of Ecuador.

The Government of Ecuador has issued various licenses to Braniff Airways, Inc. which authorize scheduled air services between specified points in the United States and Ecuador, via named intermediate points. These authorizations specify the maximum number of frequencies which may be operated over each route and the equipment which may be used. Frequency increases, changes in itinerary or changes in equipment are not allowed as a matter of course, instead the carrier is required to obtain the approval of the aeronautical authorities of Ecuador prior to implementing any changes in its operations.

On October 31, 1974, due to unilateral restrictive action by the Government of Ecuador against the operations of the U.S.-designated carrier, which were continued in effect despite the objections of the United States Government, the Board by Order 74-10-153 implemented Part 213 of its Regulations to require that Ecuatoriana file with the Civil Aeronautics Board copies of its existing schedules, and any and all proposed schedules of service between Ecuador and the United States at least 30 days prior to the proposed effective date of such schedules. The Board there found that "the Government of Ecuador has taken unilateral restrictive action against Braniff's operations prior to consultations and over the objection of the United States Government, which has impaired, limited, and denied operating rights provided for in the United States-Ecuador Air Transport Services Agreement."

As a result of consultations, Braniff was permitted to reinstate its frequencies but still subject to significant restrictions. Thereafter Braniff filed a new schedule, for effectiveness June 1, 1975, which eliminates certain of the outstanding restrictions. To date the Government of Ecuador has withheld approval of this schedule.

On April 23, 1975 Ecuatoriana filed a proposed new schedule for effectiveness June 3, 1975, which contemplates the operation of two additional flights between Ecuador and Miami, one nonstop and one via a specified intermediate point, and the addition of an intermediate stop on an existing flight.

In view of the foregoing, the Board finds that inauguration of Ecuatoriana's proposed increase in the capacity of its services to the United States at a time when, over the objections of the United States Government, the Government of Ecuador continues to restrict U.S.-carrier operations, may adversely affect the public interest. Accordingly, the Board finds that it is in the public interest to notify Ecuatoriana, pursuant to § 213.3 (d) of the Board's Economic regulations, that such proposed schedules should not be inaugurated.

Should the two Governments reach an understanding subsequent to the issuance of this order, reconsideration of this action would, of course, be appropriate.

Accordingly, it is ordered, That:

1. The proposed schedule filed by Compania Ecuatoriana de Aviacion, S.A. on April 23, 1975 be, and it hereby is, disapproved, and shall not be inaugurated;

2. This Order shall be submitted to the President[1] and shall become effective on May 30, 1975;

3. This Order shall remain in effect until further order of the Board; and

4. This Order shall be served on Compania Ecuatoriana de Aviacion, S.A. and the Ambassador of Ecuador in Washington, D.C.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-14473 Filed 6-2-75;8:45 am]

[1] This order was submitted to the President on May 19, 1975.

[Docket No. 25554; Agreement CAB 22586 etc.; Order 75-5-106]

EMERY AIR FREIGHT CORP. AND AIR MIDWEST, INC., ET AL.

Order of Approval Regarding Priority Air Freight Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of May 1975.

The Board, by order 73-4-8 dated April 2, 1973, gave tentative approval, subject to conditions, to 38 separate agreements of uniform provision between Emery Air Freight Corporation (Emery) and individual commuter air carriers operating pursuant to Part 298 of the Board's Economic Regulations.[1] Subsequent to that date, identical agreements between Emery and 26 additional commuter air carriers were submitted to the Board for approval.[2]

The initial agreements provided for the carriage, on a priority basis of Emery air freight shipments by the commuter air carriers, the utilization of Emery airbills by the carriers, and the solicitation by both parties of joint traffic. In addition, certain of the participating carriers entered into supplementary agreements with Emery for the processing, investigation, and payment of loss and damage claims.

Because of the novelty of the arrangements and some of the possible dangers thought to exist in the unique agency relationship, the Board granted only tentative approval of the agreements, proposed certain conditions on them, and invited comments from all interested parties on the agreements and modifications.

The Board was concerned with those aspects of the agreements which might lead the carrier-agent to favor its forwarder—principal in the handling of cargo and assignment of space, which might place the direct air carrier in a conflicting position of having to decide whether to route cargo through the forwarding service at issue or via interline arrangements with other carriers, and which, due to the constraints on the agency relationship, might be detrimental to the direct air carrier parties and which might, generally, be deleterious to the interest of competing direct and indirect air carriers. In order to meet some of the potential problems in the agency relationship, the Board conditioned approval of the agreements with requirements that—

(1) Other indirect or direct air carriers could enter into similar agreements with the participants;

(2) No preferential treatment be allowed for shipments of Emery freight other than that arising from prior tender of the goods; and

(3) The rates to be charged Emery by the direct air carriers shall be filed at the Board, shall not offer any discount for the tender of more than one shipment, and shall be available to other indirect air carriers operating under a similar agreement with the direct air carrier.[3]

Several parties filed comments in response to the Board's invitation in order 73-4-8. The National Air Transportation Conferences, Inc. (NATC), filed comments generally urging that the agreements be approved but without any condition prohibiting discounts for the tender of more than one shipment and without reference to the particular definition of a shipment found in the Assembly and Distribution Case, 12 C.A.B. 337 (1950). The Air Freight Forwarders Association (AFFA) filed comments which were in favor of the agreements but sought clarification of the conditions ensuring against the granting of discounts. Extensive comments were filed by Emery which urged final approval of the agreements but without the conditons preventing discounts for the tender of more than one shipment and advance loading[4] of the freight carried under the agreements.

Upon consideration of the comments filed, we have decided to grant final approval of the agreements subject to the conditions we had tentatively established.

None of the comments received were critical of the condition requiring that other indirect or direct air carriers be allowed to enter into agreements, on basically the same terms, with the participating air carriers. The Board continues to regard the condition as necessary to prevent anticompetitive restrictions on participation in the new service, and it will therefore be adopted.[5]

Regarding the condition against preferential loading of shipments from the participants, Emery argues that advance loading is justified by both cost and promotional considerations without any serious adverse impact on other shippers or forwarders. Emery views the feature as necessary in order to develop a new market and generate new traffic (primarily attracted away from large trucker operations). The comments that were filed concerning this condition have not persuaded us that it should be deleted. Moreover, our intervening decision in the Express Service Investigation[6] is germane to the issue.

Our general finding in that proceeding was that many of the historical advantages which had once prompted the Board to grant a monopoly to REA Express, Inc., to conduct air express service in connection with the scheduled air carriers had withered away. The air express service, as offered by REA, was not uniquely advantageous to the public so as to counterbalance the anticompetitive consequences of the air express arrangement.[7] The Board found that each air carrier is under an obligation to offer a highly expedited priority cargo transportation service as part of its duty to provide reasonable transportation. And the Board rejected the argument that any priority service required, as an indispensable feature, coordination by a single nationwide ground agent.[8] In light of our findings in the Express Service Investigation, we are not prepared to repeat a similar experiment dealing with a priority air cargo service involving commuter air carriers and Emery, as a nationwide ground agent, which contains features such as priority boarding that may have the effect of eliminating competition between the commuters as well as between air freight forwarders. We are also concerned that the very ability to advertise and an added service of this nature would give Emery an undue advantage over other forwarders.[9] We will retain the subject condition in order to ensure that competing forwarders and individual shippers are able to secure uniform service from the participating third-level carriers.

Regarding the condition against discounts for the tender of more than one shipment, it was tentatively imposed due to our concern over (1) the potential for price discrimination by the commuter carriers against competing forwarders and (2) the inherent unfairness of a quantity discount system absent a compelling argument that any discount is reasonably related to material cost savings. The comments filed by Emery, concurred with by NATC, describe that the rate structure "with its scale of discounts per number of shipments per day, is based on clearly identifiable and substantial cost savings and corresponds to the inherent variation of these cost

[1] The 38 commuter air carriers, minus 7 which later withdrew their agreements, are listed at App. A.

[2] The 26 commuter air carriers, minus 1 which later withdrew its agreement, are listed at App. B.

[3] In order to effectively enforce this condition the Board further conditioned its approval of the agreements by prescribing a precise definition of what constituted a shipment. See n. 18, *infra*.

[4] Under the original terms of their agreements, the commuter air carriers agreed to board the Emery traffic in advance of any other cargo, except the mail.

[5] NATC raised the point, in the comments it filed, that it assumed that the Board would not require a participating carrier to do business with another carrier if it had good reasons for refusing due to "lack of financial responsibility, general reputation or otherwise." We mean to insure that an opportunity for participation in the subject agreements be afforded other air freight forwarders and commuter air carriers. Any standard for participation that subjects an entrant to any unjust discrimination would be inimical to this condition.

We will modify the original wording of this condition, but only to more precisely describe the relationships we are conditioning.

[6] Docket 22388, order 73-12-36, Dec. 7, 1973; order 74-5-25, May 6, 1974; order 74-6-118, June 26, 1974; order 75-4-54, Apr. 9, 1975.

[7] See order 73-12-36 at p. 6.

[8] *Id.* at pp. 38 and 39.

[9] As conceded by Emery, the advantage would be far more apparent than real. Emery states that "as a practical matter the freight of other forwarders and shippers is displaced only rarely by this advance loading commitment. Reports from various participating commuter carriers to Emery indicate unanimously that shipments tendered by competing forwarders, connecting certificated carriers, or by individual shippers are rarely, if ever, displaced by later arriving Emery shipments." Comments of Emery Air Freight Corp., June 15, 1973, at p. 31.

factors."[20] Emery presents that it performs numerous functions which would otherwise fall to the commuter air carrier, and which result in substantial savings for the commuter air carrier.[21] Because of the nature of these functions, Emery states, the costs are incurred for each shipment of freight regardless of the weight. Emery thus argues that it is appropriate to consider the cost savings involving these functions on a per-shipment basis rather than any other. Emery presents that substantial cost savings for the commuter do occur when multiple daily shipments are handled. Emery reasons that if it presents a single shipment per day to the carrier, the cost savings are negligible and the processing of the shipment can be handled by the carrier's operating and supervisory personnel in addition to their other work, with little extra burden. However, as the volume of shipments increases the administrative tasks accumulate and will eventually necessitate extra staff personnel, office space, telephone lines, and other indirect expense items. The cost savings will vary by the number of shipments. In short, while the newly established service will increase the flight operations of the commuter, it will not increase the costly administrative services that would normally accompany such an increase. The services are provided by, and paid for by, Emery, which asks for a decreasing freight shipment rate to cover its expenses.

Regarding the question of freight rates between a commuter air carrier (a direct air carrier) and an air freight forwarder (an indirect air carrier), while a forwarder is a carrier in relation to the public, it is a shipper in relation to the commuter air carrier. For purposes of determining the rates a forwarder must pay to a direct air carrier, the forwarder is in no position different from shippers generally. Specifically, the rates charged to a forwarder may not be unjustly discriminatory or unduly preferential or advantageous as compared with rates charged to the general public. The Board has found a discriminatory fare or rate to be unjust when different fares or rates are charged for like and contemporaneous services under substantially similar circumstances and conditions.[22] The Board has said that, as a general matter, it will not approve agreements between forwarders and direct air carriers which embody preferential rates.[23]

After considering the arguments advanced by the parties in support of the discount rates in issue we have not found sufficient justification to establish their reasonableness and in turn to authorize us to approve any agreements embodying them. Emery has failed to meet its burden of showing that the costs of the air transportation supplied by the commuters are reasonably related to the discounts established for multiple daily shipments.[24] Emery has not demonstrated that there are any cost savings to the carrier which would be anywhere near commensurate with the discounts provided, nor is there any decreased value of service to the shipper which might otherwise warrant the discounts.[25] Moreover, the discounts cannot be sustained merely on the grounds of promotion and traffic generation alluded to by Emery.[26] The Board has consistently failed to find justification for various multishipment discount proposals in past cases.[27] The arguments herein have not persuaded us to reach any different conclusions.

Relating to the question of charges between Emery and the commuters, we had also tentatively established conditions requiring that lists of charges be reported to the Board and that the Board's definition of a shipment and related provisions for assembly and distribution as expressed in the Investigation—Accumulation, Assembly, and Distr. Rules be made applicable to the instant arrangements.[28] Our purpose here was to effectively police against both the granting of discounts for the tender of more than one shipment and price discrimination by the commuter against competing forwarders. Our concerns remain and we will therefore retain the conditions.

The proposal, made in the comments filed by the parties, wherein Emery would undertake to transmit to the Board the list of charges for any commuter it had entered into an agreement with, is well taken and will be adopted.[29]

The comments by the AFFA, relating to the definition of "shipment," distinguished a multiple shipment rate from a single consolidated shipment rate at various weight levels and asked for more clarification of the term "shipment." The present definition of the term "shipment" is viewed as wholly adequate to encompass the point made by AFFA.

On the basis of the foregoing, we find that the subject agreements are not adverse to the public inteerst or in violation of the Act, if made subject to the conditions hereinafter stated.

Accordingly, it is ordered, That:

1. Agreements CAB 22586 through 22589, 22591 through 22593, 22595, 22597, 22600, 22602 through 22606, 22609 through 22611, 22613, 22614, 22666, 23114, 23116 through 23122, 23362, 23403, 23450, 23451, 23804, 23860, 23871, 23894, 23895, 23955, 23956, 23972, 23974, 24014, 24117, 24118, 24222, 24244, 24450, 24508, 24509, 24573, 24729, 24915, 24916, 24953, and 24988 be and they hereby are approved subject to the following conditions:

(a) It shall be a condition of approval that other registered air taxi operators may enter into similar agreements with Emery and that other air freight forwarders may enter into similar agreements with participating registered air taxi operators on basically the same terms as established herein;

(b) No provision in these agreements shall be construed as authorizing preferential treatment for shipments of Emery other than that to which such shipments may be entitled as a result of prior tender;

(c) The direct air carrier participants will individually draw up lists of charges for cargo services, which are to be filed by Emory with the Board's Director, Bureau of Operating Rights, and updated as they are revised, the first such filing to be accomplished within 28 days of adoption of this order. Such charges shall not offer any discount for the tender of more than one shipment. The charges thus established shall be standard charges uniformly applicable to Emery Air Freight Corporation and any other indirect air carrier which may have concluded a similar agreement with the direct air carrier; and

(d) For purposes of condition (c) of this order, a shipment shall be defined as a single consignment of one or more pieces from one consignor at one time, at one address, receipted for in one lot, and moving on one airbill to one consignee, at one destination address: *Provided, however*, That assembly service or distribution service may be provided in a manner consistent with the Board's de-

[20] Comments of Emery at p. 44.

[21] Emery performs "virtually all of the difficult and expensive 'paperwork' functions"; it does all the rating, routing, tracing, billing, and collection for shipments under the priority air freight agreements. The commuter carriers "do little more than load, carry, and unload the freight." Emery comments at pp. 37 and 38.

[22] Shulman, Inc., Aggregate Weight Rule, 49 C.A.B. 323, 331 (1968).

[23] See Airfreight Forwarder Investigation, 24 C.A.B. 755 (1957).

[24] For example, the multiple shipment discounts agreed to between Air Wisconsin, Inc., a large commuter, and Emery provided for rates, for each 100 lbs, of:

	Percent of single rate
1 shipment at	100.0
2 shipments at	71.5
3 shipments at	57.0
4 shipments at	50.0
5 or more shipments at	43.0

[25] In a related case, involving multicontainer rates, the Board has stated that the proponent of the rate "has the burden of showing that the reduced rate for multicontainer shipments is reasonably related to the reduced costs of transportation." Container Rates for B-747 Aircraft, order 71-7-155, dated July 27, 1971, at p. 38.

[26] Mere promotion of traffic will not sustain a discriminatory rate or fare. Standby Youth Fares—"Young Adult Fares," order 69-8-140, served Aug. 27, 1969, at p. 3; accord, Airlift Blocked-Space Case, order 73-4-25, dated Apr. 4, 1973 at p. 31.

[27] See cases cited at nn. 12, 13, 15; Saturn Airways, Inc., Exemption, order 74-1-119, dated Jan. 24, 1974.

[28] Investigation—Accumulation, Assembly, and Distr. Rules, 12 C.A.B. 337 (1950), as amended by the Airfreight Rate Case, 29 C.A.B. 873 (1959). As so amended, the definition is: a shipment consists of a single consignment of one or more pieces, from one consignor at one time at one address, receipted for in one lot and moving on one airbill to one consignee at one destination address.

[29] It is presumed that the overall rates, of the air freight forwarder, applicable to any services contemplated under the agreements will be reflected in tariffs filed by the air freight forwarder pursuant to sec. 403 of the Act.

cision in the Assembly and Distribution Case.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

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

APPENDIX A

CAB agreement number	*Commuter air carrier*
22586	Air Wisconsin, Inc.
22587	Air South, Inc.
22588	Mississippi Valley Airways, Inc.
22589	Skyway Aviation, Inc.
22591	Florence Airlines.
22592	Virginia Air Cargo Co., Inc.
22593	Midstate Air Commuter.
22595	Rocky Mountain Airways, Inc.
22597	Island Air Transfer, Ltd.
22600	Viking International Air Freight, Inc.
22602	Key Transportation, Inc., d.b.a. Sun Valley Key Airlines.
22603	Davis Airlines.
22604	Harbor Airlines, Inc.
22605	Brennan Air Freight.
22606	Trans Magic Airlines.
22609	Shawnee Airlines, Inc.
22610	Allen Aviation, Inc.
22611	Air Midwest, Inc.
22613	Pilgrim Airlines.
22614	Downeast Airlines, Inc.
22666	Cross Sound Commuter Airline, Inc.
23114	Gross Aviation, Inc.
23116	Nicholson Air Services, Inc., d.b.a. Cumberland Airlines.
23117	Phillips Air Lines.
23118	Provincetown-Boston Airlines, Inc.
23119	Sedalia, Marshall, Boonville Stage Line, Inc.
23120	Vero Aero, Inc.
23121	Wagner Aviation, Ltd.*
23122	Air Illinois, Inc.
23362	Barharbor Airways, Inc.
23403	Griffing Flying Service, Inc.

*Wagner Aviation, Ltd., is a foreign air carrier holding an operating permit under sec. 402 of the Act.

APPENDIX B

CAB agreement number	*Commuter air carrier*
23450	Gulf Coast Aviation, Inc.
23451	Metroflight, Inc., d.b.a. Metro Airlines.
23804	International Air Cargo, Ltd.
23860	Semo Aviation, Inc.
23871	Penn's Cave, Inc.
23894	Command Airways, Inc.
23895	Pearson Aircraft, Inc.
23955	Rio Airways, Inc.
23956	Tricon International Airlines, Inc.
23972	Air New Ulm (a division of New Ulm Flight Service, Inc.).
23974	Halvorson, Inc., d.b.a. Mesaba Aviation.
24014	Rainbow Air Systems, Ltd.
24117	Shamrock Air Lines, Inc.
24118	Air Exec, Inc.
24222	Cascade Airways, Inc.
24344	Blackhawk Airways, Inc.
24450	American Air Transport, Inc.
24508	Precision Valley Aviation, Inc.
24509	Winnipesaukee Aviation, Inc.
24573	Brower Airways, Inc.
24729	Sizer Airways, Inc.
24915	Horizon Airways, Inc.
24916	Wheeler Flying Service, Inc.
24953	Carolina Airways, Inc., d.b.a. Cannon Aviation.
24988	Lawrence Aviation, Inc.

[FR Doc.75-14472 Filed 6-2-75;8:45 am]

[Docket No. 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE

Postponement of Hearing Regarding Mail Rates Investigation

Notice is hereby given that the hearing heretofore scheduled for June 24, 1975 (40 FR 14113, March 28, 1975) in the above-entitled proceeding has been postponed to July 15, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., May 29, 1975.

[SEAL] THOMAS P. SHEEHAN, *Administrative Law Judge.*

[FR Doc.75-14471 Filed 6-2-75;8:45 am]

AIR TRANSPORTATION INDUSTRY

Continuing Fuel Problems; Notice of Presentation

Notice is hereby given that a presentation will be made by the Air Transport Association, Air Carrier Association and others to the Civil Aeronautics Board on Friday, June 6, 1975, at 10 a.m., on the subject of continuing fuel problems and their impact on the air transportation industry. The presentation will be given in Room 1027 of the Board's offices, 1825 Connecticut Avenue NW., Washington, D.C. Representatives of the Federal Energy Administration and of the Department of Transportation, as well as of various consumer groups, have been invited to attend this presentation. Members of the public are also hereby invited to attend.

Dated at Washington, D.C., May 30, 1975.

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

[FR Doc.75-14629 Filed 6-2-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, June 25, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW, and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL, *Advisory Committee Management Officer for the President's Agent.*

[FR Doc.75-14390 Filed 6-2-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 381-4; OPP—33000/261]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 4, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period

has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 4, 1975.

Dated: May 27, 1975.

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

APPLICATIONS RECEIVED

EPA File Symbol 35639-R. Aqua Chem. Corp., 13501 Baltimore Blvd. (Rt. 1), Laurel MD 20810. SODIUM HYPOCHLORATE. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 239-2418. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO ORTHENE 75 S SOLUBLE POWDER. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added claim PM16

EPA Reg. No. 239-2389. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO SOD WEBWORM CONTROL. Active Ingredients: 0,0,0,0-Tetrapropyl dithiopyrophosphate 13.0%; Aromatic Petroleum Derivative Solvent 81.2%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA Reg. No. 677-282. Diamond Shamrock Corp., Agricultural Chem. Div., 1100 Superior Ave., Cleveland OH 44114. BRAVO W-75. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional Use. PM21

EPA File Symbol 5736-LE. DuBois Chem., Div. of Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. X-PERGE. Active Ingredients: Methylene Bis(thiocyanate) 1.86%; Bis(trichloromethyl) sulfone 7.84%; Bis(tributyltin) oxide 2.38%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 7296-RE. Gem City Chem., Inc., 1287 Air City Ave., Dayton OH 45404. GEM CLEAR-100. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 8.4%; n-Diakyl (60% C14, 30% C16, 5% C12, 5% C18) methyl benzyl ammonium chloride 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 1414-G. Hampden Color & Chem. Co., PO Box 558, Springfield MA 01101. SODIUM HYPOCHLORITE. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 5568-RIG. The Hubbard-Hall Chem. Co., 563 S. Leonard St., Waterbury CT 06720. LIQUID CHLORINE. Active Ingredients: Chlorine 99.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 2342-OLR. Kerr-McGee Chem. Corp., Kerr-McGee Center, Oklahoma City OK 73125. FASCO C-Z-M-B NO. 3 A FUNGICIDE-NUTRITIONAL COMBINATION FOR CITRUS. Active Ingredients: Copper as metallic 20.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 11602-T. Molar Enterprises, Inc., 1621 Hennepin Ave. S., Minneapolis, MN 55403. MOLAR "O.S.T.". Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7001-EEG. Occidental Chem. Co., PO Box 198, Lathrop CA 95330. ETHION 4 DUST. Active Ingredients: 0,0,-0',0'-tetraethyl S, S'-methylene bis-phosphorodithioate 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 14886-I. Parker Engineered Chem., Inc., 320 Hodgin St., PO Box 869, High Point NC 27261. P-17 ALGAE CONTROL POWDER. Active Ingredients: "Sodium Dichloro-s-triazinetrione Dihydrate" 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 20839-R. Pool Care Inc., 4 Duffy Ave., Hicksville, Long Island NY 11801. POOL-CARE INC. LIQUID CHLORINE FOR SWIMMING POOL CHLORINATION. Active Ingredients: Sodium Hypochlorite 12%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 4887-138. Stephenson Chem. Co., Inc., PO Box 188, College Park GA 30337. DURSBAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-Diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 23.80%; Tetrachloroethylene 16.00%; Petroleum hydrocarbons 37.30%; Xylene 13.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 7135-5. Sunnyside Products, Inc., 5530 N. Wolcott Ave., Chicago IL 60640. SUNNYSIDE TORCH GLOW. Active Ingredients: Oil of Citronella 0.68%; Petroleum Distillate 99.32%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 14774-1. Terra Chem. International, Inc., 507 6th St., Sioux City IA 51101. CHEMSTOR. Active Ingredients: Acetic Acid 19%; Propionic 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses. PM21

EPA Reg. No. 6735-194. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE CHLORATE DEFOLIANT-DESICCANT. Active Ingredients: Sodium chlorate ($NaClO_3$) 27.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 15265-RR. Wausau Chem. Corp., 2001 N. River Dr., Wasau WI 54401. POLAR BRAND 40. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

[FR Doc.75-14215 Filed 6-2-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SOLAR ENERGY RESEARCH INSTITUTE

Opinions on the Role, Missions, Organizational Structure and Other Attributes

The Solar Energy Research, Development, and Demonstration Act of 1974 (Pub. L. 93-473), Section 10, established a Solar Energy Research Institute (SERI) to perform research, development and related functions in furtherance of the purpose and objectives of the Act. Opinions are solicited from any individual, private organization, local or state agency, Federal laboratory, or consortium of organizations as to the role, missions, organizational structure and other attributes of a Solar Energy Research Institute. This is a request for opinions only; proposals to establish the institute should not be submitted at this time.

The role of the SERI could be broad enough to encompass direct participation in all forms of scientific research, engineering, and operational test and evaluation; or its role could be limited to supporting the activities of the ERDA Division of Solar, Geothermal and Advanced Energy Systems primarily through information collection, analysis and dissemination.

The missions or functions of the SERI could include one or more of the following: identification of new concepts and techniques; basic and applied research and development of materials, components, methods of fabrication and construction, and systems; engineering and economic studies, tests, and evaluations; information collection, analysis, and dissemination including operation of the Solar Energy Information Data Bank established by Pub. L. 93-473 section 8; technology transfer to assist in the rapid and widespread commercialization of solar energy techniques; the establishment of standards of measurement and performance of solar energy equipment, components and systems; and the operation of solar energy facilities up to and including full-scale demonstration power plants. The scope of the SERI could encompass solar heating and cooling of buildings; solar heat for agriculture, industrial processes, and electrical generation; photovoltaic, photogalvanic and photosynthetic processes; ocean thermal and wind energy for electrical and fuel production; and other conceivable solar energy techniques and processes; or be limited only to the less developed or more speculative concepts.

The organizational structure could include a multi-organizational consortium operating one or more laboratories, test facilities, engineering stands, pilot plants and/or commercial-scale demonstration plants. Alternatively, a single laboratory could host a centralized, limited-scope SERI organization; or a central facility could house the SERI Headquarters and "Centers of Excellence" could be established at selected laboratories and universities to conduct the SERI technical program. The staff size and annual and capital budget of the SERI would vary accordingly.

The above discussion of the possible role, missions and structure of the SERI is intended simply to stimulate discussion covering the full range of options for establishing the institute. The purpose of

this notice is to contact the widest possible audience of interested individuals and organizations and to solicit the widest possible range of thoughtful opinions which can guide ERDA in establishing a vigorous, vital SERI as soon as possible.

JOHN M. TEEM,
Assistant Administrator for Solar, Geothermal and Advanced Energy Systems.

[FR Doc.75-14423 Filed 6-2-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION RELAY SERVICE

Application File Numbers

MAY 21, 1975.

Effective June 1, 1975, applications in the Cable Television Relay Service will be numbered as follows:

Action	Designation	Old prefix
CP for a CAR fixed station	01	CPCAR CPCLD CPCS
Modification of CP for a CAR fixed station	02	CMPCAR CMPCLD CMPCS
License to cover CP for a CAR fixed station	03	CLCAR CLCLD CLCS
Modification of license of a CAR fixed station	04	CMLCAR CMLCLD CMLCS
License for a new CAR mobile station	05	CLCP
Modification of license for CAR mobile station	06	CMLCP
Assignment of CP	07	CAPCAR CAPCLD CAPCS
Assignment of license	08	CALCAR CALCLD CALCS CALCP
Transfer of control	09	CTC
Renewal of license	10	CRCAR

NOTE.—For example, see the following table:

File identification	Action	Date filed	Applicant
10001	04	Feb. 13, 1975	Moose Cable TV Inc.
10002	08	.....do.....	Bear Cablevision Corp.
10003	01	.....do.....	Viewmoro Cable.
10004	05	Feb. 14, 1975	Ape Cable Co.
10005	02	.....do.....	Lower M Cable Inc.

This change has been made in conjunction with the Requirements Study of the new Data Management System (ADM).

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

[FR Doc.75-14447 Filed 6-2-75;8:45 am]

BROADCAST STATION CONSTRUCTION PERMITS

Application Forms

MAY 27, 1975.

Effective January 20, 1975, Part 1 of the Commission's Rules and Regulations were amended by adding a new Subpart I to cover "Procedures Implementing the National Environmental Policy Act of 1969". The Commission intends to implement its NEPA rules with the issuance of a supplement to the following Broadcast Bureau application forms for construction permits:

FCC Form 301	FCC Form 340
FCC Form 309	FCC Form 346
FCC Form 313	FCC Form 349P
FCC Form 330-P	

Until revised forms are available, all persons who file applications on any of these forms should be certain to obtain and file a supplement with each copy of the form. The supplements contain pertinent excerpts from the rules and filing instructions. In cases where applications subject to the provisions of Part 1, Subpart I, are already on file, the Broadcast Bureau will mail supplements to the applicants.

Copies of the supplement will be included with relevant forms which are mailed out by the Commission. Additional copies are available in the Public Forms Distributing Room (1919 M Street, Room B-10) and in the field offices.

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

[FR Doc.75-14448 Filed 6-2-75;8:45 am]

EQUIPMENT CERTIFICATION ACTIVITY

Change in Location

MAY 21, 1975.

The Federal Communications Commission's equipment certification activity has been transferred from its Washington, D.C. offices to its Laboratory Division, which is located near Laurel, Maryland. The Commission's equipment type approval and type acceptance activities will continue to be conducted at its Laboratory Division.

Applicants or others desiring information by telephone concerning equipment certification, type acceptance or type approval may reach the Commission's Laboratory Division at (301) 953-9850. All other calls to the Laboratory should be made at (301) 725-1585.

Certification, type acceptance and type approval applications which are sent by mail should continue to be addressed to: Federal Communications Commission, Washington, D.C. 20554. Such applications when delivered in person to the Commission should continue to be delivered to the Commission's Fee Collection Office, Room 217, 1919 M Street NW., Washington, D.C. It is emphasized that such applications should not be mailed or delivered to the Commission's Laboratory.

Correspondence concerning certification, type acceptance and type approval of equipment, other than applications and filings which contain fee payments, may be addressed to: Federal Communications Commission, P.O. Box 40, Laurel, Maryland 20810.

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

[FR Doc.75-14449 Filed 6-2-75;8:45 am]

[Docket No. 20485; FCC 75-556]

UHF TV "TABOO" TABLE

Re-evaluation and Revision

In the matter of re-evaluation and revision of the UHF TV "taboo" table.

1. Since 1952, when the present UHF channel assignment table was adopted (Sixth Report and Order in Docket 8736, et al.) there has been much discussion and criticism as to the effect of the UHF TV "taboo" table (§ 73.698, Table IV) on the efficient use of the spectrum allocated to UHF TV. The "taboos" are restrictions on assignment of channels having certain frequency relationships, within certain required geographical separations. In addition to co-channel separations, the "taboo" table specifies separations to mitigate other kinds of interference which can be produced by various unwanted responses of UHF TV receivers to signals on channels relatively well spaced from the tuned channel.

2. The unwanted types of receiver responses include:

a. Intermodulation (n ± 2, 3, 4, 5), 20 miles separation
b. Intermediate frequency (IF) beat (n ± 8), 20 miles separation
c. Sound image (n ± 14), 60 miles separation
d. Picture image (n ± 15), 75 miles separation
e. Local oscillator radiation (n ± 7), 60 miles separation
f. Adjacent channel (n ± 1), 55 miles separation

where "n" is the number of the tuned channel. From the above tabulation, it will be apparent that, for each channel assigned, assignment of a total of 18 other channels is restricted within the respective distances shown.

3. In view of the steadily increasing demands for spectrum usage, we are concerned that all services apply the best feasible techniques for efficient spectrum utilization. We are continually encour-

aging use of improved technology for this purpose in the respective radio services. In the instant proceeding we are making such an effort with regard to the UHF TV service.

4. We are, therefore, directing our attention here to a situation peculiar to UHF TV, wherein for each assigned channel the availability of eighteen other channels (108 MHz of spectrum space) is inhibited. We must endeavor to reduce, or eliminate, the impact of these "taboos".

5. Bearing in mind that the origin of the "taboos" lies in the performance of UHF TV receivers in rejecting signals on the other than the desired channel, we must now re-evaluate the need for the "taboos" and determine whether receiver performance can be improved to make them unnecessary.

6. In 1952, when the "taboo" table was adopted, the need for the "taboos" was evident from consideration of contemporary UHF TV receiver performance. Also, since 1952, the NTSC color TV system was adopted and the ceiling effective radiated power was increased from one megawatt to five megawatts; these are changes which may affect any re-evaluation of the "taboo" problem.

7. In view of these considerations, this Notice of Inquiry solicits constructive responses to the "taboo" problem in general, and in particular to the following questions:

a. Considering the performance of contemporary TV receivers, what taboos can be reduced or eliminated without degradation of service?

b. Should the Commission abolish certain taboos in expectation that receiver performance improvements would ensue to cope with actual interference if it occurs as a result of taboo elimination? Without such performance improvements, to what extent would service be degraded?

c. What TV receiver improvements can be made to improve interference rejection?

d. Comments are requested on at least the following specific receiver improvement possibilities:

1. Noise figure
2. Front-end selectivity
3. Front-end linearity
4. Oscillator radiation
5. Optimum intermediate frequency
6. Direct RF pickup—IF or audio frequency
7. Subjective picture quality
8. Consequential improvements from reduction of tuning ratio, i.e., ratio of upper to lower limits of UHF TV allocation

e. What techniques would be useful in reducing or eliminating taboos, e.g.:

1. Receiver improvements per para. 7d
2. Cross polarization
3. Circular polarization
4. Very precise offset
5. Transmitter site selection by FCC for optimum spectrum usage
6. Station operating parameters specified by FCC for optimum spectrum usage, e.g., power, antenna height, directional pattern, polarization

f. Consideration must also be given to the economic and market impact of receiver improvements, from both the industry and the consumer viewpoints. The overall public interest in efficient spectrum utilization must also be considered, e.g., with regard to receiver improvements which improve spectrum utilization in ways which may not be readily apparent to the average television viewer. Comments on these and related matters are requested.

8. While the foregoing draws attention to some of the matters which must be considered in this proceeding, there are undoubtedly many others which will come to light during the proceeding. Consequently, all parties are invited to consider and comment on any relevant items, even though such items are not specifically mentioned herein. Recommended rule changes based on sound engineering studies are especially invited.

9. Should the completed inquiry authorized by this notice indicate that mandatory receiver standards are necessary and desirable, such standards would be adopted pursuant to authority granted to the Commission under sections 1, 2(a), 3(b), 4(i), 301, 302, and 303 of the Communications Act of 1934, as amended (47 U.S.C. 151, 152(a), 153 (b)(4), 154(i), 301, 302, and 303). Comments are invited with regard to the proper jurisdictional basis, or lack thereof, for Commission regulation in this area.

10. Attention is invited to relevant exhibits listed in the Appendix below. These exhibits are being placed on file in the instant Docket for public inspection.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before August 29, 1975, and reply comments on or before September 17, 1975. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding. The Commission may also consider any other relevant information coming to its attention.

12. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. All filings 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.

Adopted: May 14, 1975.

Released: May 22, 1975.

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

APPENDIX

Exhibit No.	*List of FCC Exhibits*
FCC-1	Report T.R.R. 4.3.10, "Polarization Discrimination in Television Broadcasting" by Julian T. Dixon and John M. Taff, March 14, 1958. Available NTIS: PB 166-720, $3.25.
FCC-2	Technical Paper #32537, "UHF-TV Taboos" by Julian T. Dixon, November 20, 1962.
FCC-3	Report T.R.R. 5.2.2, "UHF Assignment Plan" by Arnold G. Skrivseth, May 29, 1961. Available NTIS: PB 166-731, $3.25.
FCC-4	Report R-6602, "Development of VHF and UHF Propagation Curves for TV and FM Broadcasting" by Jack Damelin, William A. Daniel, Harry Fine and George V. Waldo, September 7, 1966. Available NTIS: PB 174-288, $4.25.
FCC-5	Report R-7105, "A Study of the Restrictive Effects of UHF TV Taboos—New York City Area" by Robert M. Bromery and Roger L. Herbstritt, October 29, 1971. Available NTIS: PB 234-670, $3.75.
FCC-6	Report T-7201, "A Survey of Certain Performance Characteristics of Television Receivers" by Sidney R. Lines, June 9, 1972. Available NTIS: PB 236-991, $3.25.
FCC-7	Report LAB 74-01, "A Study of the Characteristics of Typical Television Receivers Relative to the UHF Taboos" by Willmar K. Roberts, Lawrence C. Middlekamp, Hector Davis, Robert C. Bradley, Henry Van Deursen and Robert M. Bromery, June 1974. Available NTIS: PB 235-051, $5.25.
FCC-8	Report RS 74-01, "VHF-TV Computer Assignment Program (VCAP)" by Gary S. Kalagian, August 1974. Available NTIS: PB 236-272, $4.25.
FCC-9	Report RS 74-04, "Antenna and Power Statistics of Television Stations in the U.S." by John C. H. Wang, December 1974. Available NTIS: PB 240-200, $3.75.
FCC-10	Report RS 75-02, "UHF-TV Computer Assignment Program (UCAP)" by Gary S. Kalagian, February 1975. Available NTIS: (Future).

NOTE: "NTIS" is National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Telephone: (703) 321-8543.

[FR Doc.75-14325 Filed 6-2-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention To Issue Prohibition Orders to Certain Powerplants

The Federal Energy Administration ("FEA") hereby gives notice of its intention to issue prohibition orders, pursuant to the authorities granted it by section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) and in accordance with 10 CFR Parts 303 and 305, to the following powerplants:

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU 071	Village of Winnetka	5	Winnetka	Winnetka, Ill.
OFU 072	do	6	do	Do.
OFU 073	do	7	do	Do.
OFU 074	do	8	do	Do.

FEA hereby also gives notice of the opportunity for oral and written presentation of data, views, and arguments on these proposed prohibition orders.

The proposed orders would prohibit the powerplants listed above from burning natural gas or petroleum products as their primary energy source.

Prior to issuance of a prohibition order to a powerplant, section 2 of ESECA requires that FEA make certain findings. FEA's initial conclusions with respect to, and rationale in support of, these findings are set out, with respect to each of the powerplants, at the conclusion of this notice. These findings and rationales may be amended as a result of written or oral comments received by FEA pursuant to this notice and other information available to FEA. The findings will be included, with any amendments, in a prohibition order when it is issued.

Upon conclusion of the proceedings described in this notice, FEA may determine to issue prohibition orders to some or all of the powerplants listed above. These prohibition orders will not become effective, however, (1) until either, (a) the Administrator of the Environmental Protection Agency ("EPA") notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119, or (b) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant will be able to comply with all applicable air pollution requirements of section 119 of that Act; and (2) until FEA has considered the environmental impact of such order pursuant to § 305.9 of the FEA regulations that implement section 2 of ESECA and has served the affected powerplant a Notice of Effectiveness, as provided in §§ 303.10(b) and 303.37(b) of those regulations. The date the prohibition order will be effective will be stated in the Notice of Effectiveness.

The Notice of Effectiveness will contain a compliance schedule to insure that the powerplant will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source on the date the order becomes effective.

Public comment on the proposals to issue prohibition orders to the powerplants listed above is invited in the form of written and oral presentation of data, views and arguments. Comments should relate to individual docket numbers and should make clear to which docket number the individual comment is addressed.

Comments should address (1) the adequacy and validity of each of the proposed findings and the rationale in support of the findings; (2) the identification of any site-specific environmental impacts resulting from the proposed prohibition orders that were not identified or described in the Environmental Impact Statement (FES 75-1, dated April 25, 1975) for the FEA program to implement section 2 of ESECA; and (3) any other relevant aspects or impacts of the proposed prohibition order. With respect to comments regarding any impact on air quality that might result from a proposed prohibition order, however, it should be recognized that ESECA has assigned to EPA the primary responsibility for analyzing the effect of any such order on the Nation's air quality, and for determining the applicable air pollution requirements that apply to the powerplant that has been issued an order. It is expected that in almost every case, a powerplant to which a prohibition order is issued will be eligible to apply to EPA for a compliance date extension. In connection with that application, EPA must also provide an opportunity for written comment and oral presentation of data, views and arguments by interested persons. In addition, FEA will make a site-specific environmental analysis after the issuance of each order, but prior to service of the Notice of Effectiveness, and there will be an opportunity for public comment if the analysis indicates that significant site-specific impacts are likely to result from a prohibition order.

If oral presentation is to be made, it is requested that any detailed, technical data, views, and arguments be made in written comments submitted in support of the oral presentation, and that the oral presentation itself be a summary of those more detailed comments.

A public hearing on the proposed prohibition orders will be held beginning at 10:30 a.m., c.d.t. on June 16, 1975, in the Federal Building, 219 South Dearborn, Chicago, Illinois 60603, to receive oral presentation of data, views and arguments from interested persons. 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, or a verbal request if confirmed in writing, for an opportunity to make oral presentation. That request should be directed to David Stein, FEA Region V, 175 West Jackson Boulevard, Room A-342, Chicago, Illinois 60604, (312) 353-0542 and must be received before 4:30 p.m. c.d.t, June 12, 1975. The request may be hand-delivered to David Stein, 175 West Jackson Boulevard, Room A-342, Chicago, Illinois between the hours of 8 a.m. and 4:30 p.m. c.d.t., 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 a 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 June 13, 1975. Each person selected to be heard will be so notified by the FEA by 4:30 p.m. c.d.t. June 12, 1975, and must submit a minimum of 20 copies of the statement to David Stein, 175 West Jackson Boulevard, Room A-342, Chicago, Illinois 60604 before 4:30 p.m., June 13, 1975.

The FEA reserves the right to limit the number of representatives of a particular group or class of persons to be heard at the hearing, to schedule their or other person's presentations, and to establish the procedures governing the conduct of the hearing. The length of time allocated to 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. During an oral presentation, questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons making oral presentations. At the conclusion of all initial oral presentations, 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 an oral presentation at the hearing to FEA Region V, David Stein, 175 West Jackson Boulevard, Room A-342, Chicago, Illinois 60604, before 9 a.m. c.d.t., June 16, 1975. Any person who makes an oral statement or any other person who wishes to ask a question at the hearing may submit the questions, 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 necessary 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 FEA Region V, Room A-333, 175 West Jackson Boulevard, Chicago, Illinois, and FEA Administrator's Reception Area, 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 purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to the proposed prohibition order to Executive Communications, Federal Energy Ad-

ministration, Box DD, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope in which they are transmitted and on other documents submitted to FEA Executive Communications with the designation "Proposed Prohibition Order for the_____ Powerplant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., e.d.t., June 16, 1975, all oral presentations and all other relevant information submitted to or otherwise available to FEA will be considered by FEA prior to issuance of any prohibition order.

Supplemental comment period. To facilitate the submission of data, views and arguments to supplement either the oral presentation or written comments, FEA shall keep the record of the public hearing open for a period of 10 days from the first day of the public hearing. Such supplementary written data, views or argument shall be filed with Executive Communications, Federal Energy Administration, Box DD, Washington, D.C. 20461. In the event that such supplementary data, views or arguments can only be submitted by oral presentation, a verbal request for a conference, in accordance with 10 CFR 303.171, shall be submitted to David Stein, FEA Region V, 175 West Jackson Boulevard, Room A-342, Chicago, Illinois 60605 (312) 353-0542. To ensure that FEA receives the transcript of such oral presentation before the record closes, any oral presentation must be made within 8 days from the first day of the public hearing.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writting, 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.

The sections of ESECA that are relevant to the proposed prohibition orders are stated below:

SEC. 1. *Short-Title; Purpose.*

* * * * *

(b) The purposes of this Act are (1) to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment. * * *

SEC. 2. *Coal conversion and allocation.* (a) The Federal Energy Administrator—

(1) Shall by order, prohibit any powerplant, and

(2) May, by order, prohibit any major fuel burning installation, other than a powerplant, from burning natural gas or petroleum products as its primary energy source, if the Federal Energy Administrator determines such powerplant or installation on the date of enactment of this Act (June 22, 1974) has the capability and necessary plant equipment to burn coal, and if the requirements of subsection (b) are met.

(b) The requirements referred to in subsection (a) are as follows:

(1) An order under subsection (a) may not be issued with respect to a powerplant or installation unless the Federal Energy Administrator finds (A) that the burning of coal by such plant or installation, in lieu of petroleum products or natural gas, is practicable and consistent with the purposes of this Act, (B) that coal and coal transportation facilities will be available during the period the order is in effect, and (C) in the case of a powerplant, that the prohibition under subsection (a) will not impair the reliability of service in the area served by such plant. Such an order shall be rescinded or modified to the extent the Federal Energy Administrator determines that any requirement described in subparagraph (A), (B), or (C) of this paragraph is no longer met; and such an order may at any time be modified if the Federal Energy Administrator determines that such order, as modified, complies with the requirements of this section.

* * * * *

(3) (A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation after June 30, 1975 (or modifying an order to which paragraph (2) applies, so as to apply such order to a powerplant or installation after such date), the Federal Energy Administrator shall give notice to the public and afford interested persons an opportunity for oral and written presentations of data, views, and arguments.

(B) An order (or modification thereof) described in subparagraph (A) of this paragraph shall not become effective until (i) the Administrator of the Environmental Protection Agency notifies the Federal Energy Administrator under section 119(d)(1)(B) of the Clean Air Act that such plant or installation will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119(c) of such Act, or (ii) such notification is not given, the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 119(d)(1)(B) of such Act is the earliest date that such plant or installation will be able to comply with all applicable requirements of such section 119. Such order (or modification) shall not be effective during any period certified by the Administrator of the Environmental Protection Agency under section 119(d)(3)(B) of such Act.

* * * * *

(e) For purposes of this section:

(1) The term "powerplant" means a fossil-fuel fired electric generating unit which produces electric power for purposes of sale or exchange.

(2) The term "coal" includes coal derivatives.

(f) (1) Authority to issue orders or rules under subsections (a) through (d) of this section shall expire at midnight, June 30, 1975. Such a rule or order may take effect at any time before January 1, 1979.

(2) Authority to amend, repeal, rescind, modify, or enforce such rules or orders shall expire at midnight, December 31, 1978; but the expiration of such authority shall not affect any administrative or judicial proceeding which relates to any act or omission which occurred prior to January 1, 1979.

Copies of the FEA regulations implementing section 2 of ESECA (10 CFR Parts 303, 305 and 307) are available from the FEA Regional Office, 175 West Jackson Boulevard, Room A-342, Chicago, Illinois 60604 (312) 353-0542.

Any questions regarding this notice should be directed to David Stein, FEA Region V, 175 West Jackson Boulevard, Chicago, Illinois 60604 (312) 353-0542.

(Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185))

Issued in Washington, D.C., May 29, 1975.

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

(I) *Capability and necessary plant equipment finding.* Based on an analysis of the information submitted to or otherwise available to FEA, FEA proposes to find that on June 22, 1974, these powerplants had the capability and necessary plant equipment to burn coal. This proposed finding is based on facts, interpretations and assumptions stated below:

(A) These powerplants had in place on June 22, 1974, a boiler that was capable of burning coal, in that such boiler had been designed and constructed, or had been modified to enable it to burn coal as its primary energy source, or to burn coal and another fossil fuel interchangeably as its primary energy source, notwithstanding the fact that on June 22, 1974, such powerplant may not have been burning coal as its primary energy source.

(B) Based on information filed with FEA on March 27, 1975 by the Village of Winnetka, no significant equipment or facilities would have to be acquired or substantially refurbished.

(ii) *Practicability and purpose of Act.* Based on an analysis of the information submitted to or otherwise available to FEA, FEA hereby finds that the burning of coal by the City of Winnetka in lieu of petroleum products or natural gas is practicable and consistent with the purpose of ESECA. This finding is based on the facts, intrepretations and assumptions stated below.

(a) The City of Winnetka has acquired or modified, or is currently acquiring or modifying the equipment and facilities necessary for the burning of coal as its primary energy source, and such actions are not being undertaken as a result of (or in contemplation of) the issuance of a prohibition order. These acquisitions or modifications include those necessary for compliance with the requirements of Clean Air Act.

(b) The costs associated with the acquisitions or modifications necessary for the burning of coal are identified in the City of Winnetka current and prospective budgetary plans.

(c) (1) FEA assumes that the decision by the City of Winnetka to acquire or modify such equipment and facilities in order to burn coal as a primary energy source was based on an analysis of the financial capability of such powerplant to assume such costs (including the requirement to obtain a rate increase) and, therefore the conclusion by such powerplant that the burning of coal in lieu of petroleum products is practicable.

(2) If the City of Winnetka has found that the burning of coal in lieu of petroleum products or natural gas is practicable, FEA therefore concludes that the

burning of coal by such powerplant is practicable within the meaning of ESECA and the regulations promulgated thereunder.

(d) The issuance of this prohibition order will discourage the use of natural gas or petroleum products and encourage the increased use of coal, and such order is a means that, by virtue of the necessity for the powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

(iii) *Coal and coal transportation facilities will be available during the period the prohibition order is in effect.* Based on an analysis of the information submitted to or otherwise available to FEA, FEA proposes to find that coal and coal transportation facilities will be available to this powerplant during the period until December 31, 1978. The period until December 31, 1978 is the period during all or part of which the prohibition order to which these findings relate will be in effect. This proposed finding is based upon the following facts, interpretations and assumptions:

(A)(1) It is estimated that it will be practicable to produce coal nationally as follows:

Year:	*Production (million tons)*
1975	662
1976	679
1977	707
1978	735

(2) The estimated national demand, excluding any increased demand resulting from FEA action under the authority of section 2 of ESECA, is as follows:

Year:	*Demand (million tons)*
1975	640
1976	664
1977	688
1978	716

(3) The estimated additional national demand for coal resulting from the prohibition order to which this finding relates, and from FEA actions under authority of section 2 of ESECA, will be as follows:

Year:	*Demand (million tons)*
1975	0.7
1976	4.0
1977	13.6
1978	16.2

(4) Coal of the specific type required for use by this powerplant has been identified in the reserves of the Northern and Southern Appalachian, Midwest, Gulf, and Northern Great Plains, coal supply regions, which consist of Bureau of Mines Districts 1–15, 19, 21, and 22.

(5) It is estimated that it will be practicable to produce coal from these coal supply regions as follows:

Year:	*Production (million tons)*
1975	624
1976	635
1977	657
1978	679

(6) The regional and national production estimates stated in items (1) and (5) assume a surge capacity, or ability to increase production over normal levels, of approximately 4 percent. A 1975 study by the Bureau of Mines of the Department of the Interior indicates a national surge capacity of approximately 6 percent. In response to an industry survey in late 1974, the coal industry itself indicated that it had a surge capacity of up to 8 percent. By comparison, the increased national demand for coal resulting from the prohibition order to which this finding relates and other FEA actions under section 2 of ESECA, is less than one-tenth of a percent in 1975, increasing to a maximum of 2.3 percent in 1978 of estimated national demand stated in item (2). A market survey of traditional coal suppliers to FEA Region 5 consumers indicates that there is ample production capability to support increased demand for coal from this region resulting from the prohibition order to which this finding relates and other FEA actions under section 2 of ESECA.

(7) No State or local laws or policies which would limit the extraction of this coal have been found by FEA or brought to FEA's attention.

(8) The estimated demand for coal from these supply regions, excluding any increased demand resulting from FEA actions under the authority of section 2 of ESECA, is as follows:

Year:	*Demand (million tons)*
1975	602
1976	621
1977	640
1978	660

(9) The estimated additional demand for coal from these supply regions resulting from the prohibition order to which this finding relates and from other FEA orders under section 2 of ESECA, will be as follows:

Year:	*Demand (million tons)*
1975	0.7
1976	3.9
1977	13.4
1978	16.0

(10) On the basis of the above information, FEA proposes to find that the estimated production of coal of the specific type required for use by this powerplant exceeds the estimated demand for such coal by amounts adequate to support a conclusion that such coal will be available to this powerplant during the period until December 31, 1978.

(B)(1) Adequate rail and road facilities exist between these coal supply regions and the powerplant to transport the coal that will be used by such powerplant pursuant to this order.

(2) There is a roadway which will be able to deliver this coal from the main rail line to this powerplant.

(3) Sufficient rolling stock will be available to the Union Pacific Railroad and the Chicago & North Western Railway; and sufficient trucks will be available to the Marquette Coal Company for transporting this coal during the period until December 31, 1978.

(iv) *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to or otherwise available to FEA, and after consultation with the Federal Power Commission, FEA proposes to find that the prohibition of the Winnetka #5, 6, 7, & 8 powerplants of the Village of Winnetka from burning natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the powerplant. This finding is based on the facts, assumptions and interpretations stated below:

(A)(1) *Interconnections and power dispatching.* (a) Winnetka #5, 6, 7, & 8 powerplants are within the geographical area of the Mid-America Interpool Network (MAIN) regional electric reliability council.

(b) It is interconnected with and its operations and planning are coordinated with the Commonwealth Edison Company.

(c) Dispatching of electric power is controlled by the Village of Winnetka.

(2) The subject powerplant now uses coal on a regular basis. When gas has been available the powerplant has used gas.

(3) No reconversion or outage time for reconversion is necessary.

(B) For the reasons set forth above, the FEA finds that the burning of coal by Winnetka #5, 6, 7, & 8 powerplants in lieu of petroleum products or natural gas will not result in the impairment of the reliability of service within the area served within the meaning of ESECA and the regulations promulgated pursuant thereto.

[FR Doc.75-14425 Filed 6-2-75;8:45 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 23, 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 discrimina-

tion 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: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 8210-29 among the members of the above-named conference would modify Article 9 of the conference agreement by adding a new subparagraph (i) to read as follows:

"(i) Full members of the Conference shall be divided into two categories designated as Class A and Class AA. All full members shall be equally bound to the provisions of the agreement and shall enjoy equal rights thereunder; provided, however, that rates and charges published in Section II of the Conference tariff shall be applicable to Class II members only."

By order of the Federal Maritime Commission.

Dated: May 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-14494 Filed 6-2-75;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC FREIGHT CONFERENCE

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, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 13, 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: Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 9615-15 among the members of the above-named Conference is an application for a forty-five (45) day extension of the period of approval of the Conference's inland authority from its present expiration date of June 30, 1975, through August 15, 1975.

By Order of the Federal Maritime Commission.

Dated: May 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-14496 Filed 6-2-75;8:45 am]

MARSEILLES/NORTH ALTANTIC U.S.A. FREIGHT CONFERENCE

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, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 13, 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: Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 1126 Sixteenth Street, NW., Washington, D.C. 20036.

Agreement No. 5660-18 among the members of the above-named Conference is an application for a forty-five (45) day extension of the period of approval of the Conference's inland authority from its present expiration date of June 30, 1975, through August 15, 1975.

By Order of the Federal Maritime Commission.

Dated: May 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-14495 Filed 6-2-75;8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

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, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 13, 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: Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 9548-8 among the members of the above-named Conference is an application for a forty-five (45) day extension of the period of approval of the Conference's inland authority from its present expiration date of June 30, 1975, through August 15, 1975.

By Order of the Federal Maritime Commission.

Dated: May 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-14493 Filed 6-2-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8360]

ALABAMA POWER CO.

Revisions in Interconnection Agreement

MAY 27, 1975.

Take notice that Alabama Power Company (Applicant) on May 12, 1975, filed

with the Federal Power Commission Revised Exhibit B to the Interconnection Agreement between Applicant and Alabama Electric Cooperative, Inc., which was accepted for filing by the Commission and designated as Applicant Rate Schedule FPC No. 133. Revised Exhibit B is stated to be submitted pursuant to § 5.05 of said Interconnection Agreement and reflects agreement between the parties to the estimated maximum integrated peak hour demands as reflected therein. Applicant further filed in the form of Statement O, pursuant to § 35.13 of the Commission's regulations, a change in the fuel cost adjustment factor to be used under the Interconnection Agreement in the ensuing contract year. The application states, however, that the billing under the new fuel cost adjustment factor is subject to the decision of this Commission in Docket No. E-8360 now pending before this Commission for decision. That docket involves a controversy between Applicant and Alabama Electric Cooperative, Inc. regarding the use of a transmission loss multiplier in the calculation of the fuel cost adjustment factor.

A copy of this filing was served upon Alabama Electric Cooperative, Inc.

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 June 20, 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.75-14458 Filed 6-2-75;8:45 am]

[Docket No. E-9444]

CENTRAL ILLINOIS LIGHT CO.

Electric Service Agreement

MAY 28, 1975.

Take notice that on May 14, 1975, Central Illinois Light Company tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's regulations thereunder executed electric service agreements for resale service presently being provided under:

Rate Schedule FPC No. 15 to the Village of Riverton, Illinois
Rate Schedule FPC No. 16 to the Village of Chatham, Illinois
Rate Schedule FPC No. 12 to Corn Belt Electric Cooperative, Inc.

The agreements supersede and update prior agreements between CILCO and each of the customers identified above, but do not effect any changes in the presently effective rates or charges or service to any of those customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before June 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14459 Filed 6-2-75;8:45 am]

[Docket Nos. E-9258, E-8987, E-9233, and E-9239]

INDIANA & MICHIGAN ELECTRIC CO.

Compliance Filings

MAY 27, 1975.

Take notice that on May 14, 1975, Indiana & Michigan Electric Company (I&M) tendered for filing cost-of-service support for I&M's rate increase filings applicable to the Cities of Auburn (E-9258 and E-8987), Richmond (E-9239) and Anderson (E-9233), Indiana, in the above-referenced dockets. I&M states that said cost-of-service data is intended to cure the deficiencies in its January 29, 1975, filings in the subject dockets. The deficient filings were rejected by Commission letter order of February 19, 1975.

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 June 5, 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.75-14460 Filed 6-2-75;8:45 am]

[Docket No. E-9260]

KANSAS GAS AND ELECTRIC CO.

Extension of Procedural Dates

MAY 23, 1975.

On May 21, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 12, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, June 23, 1975.
Service of Intervenor's Testimony, July 8, 1975.
Service of Company Rebuttal, July 22, 1975.
Hearing, August 5, 1975 (10 a.m. edt).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14461 Filed 6-2-75;8:45 am]

[Rate Schedule Nos. 16, et al.]

GULF OIL CORP., ET AL.

Rate Change Filings

MAY 27, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 9, 1975, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
May 2, 1975....	Blackwood & Nichols Co. Ltd.,[1] 2013 1st National Center, West Oklahoma City, Okla. 73102.	(2)	El Paso Natural Gas Co....	Rocky Mountain.
May 15, 1975...	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	364	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do.....	Austral Oil Co., Inc., 2700 Exxon Bldg., Houston, Tex. 77002.	1	Transcontinental Gas Pipe Line Corp.	South Louisiana.
Do.....	Hassie Hunt, Inc., 1401 Elm St., Dallas, Tex. 75202.	3	.....do.....	Do.
May 16, 1975...	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	16	El Paso Natural Gas Co....	Permian Basin.

[1] Succession to sale currently authorized to be made under Northeast Blanco Development Corp., under its rate schedule No. 1. (Succession application filed Apr. 14, 1975, in docket No. CI75-621.)
[2] Unassigned.

[FR Doc.75-14470 Filed 6-2-75;8:45 am]

[Docket Nos. G-18314, CP66-121, and CP70-25]

MIDWESTERN GAS TRANSMISSION CO.

Petition To Amend Orders

MAY 23, 1975.

Take notice that on May 19, 1975, Midwestern Gas Transmission Company (Midwestern), petitioned the Federal Power Commission to amend its three import authorizations under section 3 of the Natural Gas Act issued in the above-entitled proceedings to authorize the continued importation of natural gas at a border price of $1.40 (Canadian) per MMBTU effective August 1, 1975, and $1.60 (Canadian) per MMBTU effective November 1, 1975, as such rate may be set forth in an amendment to TransCanada Pipelines Limited's (TransCanada) export licenses for its sales to Midwestern to be issued by the Canadian National Energy Board pursuant to an order of the Canadian government. Midwestern's petition recites that on May 5, 1975, the Canadian Minister of Energy, Mines and Resources issued a statement that the Canadian government had instructed the Canadian National Energy Board to amend existing export licenses to establish such border prices for the export licenses pertaining to TransCanada's sales to Midwestern. Midwestern presently purchases gas from TransCanada at a border price of $1.00 (Canadian) per MMBTU.

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 June 6, 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.75-14462 Filed 6-2-75;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Further Extension of Procedural Dates

MAY 27, 1975.

On May 23, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1974, as most recently modified by notice issued April 22, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony exclusive of depreciation, June 30, 1975.
Service of Intervenor's Testimony, July 21, 1975.
Service of Company Rebuttal, August 11, 1975.
Hearing, August 25, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14463 Filed 6-2-75;8:45 am]

[Docket No. CP74-29]

MISSISSIPPI RIVER TRANSMISSION CORP.

Petition To Amend

MAY 27, 1975.

Take notice that on May 15, 1975, Mississippi River Transmission Corporation (Petitioner), 9900 Clayton Rd., St. Louis, Missouri 63124, filed in Docket No. CP74-29 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on January 11, 1974 (51 FPC 169), as previously amended by an order issued February 20, 1975, in said docket by authorizing an increase in volumes of natural gas to be exchanged with and sold to Natural Gas Pipeline Company of America (Natural), as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the Commission's order of January 11, 1974, as amended on February 20, 1975, in the instant docket, Petitioner is authorized to transport and exchange up to 150,000 Mcf of gas per day with Natural in Clinton County, Illinois, Wheeler County, Texas, and near Biggers, Arkansas. Petitioner states that Natural purchases one-third of the annual gas delivered by Petitioner and transports the remainder for redelivery to Petitioner.

The petition states that Petitioner and Natural have amended the subject exchange and sale agreement to increase to 200,000 Mcf the maximum daily quantity of gas to be delivered by Petitioner to Natural. It is said in all other respects the gas exchange and purchase arrangement authorized in this docket remain the same.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 18, 1975, file with the Federal Power Commission, Washington, DC 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.75-14464 Filed 6-2-75;8:45 am]

[Docket No. RP75-12-3]

NORTHERN NATURAL GAS CO.

Petition for Extraordinary Relief

MAY 28, 1975.

Public notice is hereby given that on May 19, 1975, Northern Natural Gas Company (Northern) filed a petition for extraordinary relief pursuant to § 1.7(a) of the Commission's rules of practice and procedure. Northern requests Commission authorization to provide natural gas service to its existing utility customers in accordance with its presently effective Agricultural Crop Drying Service Rate Schedule ACDS-1 in order to make available, on a best efforts basis, volumes of gas for the drying of seed, grain and other agricultural crops. Northern estimates that it will have available for sale under the ACDS-1 Rate Schedule a total of 750,000 Mcf for the period September 15, 1975, through March 15, 1976.

On September 28, 1973, the Commission issued an order in Docket No. CP74-63 on Northern's application to provide natural gas service to its existing utility customers pursuant to a new Agricultural Crop Drying Service, Rate Schedule ACDS-1. The Commission's order authorized Northern to provide natural gas service to its existing utility customers up to a maximum of 750,000 Mcf for a six month period pursuant to Rate Schedule ACDS-1 of its FPC Gas Tariff, Third Revised Volume No. 1. On September 20, 1974, the Commission issued as order in Docket No. RP75-12-1 on Northern's application to provide fur-

ther natural gas service pursuant to the ACDS–1 Rate Schedule. The September 20, 1974, order again authorized Northern to provide natural gas service up to a maximum of 750,000 Mcf for a six month period. Due to favorable weather during drying seasons and less than projected curtailment below contract demand, crop drying volumes sold during the two previous periods under the ACDS–1 Rate Schedule totaled only 140,078 Mcf and 117,735 Mcf respectively.

Northern states that its ACDS–1 Rate Schedule was designed to provide special relief for Northern utility customers during the projected crop drying season when curtailment of volumes below their firm entitlements would result in irrecoverable losses from inadequate supplies of crop drying fuel. Volumes under ACDS–1 would be made available by Northern on a best efforts basis pursuant to advanced operating arrangements on a daily basis. Northern states that service under the ACDS–1 Rate Schedule is predicated upon utilizing existing facilities and no new facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1975, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–14465 Filed 6–2–75;8:45 am]

[Docket No. E–8823]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Postponement of Hearing

MAY 23, 1975.

On May 22, 1975, Staff Counsel filed a motion to indefinitely extend the hearing date fixed by order issued August 2, 1974, as most recently modified by notice issued February 21, 1975, in the above-designated matter.

Upon consideration, the hearing date in the above matter is postponed until June 3, 1975 at 10 a.m. e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–14466 Filed 6–2–75;8:45 am]

[Docket No. RP74–41 PGA 75–8]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

MAY 28, 1975.

Take notice that Texas Eastern Transmission Corporation on May 16, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Revised Twelfth Revised Sheet No. 14
Revised Twelfth Revised Sheet No. 14A
Revised Twelfth Revised Sheet No. 14B
Revised Twelfth Revised Sheet No. 14C
Revised Twelfth Revised Sheet No. 14D
Twelfth Revised Sheet No. 14
Twelfth Revised Sheet No. 14A
Twelfth Revised Sheet No. 14B
Twelfth Revised Sheet No. 14C
Twelfth Revised Sheet No. 14D

These sheets are being issued pursuant to Texas Eastern's Demand Charge Adjustment Commodity Surcharge provision and the Purchased Gas Cost Adjustment provision contained in § 12.4 and section 23, respectively, of the General Terms and Conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1. The rate reduction proposed by Texas Eastern reflects increases from Texas Eastern's producer suppliers, a decrease from United Gas Pipe Line Company, and a decrease in the balance of the Gas Cost Adjustment Account.

Texas Eastern requests that the Commission accept the Revised Twelfth Revised series of tariff sheets to be effective July 1, 1975. However, should the Commission suspend the effectiveness of these sheets one day, Texas Eastern requests that the Commission accept the Twelfth Revised series of tariff sheets to be effective July 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, 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 June 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–14467 Filed 6–2–75;8:45 am]

[Docket Nos. RP74–48 and RP75–3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Certification of Proposed Settlement to the Commission

MAY 27, 1975.

Take notice that on May 16, 1975, Presiding Administrative Law Judge Isaac D. Benkin, pursuant to § 1.18(e) of the rules of practice and procedure, certified to the Commission "for appropriate action" a proposed settlement of all but three issues in the above-referenced proceedings. In addition to the settlement proposal, there was certified the transcript of the May 13, 1975, prehearing conference and the prepared testimony and exhibits of Transcontinental Gas Pipe Line Corporation (Transco), Piedmont Natural Gas Company, Inc. (an intervenor herein), and the Commission Staff.

In the certification document, Judge Benkin noted that the settlement agreement "was the product of extensive negotiations among the parties". He stated further that "None of the parties represented at the prehearing conference expressed opposition to it, and Staff Counsel indicated Staff's general approval of the settlement proposal, subject to some comments relating to tracking of certain expenditures . . . and amortization or expensing of certain non-recoverable advances . . .".

Judge Benkin stated that the three issues "reserved" for adjudicative proceedings are: (a) the propriety of including in Transco's cost of service costs relating to expenditures in the unsuccessful search for alternate gas supplies; (b) the propriety of including in Transco's rate base certain advance payments; and (c) the appropriateness of employing the rate design principles announced by the Commission in "United Gas Pipe Line Co.", 50 F.P.C. 1348 (1973) in the design of Transco's rates.

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, DC 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 June 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. PLUMB,
Secretary.

[FR Doc.75–14468 Filed 6–2–75;8:45 am]

[Docket No. CP75–267]

UNION GAS CO.

Application

MAY 27, 1975.

Take notice that on March 4, 1975, Union Gas Company (Applicant), 145 South First Street, Lehighton, Pennsylvania 18275, filed in Docket No. CP75–267 an application pursuant to section 1(c) of the Natural Gas Act for a declaration that Applicant is exempt from the provisions of the Natural Gas Act, all as more fully set forth in the application for exemption which is on file with the Commission and open to public inspection.

The application states that Applicant purchases natural gas from Transcontinental Gas Pipe Line Corporation in the Commonwealth of Pennsylvania and that the gas so purchased is transported, sold and ultimately consumed entirely

within the Commonwealth of Pennsylvania. Applicant further states that the rates and sales, and that all facilities of Applicant used for transportation and sale of the gas are subject to regulation by the Pennsylvania Public Utility Commission and that said commission is exercising its jurisdiction.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1975, file with the Federal Power Commission, Washington, DC 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.75-14469 Filed 6-2-75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL BANKSHARES OF FLORIDA, INC.

Order Approving Acquisition of Bank

First National Bankshares of Florida, Inc., Pompano Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of First National Bank of New Smyrna Beach, New Smyrna Beach, Florida ("Bank").

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twentieth largest banking organization in Florida, controls six banks which have deposits of $239 million or one percent of deposits in all commercial banks of the state. (All banking data are as of June 30, 1974, and reflect acquisitions and formations approved by the Board through March 19, 1975.) Acquisition of Bank, having deposits of $13 million, would increase Applicant's share of Florida commercial bank deposits by less than one percent, and would not change Applicant's ranking among banking organizations in the state. No undue concentration of banking resources in Florida would result.

The relevant market is the New Smyrna Beach banking market, which lies immediately south of Daytona Beach, Florida, and consists of the coastal portion of Volusia County from New Smyrna Beach south to the County line. The Board defined this banking market in an order dated March 18, 1974. 1974 F.R.B. 287. Bank has 30.4 percent and a subsidiary bank of another bank holding company has 69.6 percent of commercial bank deposits in the market. A third bank was established in the market January 3, 1975, and an application for a charter for a fourth bank has been filed. Applicant's closest subsidiary bank is located 110 miles from Bank. There is no present competition between Bank and Applicant's closest subsidiary bank; future competition appears unlikely because of the distance involved and Florida's restrictions on branching. Thus, the acquisition would have no anti-competitive effects.

The financial condition and managerial resources of Applicant, Applicant's subsidiary banks, and Bank are considered to be satisfactory. Banking factors are consistent with approval herein. There is no evidence that the banking needs of the community are not being served; however, the proposed affiliation could improve the quality of Bank's present services. In addition, Applicant plans to assist Bank in offering a credit card service, and also to investigate the feasibility of establishing a trust facility at Bank. Accordingly, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. It is this Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the acquisition should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective May 27, 1975.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.75-14499 Filed 6-2-75;8:45 am]

HARLAN NATIONAL CO.

Formation of Bank Holding Company

Harlan National Company, Harlan, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 98.2 per cent of the voting shares of The Harlan National Bank, Harlan, Iowa. 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)).

Harlan National Company, Harlan, Iowa has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Bank Insurance Agency, Harlan, Iowa. Notice of the application was published on May 5, 1975, in The Harlan News-Advertiser, a newspaper circulated in Harlan, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of acting as agent or broker in the sale of insurance, including credit life, credit accident and health insurance, and casualty insurance which is directly related to an extension of credit or other financial services by The Harlan National Bank and Harlan National Company or is otherwise sold as a matter of convenience to the purchaser pursuant to § 225.4(a)(9)(ii) of Regulation Y. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1975.

Board of Governors of the Federal Reserve System, May 28, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-14500 Filed 6-2-75;8:45 am]

MICHIGAN NATIONAL CORP.

Order Approving Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors qualifying shares) of West Oakland Bank, National Association, Novi, Michigan ("Novi Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization and bank holding company in Michigan, controls 13 banks with aggregate deposits of approximately $2.6 billion, representing about 9.5 per cent of the total commercial bank deposits in the State.[1] Acquisition of Novi Bank would increase Applicant's share of Statewide deposits by less than one-tenth of one per cent and would not result in a significant increase in the concentration of banking resources in Michigan.

Novi Bank ($14.5 million in deposits), located in a northwestern suburb of Detroit, competes in the Detroit banking market (the relevant banking market)[2] and ranks 35th in the market, holding only 0.1 of one per cent of total market deposits.[3] Applicant presently controls five banks in the Detroit banking market, which hold in the aggregate about 8.3 per cent of market deposits, and Applicant ranks thereby as the fourth largest banking organizaion in the market. The three larger banking organizations in the Detroit market—which are also three of the State's four largest banking organizations—control, respectively, 31.0, 15.7 and 15.5 per cent of market deposits. Acquisition of Novi Bank would not significantly increase Applicant's share of the deposits in the relevant banking market, nor would it result in Applicant becoming a dominant organization in the market. To the extent that Novi Bank and certain of Applicant's banking subsidiaries operate in the same banking market, consummation of the proposal would eliminate some existing competition; however, in the context of the banking structure in the Detroit market, the elimination of such competition would not appear to be significant. Furthermore, while Applicant may be capable of expanding in the relevant market *de novo*, Novi Bank is not a substantial competitor in the market, and Applicant's overall competitive position in the Detroit banking market will not be materially affected through its acquisition of Novi Bank. Moreover, the effects of the proposal on competition are mitigated further by the fact that certain principals of Applicant were involved in the *de novo* formation of Novi Bank. Accordingly, on the basis of the facts of record, the Board concludes that, on balance, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries appear to be generally satisfactory; however, in acting on previous applications by this Applicant, the Board has noted that certain of Applicant's subsidiary banks were in need of capital. Applicant has adopted a program to strengthen the overall capital positions of the holding company and its subsidiaries and to date meaningful progress has been made along those lines. Nevertheless, the Board remains of the view that additional improvement in this area is needed and, accordingly, expects Applicant to continue to direct its resources toward strengthening the capital position of its subsidiaries. In this connection, the present proposal involves an exchange of Applicant's shares for shares of a relatively small bank and, therefore, would not involve a significant diversion of Applicant's financial resources for expansion purposes. Accordingly, the Board is of the view that considerations relating to the banking factors are consistent with approval of the application.

Considerations relating to the convenience and needs of the communities to be served, in the Board's judgment, lend weight toward approval of the application to acquire Novi Bank in view of Applicant's proposal to expand and to improve the services offered by Novi Bank. Accordingly, it is the Board's judgment that consummation of the transaction to acquire Novi Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective May 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-14501 Filed 6-2-75;8:45 am]

MICHIGAN NATIONAL CORP.

Order Denying Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Commercial National Bank, Cassopolis, Michigan "Cassopolis Bank"). The bank into which Cassopolis Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Cassopolis Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Cassopolis Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including a letter of protest filed on behalf of First National Bank of Southwestern Michigan, Niles, Michigan ("Protestant"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization and bank holding company in Michigan, controls 13 banks with aggregate deposits of approximately $2.6 billion, representing about 9.5 per cent of the total commercial bank deposits in the State.[1] Acquisition of Cassopolis Bank would increase Applicant's share of Statewide deposits by 0.16 of one per cent and would not result in a significant increase in the concentration of banking resources in Michigan.

Cassopolis Bank ($44.9 million in deposits),[5] the larger of two banks in Cass County, operates 6 branches and competes in three banking markets: (1)

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[1] All banking data, unless otherwise indicated, are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved through March 31, 1975. In a separate action today, the Board denied the application of Michigan National Corporation to acquire the successor by merger to Commercial National Bank, Cassopolis, Michigan ($44.9 million in deposits).

[2] The Detroit banking market is approximated by the Michigan counties of Wayne, Oakland and Macomb.

[3] All market data are as of Dec. 31, 1973.

[4] Voting for this action: Governors Bucher, Holland and Wallich. Present and abstaining: Governor Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Coldwell.

[1] All banking data, unless otherwise indicated, are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved through March 31, 1975. In a separate action today, the Board approved the application of Michigan National Corporation to acquire West Oakland Bank, National Association, Novi, Michigan ($14.5 million in deposits).

[5] Deposit data for Cassopolis Bank are as of June 30, 1974.

South Bend-Elkhart RMA, including some contiguous "rural" areas; (2) all of Cass County, except for the southwest portion included in the South Bend-Elkhart RMA; and (3) St. Joseph County, Michigan. Cassopolis Bank ranks as the 12th largest of 17 banks in the South Bend-Elkhart market with 1.1 per cent of the deposits; the largest of five banks in the Cass County market with 30.7 per cent of the deposits; and the fifth largest of eight banking organizations competing in the St. Joseph County market with 9.8 per cent of the deposits.[3] Applicant's banking office nearest to any office of Cassopolis Bank is 35 miles away, and there is no significant competition between Cassopolis Bank and any of Applicant's subsidiaries that would be eliminated as a result of consummation of the proposal. Furthermore, the effects of the proposal on potential competition do not appear to be serious inasmuch as none of the markets in which Cassopolis Bank competes appears particularly attrative for *de novo* entry. Accordingly, based on the foregoing and others facts of record, the Board concludes that competitive considerations are consistent with approval of the application.[4]

The financial and managerial resources and future prospects of Cassopolis Bank are satisfactory and consistent with approval of the application. The financial and managerial resources of Applicant and its subsidiaries appear to be generally satisfactory; however, in acting on other applications by this Applicant, the Board has noted that certain of Applicant's subsidiary banks were in need of capital. Applicant has made meaningful progress in strengthening the overall capital positions of the holding company and its subsidiaries. Notwithstanding the progress that has been made to date, the Board is of the view that further improvement is needed and that Applicant's financial resources should be used primarily for strengthening those subsidiaries still in need of capital rather than for expansion purposes. Under this proposal, Applicant proposes to incur a debt of approximately $6 million in order to finance the cash acquisition of shares of Cassopolis Bank. In the Board's view, the incurring of such a sizeable debt by this Applicant when certain of its subsidiaries are in need of capital is an inappropriate use of Applicant's resources and detracts from Applicant's overall ability to serve as a source of financial strength for its subsidiaries. Accordingly, in the absence of any meaningful benefits to the public flowing from the proposal, the Board concludes that considerations relating to the banking factors warrant denial of the application.

In regard to considerations relating to the convenience and needs of the communities to be served, Applicant proposes to broaden Cassopolis Bank's lending program, improve its physical facilities, and provide trust services. While these considerations are consistent with approval of the application, they are not sufficient, in the Board's view, to outweigh the other adverse effects of Applicant's proposal. Accordingly, it is the Board's judgment that consummation of the proposal to acquire Cassopolis Bank would not be in the public interest and that the application should be denied.

On the basis of the record, the application to acquire Cassopolis Bank is denied for the reasons summarized above.

By order of the Board of Governors,[5] effective May 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-14502 Filed 6-2-75;8:45 am]

NORTHEAST UNITED BANCORP, INC. OF TEXAS

Acquisition of Bank

Northeast United Bancorp, Inc. of Texas, Fort Worth, Texas, 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 per cent of the voting shares (less directors' qualifying shares) of First State Bank, Bedford, Texas. 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 Dallas. Any person wishing to comment on the appplication should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washintgon, D.C. 20551, to be received not later than June 27, 1975.

Board of Governors of the Federal Reserve System, May 28, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc. 75-14503 Filed 6-2-75;8:45 am]

FEDERAL TRADE COMMISSION

[Docket No. 2-75]

Foreign-Trade Zones Board

FOREIGN-TRADE ZONE APPLICATION

Extension of Time for Written Statements

In a notice appearing in the FEDERAL REGISTER on April 14, 1975 (40 FR 16725) a public hearing by an examiners committee was announced for May 14, 1975, in Chicago concerning the Chicago Regional Port District's application for a foreign-trade zone in the Lake Calumet Harbor area. Written statements were invited through May 29, 1975.

Notice is hereby given that the period for written statements is extended to June 13, 1975. This additional time is being given because of a delay in the availability of the transcript for the May 14 hearing.

Dated: May 29, 1975.

JOHN J. DA PONTE, JR.,
Executive Secretary, Foreign-Trade Zones Board.

[FR Doc.75-14434 Filed 6-2-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-332]

ALLIED-GENERAL NUCLEAR SERVICES, ET AL.

Conference

Please take notice that the Atomic Safety and Licensing Board has scheduled a conference of the parties and other participants in the above-identified proceeding, which will be held on Wednesday, June 4, 1975, at 10 a.m. local time, at the following location:

Peeples Auditorium
Sims Building, 3rd floor
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

The conference will deal with the following matters:

1. Consideration of the proposed four-party agreement dated May 1, 1975, with respect to procedures to be used for the future conduct of this proceeding; and
2. Establishment of a schedule for future actions in this proceeding.

Issued at Bethesda, Md., this 28th day of May 1975.

It is so ordered.

The Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.75-14420 Filed 6-2-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

[3] All market data are as of December 31, 1973.

[4] In its analysis of the application, the Board also considered Protestant's submission in which Protestant argues generally that the application should be denied because of competitive considerations. The Board is of the view that the record does not support denial of the application on such grounds; however, in view of the Board's action herein with respect to the subject application, a discussion of Protestant's argument appears unnecessary.

[5] Voting for this action: Governors Bucher, Holland, Wallich and Coldwell. Present and abstaining: Governor Sheehan. Absent and not voting: Chairman Burns and Governor Mitchell.

The amendment increases the allowable power level with three of the four relief valves operable from 90 percent to 100 percent of rated power level. The increased power level is due to core modifications previously approved and made and does not change the safety margin to the safety valve setting associated with the most severe overpressure transient.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 3, 1975, (2) Amendment No. 13 to License No. DPR-28, with Change No. 24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of May 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-14421 Filed 6-2-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operatmg License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment permits changes to the organization for the corporate and operational functions, incorporates corrections necessitated by previous license amendments and makes changes to clarify the intent of the current scram time surveillance requirements and the existing off gas system instrumentation design.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 20, 1975, (2) Amendment No. 14 to License No. DPR-28, with Change No. 25 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of May, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors Branch #2 Division of Reactor Licensing.

[FR Doc.75-14422 Filed 6-2-75;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 May 29, 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.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Drug Use History for Domestic Volunteer Applicants, A-684, single-time, persons recruited as Vista volunteers with drug use history, Lowry, R. L., 395-3772.

ENVIRONMENTAL PROTECTION AGENCY

Family Health Diary, on occasion, Sewer & Road Maintenance Workers in Cincinnati, Ohio, Dick Eisinger, Lowry, R. L., 395-4716.

University of Colorado Tentative Epidemiological Data Form, on occasion, individuals in Denver and Pueblo, Colorado, Lowry, R. L., 395-3772.

FEDERAL RESERVE SYSTEM

1975 Finance Company Survey, single-time, finance companies, Hulett, D. T., 395-4730.

COMMUNITY SERVICES ADMINISTRATION

FOIA Request for Record, CSA 474, on occasion, individuals, Human Resources Division, 395-3532.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Guidelines for Financial Management Cost Based Accountability System-School Food Programs, FNS Instruct 796-L, on occasion, State Departments of Education, Natural Resources Division, Lowry, R. L., 395-6827.

Bureau of the Census, Opinions about the 1974 Census of Agriculture, S-333A, S-333B, single-time, farms with value of products under $40,000, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Departmental and Other Invention Evaluation Questionnaire singe-time, agency inventors, supervisors, patent attorneys, Caywood, D. P., 395-3443.

Bureau of the Census, National Longitudinal Surveys, Survey of Work Experience of Young Men—1975 questionnaire & advance letter, LGT-271, LGT-273, annually, young men who were 14-24 in 1966, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Prevalence of Cigarette Smoking Among Health Professionals, CDC/NCSH/021, single-time, sample of physicians, dentists, pharmacists, nurses, Lowry, R.L., 395-3772.

Office of the Secretary, Seattle/Denver Income Maintenance Surveys, OS-36-75, other (see SF-83), SIME/DIME families, Sunderhauf, M. B. 395-4911.

DEPARTMENT OF TRANSPORTATION

Departmental and Other, Interview Format & Check Lists for Commercial Zone Study, single-time, cargo shippers, truckers, and forwarders, Strasser, A., 395-3880.

REVISIONS

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitrators Personal Data, R-22, on occasion, labor arbitrators, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Vegetable Seed Survey, SRSCE10-50, annually, vegetable seed companies, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment Standards Administration, Application for Self-Insurance, CM-920, on occasion, coal mine operators, Lowry, R. L., 395-3772.

EXTENSIONS

COMMUNITY SERVICES ADMINISTRATION

Administrative Costs Report, OEO-315D, on occasion, Community Action and Limited Purpose Agency, Caywood, D.P., 395-3443.

Grantee Program Progress Review Report, OEO-440, semi-annually, Community Action and Limited Purpose Agency, Caywood, D.P., 395-3443.

Statement of OEO Grant, OEO-314, on occasion, Community Action and Limited Purpose Agency, Caywood, D.P., 395-3443.

Grantee Refunding Certificate, OEO-395, on occasion, Community Action and Limited

Purpose Agency, Caywood, D.P., 395-3443. Grantee Quarterly Financial Report, OEO-315, quarterly, Community Action and Limited Purpose Agency, Caywood, D.P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Applications for Author. to Participate in the Food Stamp PR OG.—Retailer, Wholesaler, Nonprofit Meal Delivery Serv., FNS-252, on occasion, food retailers, wholesalers, meal service organizations, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Technical Specifications of Electronic Computers for Export, ECR376.10, on occasion, commercial exporters, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-14609 Filed 6-2-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5670; Rel. No. 19002]

ALLEGHENY POWER SYSTEM, INC.

Holding Company To Act as Surety for Subsidiary Company

MAY 22, 1975.

Allegheny Power System, Inc. ("APS"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(b) and 12(f) of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

APS proposes to act as surety for its electric utility subsidiary company, Monongahela Power Company ("Monongahela"), in connection with a certain Monongahela rate proceeding now pending before the Public Service Commission of West Virginia ("state commission"). Monongahela has filed tariffs with the state commission containing a revision of rates and charges, to become effective on June 28, 1975. The state commission is currently investigating the reasonableness of the revised rates and charges, and has suspended their effect pending final order, which has not yet issued. The purpose of the proposed transaction is to enable Monongahela, as permitted by West Virginia law, to begin applying the new increased rates prior to completion of the state commission investigation, hearing, and decision thereon. It is anticipated that the state commission will require Monongahela to enter into a bond securing the prompt refund by Monongahela to those entitled thereto of all amounts Monongahela, under said tariffs, shall collect or receive in excess of such rates and charges as may be finally fixed by the state commission, plus interest at such rate per annum as the state commission may order. It is expected that the amount of the bond will not exceed $31,000,000, which is the estimated additional annual revenue that the new rates will provide.

The fees and expenses to be paid, including legal fees, are estimated as not to exceed $2,200. It is stated that aside from the rate proceeding described herein, no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14404 Filed 6-2-75;8:45 am]

[811-663; Rel. No. 8797]

AXE SCIENCE CORP.

Order Declaring That Company Has Ceased To Be an Investment Company

MAY 23, 1975.

Notice is hereby given that Axe-Houghton Stock Fund, Inc. ("Stock Fund") 400 Benedict Avenue, Tarrytown, New York 10591, registered under the Investment Company Act of 1940 ("Act") as a management open-end investment company, filed an application on February 21, 1975 and an amendment thereto on May 14, 1975, pursuant to section 8(f) of the Act, for an order declaring that Axe Science Corporation ("Science Fund"), registered under the Act as a management open-end investment company, has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Science Fund was organized under the name of Axe Atomic and Electronics Fund and registered under the Act by filing a Form N-8A Notification of Registration on October 29, 1954. Its name was changed to Axe Science and Electronics Fund on January 7, 1955, and to Axe Science Corporation on December 26, 1963.

The application represents that pursuant to a merger agreement approved by the shareholders of Science Fund on October 10, 1974, Science Fund was merged into Stock Fund on December 10, 1974. Upon the consummation of the merger, each share of Science Fund was converted into that number of shares of Stock Fund determined by dividing the net asset value per share of Science Fund common stock as of the close of business on the last business day preceding the effective date of the merger by the net asset value per share of Stock Fund common stock at that time. Science Fund has no shareholders and has ceased to exist without formal dissolution by virtue of the statutory merger under Maryland law.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-14405 Filed 6-2-75;8:45 am]

[811-1179; Rel. No. 8802]

B.S.F. CO.

Act Declaring That Company Has Ceased To Be an Investment Company

MAY 23, 1975.

Notice is hereby given that on April 11, 1975, B.S.F. Company ("Applicant"), 25100 LaLoma Drive, Los Altos Hills, California 94022, registered as a closed-end non-diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant, organized as a corporation under the laws of the State of Delaware on August 10, 1955, registered under the Act on September 25, 1962. On March 18, 1975, Applicant's shareholders approved a Plan and Agreement of Merger merging the Applicant into ELT, Inc., a Pennsylvania corporation engaged in the manufacture of lamps, lighting products, processed metal products and disposable plastic products. The merger became effective on March 31, 1975, and the separate existence and corporate organization of Applicant thereupon ceased.

Section 8(f) of the Act provides that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 18, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request as provided by Rule 0-5 of the rules and regulations promulgated under the Act. An order disposing of the application will be issued as of course following June 18, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-14406 Filed 6-2-75;8:45 am]

[70-5684; Rel. No. 19006]

CENTRAL AND SOUTH WEST CORP. ET AL.

Issue and Sale of Short-Term Notes to Banks

MAY 27, 1975.

In the Matter of Central and South West Corporation, 300 Delaware Avenue, Wilmington, Delaware 19899, Central Power and Light Company, 120 North Chaparral Street, Corpus Christi, Texas 78403, Public Service Company of Oklahoma, 600 South Main Street, Tulsa, Oklahoma 74102, Southwestern Electric Power Company, 428 Travis Street, Shreveport, Louisiana 71102, Transok Pipe Line Company, 712 Petroleum Club Building, Tulsa, Oklahoma 74101, West Texas Utilities Company, 1062 North Third Street, Abilene, Texas 79604.

Notice of proposed issue and sale of short-term notes to banks and/or commercial paper to a dealer in commercial paper, loans by parent to subsidiaries and exception from competitive bidding.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and five of its subsidiary companies, Central Power and Light Company ("CP&L"), Public Service Company of Oklahoma ("Public Service"), Southwestern Electric Power Company ("Southwestern"), West Texas Utilities Company ("West Texas"), and Transok Pipe Line Company ("Transok") (collectively referred to as "subsidiaries"), have filed an application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) thereof and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell its commercial paper in an aggregate face amount of not to exceed $90,000,000 outstanding at any one time to A. G. Becker & Co. Incorporated ("Becker"). The proceeds from the sale of the commercial paper will be added to Central's treasury funds and, together with other internal cash resources, will be loaned by Central from time to time to, or invested in, its subsidiaries in an aggregate principal amount not to exceed $90,000,000 at any one time outstanding, all in the manner hereinafter described.

The commercial paper notes will have varying maturities of not more than nine months from the date of issue, exclusive of days of grace, will be in varying denominations of not less than $25,000 and not more than $1,000,000 each, and may be issued and sold by Central from time to time prior to December 31, 1976. Such notes will be issued and sold by Central directly to Becker at a discount rate which will not be in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity sold by issuers thereof to commercial paper dealers and at an interest cost which will not exceed the effective cost of money for unsecured prime commercial bank loans prevailing on the date of issue of such commercial paper.

The commercial paper will be reoffered to not more than 200 identified and designated customers in a list prepared in advance by Becker. Central's commercial paper notes are expected to be held by customers to maturity, except that if customers wish to sell such notes prior thereto, Becker, pursuant to oral repurchase agreements, will repurchase such notes and reoffer the same to others in the group of 200 customers.

In the event that borrowings from banks at the prime rate of interest would produce a lower cost of money to Central than the issue of its commercial paper, Central proposes to borrow from banks from time to time prior to January 1, 1977, an amount not to exceed $50,000,000 at any one time outstanding. The outstanding notes to banks, together with the principal amount of its outstanding commercial paper issued to Becker, shall not exceed $90,000,000 at any one time outstanding. Such borrowings will be made from the following named banks and, as to each such bank, shall not exceed the maximum principal amount at any time oustanding noted below:

Name of Bank:	*Maximum principal amount*
Bankers Trust Co., New York, N.Y.	$12,000,000
Bank of Delaware, Wilmington, Del.	4,000,000
Continental Illinois National Bank & Trust Co. of Chicago	5,000,000
First National Bank in Dallas, Dallas, Tex.	10,000,000
Harris Trust & Savings Bank, Chicago	5,000,000
The First National Bank of Chicago	15,000,000

Central proposes to issue from time to time its promissory notes to evidence such borrowings from banks. Each of such notes will be dated the date each such borrowing is made, will mature on a date not more than twelve months from the date thereof, will bear interest

from the date thereof to maturity at an interest cost to Central, which will not exceed the prime rate of interest prevailing at such bank, and will be subject to prepayment by Central in whole at any time or in part from time to time, without premium or penalty.

Central proposes to advance funds, as it may determine, to the subsidiaries in varying amounts from time to time prior to January 1, 1977, such loans not to exceed $90,000,000 in principal amount at any one time outstanding. Such loans will bear the interest to maturity of the prime rate of interest in effect from time to time at The First National Bank of Chicago. The maximum principal amount of borrowing proposed to be made by each of the subsidiaries from Central at any one time outstanding are as follows:

Subsidiaries:	*Maximum principal amount of loans to be outstanding*
Central Power & Light Co	$50,000,000
Public Service Co. of Oklahoma	50,000,000
Southwestern Electric Power Co.	40,000,000
West Texas Utilities Co	20,000,000
Transok Pipe Line Co	25,000,000

The proposed borrowings by the subsidiaries from Central will temporarily finance a part of the costs of the construction programs of the subsidiaries for the last six months of 1975, estimated at $102,800,000, and for the year 1976, estimated at $280,300,000.

Central requests the Commission to except the issuance and sale of the commercial paper from the requirements of competitive bidding under Rule 50 pursuant to paragraph (a)(5)(B) of said rule since it is not practicable to invite competitive bids for commercial paper and since current prices for commercial paper of prime borrowers such as Central are published daily in financial publications.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,500, including legal fees of $1,000. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 16, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14413 Filed 6-2-75;8:45 am]

[811-1631; Rel No. 8798]

DALLAS FUND, INC.

Order Declaring That Company Has Ceased To Be an Investment Company

MAY 23, 1975.

Notice is hereby given that Dallas Fund, Inc. ("Applicant"), 1010 Fidelity Union Tower, Dallas, Texas 75201, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on April 10, 1975, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, formerly known as Ling Fund, Inc., was organized as a Texas corporation on March 22, 1968, and registered under the Act by filing a form N-8A notification of registration on April 2, 1968. The securities of Applicant were offered to the public, commencing on September 13, 1968; and from that date through early 1971 it was managed by its investment adviser and principal underwriter, Ling & Company, Inc. ("Ling & Co."). In January 1971 Applicant suspended further sales of its shares, which suspension has remained in effect to the present time, and in February 1971 the investment advisory and underwriting contracts with Ling & Co. were terminated.

Through the combination of the absence of new sales of its shares, shareholder redemptions, and losses on portfolio investments, the total assets of Applicant were reduced to the point that, in the opinion of its Board of Directors, the required expenses to continue Applicant's existence as an investment company were too high to cause such action to be in the best interests of its shareholders. On July 30, 1974, Applicant's Board recommended that it be liquidated and dissolved, and the proposed dissolution was ratified by Applicant's shareholders at a meeting held on January 17, 1975. Substantially all of its assets have been distributed to its shareholders; its remaining assets are held by a national bank for distribution to those shareholders that have not yet been located; and Articles of Dissolution for Applicant have been filed under state law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulation promulgated under the Act, an order disposing of the Application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14407 Filed 6-2-75;8:45 am]

[812-3787; Rel. No. 8803]

E. I. DU PONT DE NEMOURS AND CO.

Filing of Application for Exemption

MAY 27, 1975.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Applicant"), a Wilmington, Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act Applicant's proposed grant to Toyo Products Company, Ltd. ("TPC"), a Japanese corporation, of an

exclusive license, with the right to grant sublicenses, to certain Japanese patent rights, and to use related technical information. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein, which are summarized below.

Christiana Securities Company ("Christiana"), a registered closed-end investment company, owns approximately 28.0 percent of the outstanding common stock of Applicant, which in turn owns 50 percent of the outstanding common stock of TPC. The remaining 50 percent of TPC's outstanding common stock is owned by Toray Industries, Inc., a Japanese corporation. Under section 2(a)(9) of the Act, both Applicant and TPC are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, both Applicant and TPC are also affiliated persons of Christiana.

Applicant states that TPC, a manufacturer of spandex fibers since 1966, seeks to acquire exclusive licenses, with the right to grant sublicenses, under Japanese patents and to use in Japan technical information relating to the manufacture of L-423 spandex fiber on a commercial scale. Spandex fibers are elastic textile yarns which have replaced cut rubber filaments in apparel markets.

Applicant and TPC have entered into an agreement (the "Agreement") providing for exclusive license to TPC with the right to grant sublicenses (1) under patents and (2) to use in Japan technical information relating to the manufacture of commercially acceptable L-423 spandex fiber on a commercial scale. The Agreement will become effective upon receipt of the order of exemption requested herein, unless the Agreement has not become effective by April 14, 1976, in which case it will expire.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such person, acting as principal, knowingly to sell to or purchase from such registered company or any company controlled by such company any security or other property.

Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provision of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicant contends that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person. Applicant submits that the provisions of the Agreement between Applicant and TPC, under which TPC has agreed to pay $400,000 to Applicant (less $50,000 paid as consideration for an earlier option to negotiate for the acquisition of L-423 spandex fiber technology) in seven equal semi annual installments of $50,000 each, were negotiated at arms length and are fair to both parties. Applicant asserts that the $400,000 payable for L-423 spandex fibers under the Agreement reasonably reflects the value of the technical information and patent rights conveyed to TPC, and that the proposed transaction was approved by the Japanese governmental authorities on June 20, 1972.

Applicant states that the proposed transaction is consistent with the investment policies of Christiana and with the general purposes of the Act.

Notice is further given that any interested person may, not later than June 20, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14408 Filed 6-2-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 27, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securites exchanges:

Jos. Schlitz Brewing Company, File No. 7-4733.

Upon receipt of a request, on or before June 10, 1975 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14409 Filed 6-2-75;8:45 am]

[70-4549; Rel No. 19004]

PENNSYLVANIA ELECTRIC CO.

Proposed Increase in Loans

MAY 23, 1975.

Notice of proposed increase in loans to unaffiliated coal company by electric utility company, extension of time to make loans to two unaffiliated coal companies and extension of maturity by loans to both coal companies.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission a post-effective amendment to the application, as previously amended, filed in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act"), regarding the following proposed transactions. Interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transactions.

In prior orders in this proceeding, Penelec was authorized by this Commission to acquire through December 30, 1975, promissory notes to be issued by two nonaffiliated mining companies, The Helen Mining Company ("Helen") and Helvetia Coal Company ("Helvetia"), which are engaged in developing coal mines for the Homer City Generating Station ("Homer Station"), in which station Penelec owns a 50 percent interest, HCAR Nos. 15899 (November 17, 1967), 16773 (July 1, 1970), 16909 (November 25, 1970), 17064 (March 24, 1971), 17396 (December 15, 1971), 17581 (May 26, 1972), 17738 (October 26, 1972), 18207 (December 3, 1973) and 18706 (December 11, 1974). The other 50 per-

cent interest in the Homer Station is held by New York State Electric & Gas Corporation ("NYSEC"), a utility unaffiliated with Penelec.

It is stated that in order to meet expected coal burn requirements for a new unit presently under construction at the Homer Station, Helvetia's production should be increased from its present 1.6 million tons per year to 2.4 million tons per year by 1977. Additional financing of $9,500,000 is stated to be required to provide the additional capacity. Penelec's share of such financing amounts to $4,750,000.

The Penelec and NYSEG loans to Helvetia were previously contemplated to be repaid through permanent financing of the Helvetia operations by December 31, 1975. It is now represented that with the present condition of the capital markets, it does not appear that the necessary permanent capitalization can be arranged by that date. Therefore, Penelec now seeks authorization to (a) increase the amount of loans that it may make to Helvetia by $4,750,000 to an aggregate of $12,250,000, (b) acquire notes of Helvetia until March 30, 1977 and (c) extend the maturity of the notes previously acquired from Helvetia to March 31, 1977.

The Penelec and NYSEG loans to Helen were previously contemplated to be repaid through permanent financing of the Helen operations by November 30, 1975. It is now stated that because of the present conditions of the capital markets, it does not appear that the necessary permanent financing can be arranged for Helen by that date. Helen also advises that its capital requirements have been curtailed recently because of delays and long lead times associated with the delivery of mining equipment resulting in a $2,000,000 balance which may be advanced by Penelec and NYSEG through December 30, 1975. It is stated that this balance is required for capital construction but will not be required until after December 30, 1975. Therefore, Penelec requests authority to (a) acquire notes of Helen through March 30, 1977 and (b) extend the maturity of Notes previously acquired from Helen until March 31, 1977.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no fees or expenses are expected to be incurred in connection with the proposed transactions.

Notice is further given that any interested person may, not later than June 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-14410 Filed 6-2-75; 8:45 am]

[812-3760; Rel No. 8800]

UNITED FUNDS, INC. ET AL.

Application for Exemption

MAY 23, 1975.

In the Matter of United Funds, Inc., United Vanguard Fund, Inc., United Continental Income Fund, Inc., United Continental Growth Fund, Inc., Continental Fiduciary Shares, Inc., Waddell & Reed, Inc., P.O. Box 1343, One Crown Center, Kansas City, Missouri 64141.

Notice is hereby given that United Funds, Inc., United Vanguard Fund, Inc., United Continental Growth Fund, Inc., United Continental Income Fund, Inc., and Continental Fiduciary Shares, Inc., registered under the Investment Company Act of 1940 ("Act") as open-end companies (herein collectively referred to as "Funds"), and Waddell & Reed, Inc. ("W&R"), the principal underwriter for each of the Funds (W&R and the Funds are herein collectively referred to as "Applicants"), have filed an application on February 6, 1975, and an amendment on April 11, 1975, for orders of the Commission as follows:

(1) Pursuant to section 11(a) of the Act, to permit the Funds to offer to exchange their shares for shares of United Daily Dividend Fund, Inc. ("UDD Fund") on a basis other than relative net asset value per share, and

(2) Pursuant to section 6(c) of the Act, for an order exempting the proposed exchanges from the provisions of section 22(d) of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

W&R maintains a continuous public offering of the shares of each of the Funds. The public offering price of the shares of each Fund is equal to their respective net asset value plus a sales charge (United Funds, Inc. issues four classes of shares, each calss with its own net asset value and offering price). The sales charge is a maximum of 8.75 percent of the offering price on purchases of less than $25,000 and is reduced on larger purchases. Shares of Continental Fiduciary Shares, Inc., were formerly sold at their net asset value.

UDD Fund, an open-end investment company registered under the Act, has filed a registration statement under the Securities Act of 1933 with respect to a proposed offering of its shares to the public at an offering price equal to their net asset value plus a maximum sales charge of 4.75 percent of the offering price. W&R is the prospective investment adviser and principal underwriter for the UDD Fund.

Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holders of a security of another open-end company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Each of the Funds proposes to offer its shares to shareholders of UDD Fund in exchange for shares of UDD Fund on the following basis: (1) shares of UDD Fund which were acquired through a share exchange (other than an exchange of shares of Continental Fiduciary Shares, Inc. which were originally purchased at no sales charge) or acquired as a result of the reinvestment of dividends or distributions on such shares ("Exchanged Shares") will be exchanged for shares of any of the Funds on the basis of the relative net asset values per share of UDD and the exchanging Fund at the time of the exchange; (2) shares of UDD Fund other than Exchanged Shares will be exchanged for shares of any of the Funds on the basis of the relative net asset value per share of UDD and the exchanging Fund at the time of the exchange, plus the sales charge described in the prospectus of the exchanging Fund, less the sales charge previously paid on the UDD Fund shares being exchanged. As a result, Applicants state, a shareholder acquiring shares of one of the Funds through an exchange of shares of UDD Fund would pay approximately the same overall sales charge that he would have paid had be directly purchased the same number of shares of that Fund.

In the event a shareholder desires to exchange only a portion of his shares of UDD Fund, those shares that may be exchanged at relative net asset value without sales charge will be exchanged first. The remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge. If at the time of an exchange an investor would be entitled by reason of a cumulative discount privilege applicable to certain investors, to directly purchase shares of the exchanging Fund at a lower sales charge, the investor will

be assessed the lower sales charge less the sales charge previously paid by him on the UDD shares.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants state that the purpose of the proposed exchange offer is to permit a shareholder of the UDD Fund who changes his investment objective to allocate his investment to a different investment company. Applicants submit that if the exchange offer to shareholders of the UDD Fund were made at the relative net asset values of UDD and the exchanging Fund, shareholders of UDD Fund who became shareholders of the exchanging Fund by means of the exchange offer would pay substantially lesser sales charges on their investments than similarly situated investors in the exchanging Fund. Applicants also submit that it would not be appropriate to charge shareholders of UDD a full sales load upon their exchanging their shares for shares of one of the exchanging Funds.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person from any provision or provisions of the Act conditionally or unconditionally if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 18, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following June 18, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14411 Filed 6-2-75;8:45 am]

[811-732; Rel. No. 8799]

VENTURE SECURITIES FUND, INC.

Order Declaring That Company Has Ceased To Be an Investment Company

MAY 23, 1975.

Notice is hereby given that Venture Securities Fund, Inc. ("Venture"), 6 Bryn Mawr Avenue, Bryn Mawr, Pa. 19010, an open-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on February 18, 1975 pursuant to section 8(f) of the Act for an order of the Commission declaring that Venture has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Venture was incorporated in Delaware on June 29, 1956, and was registered under the Act on July 23, 1956.

On November 19, 1974, the shareholders of Venture approved an Agreement and Plan of Reorganization and Liquidation ("Agreement"), which provided for: (1) the sale by Venture of substantially all of its assets to Stratton Growth Fund ("Stratton") solely in exchange for shares of voting stock of Stratton; (2) for the distribution of Stratton shares to Venture shareholders in liquidation of Venture; and (3) for the subsequent dissolution of Venture.

The acquisition by Stratton of substantially all of the assets of Venture took place on November 20, 1974. Pursuant to the Agreement, Stratton issued 23,399.450 shares of its common stock to Venture which represented an exchange ratio of .0901 shares of Stratton for each share of Venture then issued and outstanding. Such shares of Stratton have been delivered to shareholders of Venture according to their respective interests in liquidation of Venture pursuant to the Agreement.

Venture represents that it has no shareholders and is engaged in no business activity. As of the date of filing of the application Venture's only assets consisted of $426 cash and accounts receivable of $269 due from a surety company as a fidelity bond refund of premium. In addition, Venture has been liquidated and has filed its Certificate of Dissolution with the Secretary of State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Venture at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14412 Filed 6-2-75;8:45 am]

[File No. 500-1]

CONTINENTAL CONNECTOR CORP.

Suspension of Trading

MAY 28, 1975.

The common stock of Continental Connector Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Continental Connector Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 11:15 a.m. (e.d.t.) on May 28, 1975 through midnight (e.d.t.) on June 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14488 Filed 6-2-75;8:45 am]

[70-5685; Rel. No. 19008]

DELMARVA POWER AND LIGHT CO.

Proposed Issue and Sale of Common Stock at Competitive Bidding

MAY 27, 1975.

Notice is hereby given that Delmarva Power and Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell 2,000,000 shares of its authorized but unissued common stock, par value $3.375 per share ("common stock"). Delmarva estimates that the proposed sale of the common stock will provide it with aggregate cash proceeds of approximately $22,000,000. The proceeds from the sale will be applied toward the retirement, in part, of unsecured short-term notes issued prior to such sale primarily for interim financing of the construction program of Delmarva and its subsidiaries. On May 14, 1975, such unsecured short-term notes outstanding amounted to $41,850,000. Construction expenditures for 1975 are presently estimated at $93,000,000. Funds required to carry out the construction program, in addition to those obtained through the present financing, are expected to be provided from internal cash sources and additional financings. Delmarva states that due to difficulties which may occur in marketing the securities at competitive bidding, the company may request, by further amendment to this application-declaration, that sale of its common stock be excepted from the competitive bidding requirements of Rule 50.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $97,000, including legal fees of $11,500 and accounting fees of $10,000. The fee of counsel for the purchases of the stock is estimated at $16,000 and will be paid by the successful bidders. It is stated that the issuance of the common stock is subject to the approval of the Public Service Commission of Delaware. No other State commission nor any Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 20, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-14489 Filed 6-2-75; 8:45 am]

[70-5686; Rel. No. 19007]

DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Principal Amount of First Mortgage and Collateral Trust Bonds

MAY 27, 1975.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30,000,000 principal amount of First Mortgage and Collateral Trust Bonds, — percent Series due to mature not less than 5 years nor more than thirty years from the first day of the calendar month during which the bonds are to be issued. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Delmarva (which shall be not less than 99 percent nor more than 101.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and Chemical Bank, Trustee, as heretofore supplemented and as to be further supplemented by a Fiftieth Supplemental Indenture dated as of July 1, 1975, which includes a prohibition until July 1, 1980, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

It is stated that the net proceeds from the sale of the bonds will be applied toward the retirement of unsecured short-term notes issued primarily for interim financing of the construction programs of Delmarva and its subsidiary companies and for other corporate purposes. As of May 14, 1975, such short-term notes outstanding amounted to $41,850,000. Delmarva estimates that its construction program for 1975 will require expenditures of $93,000,000.

The declaration states that it is intended that the bonds will be issued and sold pursuant to the competitive bidding requirements of Rule 50; however, Delmarva states that, due to difficulties that may occur in marketing first mortgage bonds at competitive bidding, the company may request, by further amendment to this declaration, that the sale of its bonds be excepted from the competitive bidding requirements of Rule 50.

The declaration further states that the issuance and sale of the bonds is subject to the approval of The Public Service Commission of Delaware, and indicates that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Delmarva in connection with the sale of the bonds will be in the aggregate amount of $116,000, which includes $13,500 for legal fees and $12,000 for accounting services.

Notice is further given that any interested person may, not later than June 19, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14490 Filed 6-2-75;8:45 am]

[File No. 500-1]

LONGCHAMPS, INC.

Suspension of Trading

MAY 28, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Longchamps, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:15 a.m., e.d.t. on May 28, 1975 through midnight e.d.t. on June 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14491 Filed 6-2-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1139, Amdt. 1]

NEBRASKA

Declaration of Disaster Area

In addition to previously declared Cities of Magnet, Omaha and Ralston (40 FR 22326), Pierce, Sarpy, and adjacent counties within the State of Nebraska constitute a disaster area because of damage resulting from severe storms and tornadoes on May 6, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 18, 1975, and for economic injury until the close of business on February 19, 1976, at:

Small Business Administration
District Office
215 North 17th Street
Omaha, Nebraska 68102
or other locally announced locations

Dated: May 19, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-14478 Filed 6-2-75;8:45 am]

[Proposed License No. 02/02-0311]

RAND SBIC, INC.

Application for License

An application for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Rand SBIC, Inc. (the applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102.

The applicant, with its principal place of business at 2205 Main Place Tower, Buffalo, New York 14202, will begin operations with $500,000 of paid-in capital to be contributed by Rand Capital Corporation which has approximately 500 beneficial owners and will own 100 percent of the stock of the applicant.

The officers and directors of the applicant will be as follows:

Name	*Title*
George F. Rand, III, 72 Middlesex Road, Buffalo New York 14216.	Chairman of the Board and Director.
Donald A. Ross, 240 Woodbridge Avenue, Buffalo, New York 14214.	President and Director.
Robert C. Hayman, 151 Deerhurst Park Boulevard, Kenmore, New York 14217.	Vice President, Treasurer and Director.
Thomas R. Beecher, Jr., 28 Oakland Place, Buffalo, New York 14222.	Secretary and Director.
Barbara Stack, 1000 Walden Avenue, Buffalo, New York 14211.	Assistant Secretary.
Karl Hinke, Girdle Road, East Aurora, New York 14052.	Director.
Edward H. Kavinoky, 33 Gates Circle, Buffalo, New York 14209.	Director.
Daniel A. Roblin, Jr., 50 Danbern Lane, Buffalo, New York 14221.	Director.
Michael M. Koerner, 14 Ridgefield Road, Toronto, Ontario M4N 3H8.	Director.
William I. Shapiro, 79 Chapin Parkway, Buffalo, New York 14209.	Director.

The applicant will concentrate its operations principally in the northern and western parts of the State of New York.

The applicant will not concentrate its investments in any particular industry and it will not have an investment advisor. Its officers and directors will be available, however, to assist the management of companies in which it invests or proposes to invest.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the SBA Rules and Regulations.

Any person may, on or before June 18, 1975, submit to SBA written comments on the proposed License. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Buffalo, New York.

Dated: May 22, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-14480 Filed 6-2-75;8:45 am]

[Declaration of Disaster Loan Area 1142]

TEXAS

Declaration of Disaster Area

Coleman and adjacent counties within the State of Texas constitute a disaster area because of damage resulting from severe storms and tornadoes on May 13, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 21, 1975, and for economic injury until the close of business on February 23, 1976, at:

Small Business Administration
District Office
1100 Commerce Street
Dallas, Texas 75202
or other locally announced locations.

Dated: May 22, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-14479 Filed 6-2-75;8:45 am]

VETERANS ADMINISTRATION

CHIEF MEDICAL DIRECTOR'S AD HOC ADVISORY COMMITTEE ON SPINAL CORD INJURY

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Chief Medical Director's Ad Hoc Committee on Spinal Cord Injury will be held in Room 817 at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on June 23-25, 1975, at 9. The committee members will review Veterans Administration developmental treatment philosophy and center expansion plans.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity it will be necessary for those wishing to attend to contact Dr. Peter C. Hofstra, Director, Spinal Cord Injury Service, Veterans Administration Central Office (phone 202-389-3032) prior to June 16, 1975.

Dated: May 29, 1975.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-14439 Filed 6-2-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Meeting

The regular spring meeting of the Business Research Advisory Council will be held on June 18, 1975, at 9:30 a.m. in Room 4454 of the General Accounting Office Building, 441 G Street, N.W., Washington, D.C. Agenda for the meeting follows:

1. Chairman's Opening Remarks
2. Commissioner's Remarks
3. Committee Reports

a. Consumer and Wholesale Prices (Alternative proposals for the treatment of owner-

occupied housing in the CPI revision)

b. Manpower and Employment (Net Spendable Earnings—Current status, developments in local area unemployment estimates)

c. Occupational Health and Safety (Preview of 1975 Survey—Alternative questions, and status of research activities)

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C., this 28th day of May 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-14452 Filed 6-2-75;8:45 am]

Occupational Safety and Health Administration

COMMITTEE MANAGEMENT OFFICE AND TECHNICAL DATA CENTER

Change of Address

The purpose of this document is to advise interested persons that the Committee Management Office and the Technical Data Center of the Occupational Safety and Health Administration moved from their present offices at 1726 M Street, NW., Washington, D.C., to the New Department of Labor Building on Friday, May 23, 1975.

Effective May 27, 1975, written data and comments on rulemaking proposals should be sent to the Technical Data Center at the following address:

Technical Data Center
Occupational Safety and Health Administration
New Department of Labor Building
Room N-3620
200 Constitution Avenue, NW.
Washington, D.C. 20210

Written data and comments will be available for inspection and copying at that address as of May 27, 1975.

Effective May 27, 1975, written notices of intention to appear at hearings should be sent to the Committee Management Office at the following address:

Committee Management Office
Occupational Safety and Health Administration
New Department of Labor Building
Room N-3635
200 Constitution Avenue, NW.
Washington, D.C. 20210
Phone No. (202) 523-8024

Notices will be available for inspection at that address as of May 27, 1975.

Signed at Washington, D.C. this 28th day of May, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-14453 Filed 6-2-75;8:45 am]

[V-75-7]

KEYSOR-CENTURY CORP.

Application for Variance and Interim Order

I. *Notice of application.* Notice is hereby given that Keysor-Century Corp., 26000 Springbrook Rd., Saugus, Calif. 91350 has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.1017 (g) (4) and (6) (formerly § 1910.93q; see 40 FR 23072, May 28, 1975) conierning the respiratory protection and monitoring requirements for vinyle chloride.

The address of the place of employment that will be affected by the application is as follows:

Keysor-Century Corporation
26000 Springbrook Road
Saugus, Calif. 91350

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to completely comply with the requirement for respirators and for a continuous monitoring and alarm system before June 15, 1975.

The applicant utilizes four types of respirators in its plant, but does not have a sufficient number on hand to protect all employees. Orders have been placed for additional gas masks and for units to be used in conjunction with the gas masks to form a continuous flow type supplied air respirator with full face mask, good to 1000 ppm of vinyl chloride. Delivery is expected by June 15, 1975. The continuous monitoring system with 16 ports is on order and is expected to be installed and in operation by June 15, 1975.

In the interim, the presently available respirators will be used for employee protection. In addition, a plan has been developed for the evacuation of employees in the event of a leak, a runaway reactor, or other emergency which may expose employees above 25 ppm. An automatic alarm is sounded in the event of a runaway reactor, giving 15 minutes warning. Until the continuous monitoring system is installed an employee with a sniffer will monitor the lines to check for leaks. Area and personnel sampling is also being done utilizing a pump and an air collect bag.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue—P.O. Box 36017
San Francisco, Calif. 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, Calif. 90802

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 3, 1975. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 3, 1975, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, and from supporting orders submitted by the applicant that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c) that Keysor-Century Corporation be, and it is hereby, authorized to operate its plant utilizing presently available respirators until full compliance with the standard is attained on June 15, 1975 under the following conditions:

(1) Presently available respirators shall be utilized as required by the standard.

(2) A plan shall be developed and available for the evacuation of the plant in the event of an incident leading to possible exposures exceeding 25 ppm. Employees shall be trained in this plan.

(3) Daily monitoring shall be performed using a sniffer to check for leaks. The general area shall be monitored at least weekly and personnel sampling performed on a monthly basis using pump and air collect bag.

Keysor-Century Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of June 3, 1975, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 28th day of May, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-14454 Filed 6-2-75;8:45 am]

Office of the Secretary

[TA-W-29]

COSMOS FOOTWEAR CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 22, 1975, the Department of Labor received a petition filed under sec-

tion 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers' Union, AFL–CIO on behalf of the workers and former workers of the Altoona, Pennsylvania, Shoe Division of Cosmos Footwear Corporation (TA–W–29).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Cosmos Footwear Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 13, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27 day of May, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–14455 Filed 6–2–75;8:45 am]

[TA–W–30]

SINGER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 22, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical Workers, AFL–CIO on behalf of the workers and former workers of the Ozone Park, New York plant of the Singer Company (TA–W–30).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with circular knitting machines produced by the Singer Company or an appropriate subdivison thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 13, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of May, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–14456 Filed 6–2–75;8:45 am]

[Order No. 5–75]

SECRETARY'S COMMITTEE ON VETERANS' AFFAIRS

Establishment and Functions

1. *Purpose.* This Order establishes the Secretary's Committee on Veterans' Affairs and defines its functions.

2. *Background.* The Secretary of Labor has the responsibility under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and the Emergency Jobs and Unemployment Assistance Act of 1974, to formulate and monitor the implementation of departmental policies and programs affecting the unemployment, job training, employment or reemployment, and job placement of veterans. The Secretary's Committee established by this Order will ensure coordination and focus for the various veterans' programs operated throughout the Department.

3. *The Secretary's Committee on Veterans' Affairs.* There shall be established within the Department of Labor (DOL) the Secretary's Committee on Veterans' Affairs.

a. *Organization.* The Secretary's Committee on Veterans' Affairs shall be chaired by the Director of the Veterans' Employment Service (VES, Manpower Administration), or in the absence of the Director of the VES, he/she may designate any member of the Secretary's Committee to serve as Chairperson during that absence.

b. *Membership.* (1) In addition to the Chairperson, the Committee shall be composed of the Executive Assistant to the Secretary, the Director of the Office of Veterans' Reemployment Rights (Labor-Management Services Administration), Director of the Office of Federal Contract Compliance Programs (Employment Standards Administration), the Assistant Director of Personnel Management for Special Personnel Services (Office of the Assistant Secretary for Administration and Management), the Director of the Office of Program Management (Unemployment Insurance Service, Manpower Administration), and the Executive Assistant to the Solicitor. Each of these members may designate a high-level member of his/her office to serve as an alternate.

(2) The Chairperson shall designate a DOL employee to serve as Executive Secretary to the Committee.

c. *Meeting Schedule.* The Secretary's Committee on Veterans' Affairs shall meet at least once quarterly. The Chairperson, upon reasonable notice to all members, may convene such additional meetings as Committee business may require.

d. *Management.* The Secretary's Committee on Veterans' Affairs shall operate in a manner consistent with the requirements of Secretary's Order 33–71.

e. *Staff Support.* The principal staff support for the Secretary's Committee on Veterans' Affairs shall be provided by the Office of the Director of VES. Other Agencies within the Department shall provide appropriate assistance with respect to their functions. The Secretary's Committee may also seek information and specialized services needed to perform its assigned functions from outside sources.

4. *Assignment of Functions.* The Secretary's Committee on Veterans' Affairs is assigned the following functions:

a. Considering and advising the appropriate departmental Agencies and the Program Budget Review Committee (PBRC) on any matter regarding the implementation of departmental policies and programs as they affect veterans, especially in the areas of unemployment, job training, employment or reemployment, and job placement;

b. Serving as a consultation group on matters affecting veterans;

c. Informing departmental officials of the overall results of Department programs affecting veterans;

d. Reviewing and suggesting research essential to the implementation of effec-

tive Departmental programs on behalf of veterans; and

e. Coordinating the preparation of any reports concerning veterans' affairs to the Congress which involve the activities of more than one departmental Agency.

5. *Coordination and Departmental Agency Input.* The Secretary's Committee on Veterans' Affairs shall coordinate its activities with the work of appropriate departmental Agencies and shall transmit substantive policy input to the PBRC.

6. *Effective date.* This Order is effective immediately. Signed at Washington, D.C. on this 28th day of May, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-14457 Filed 6-2-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 880]

ASSIGNMENT OF HEARINGS

MAY 29, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-12264, Mayfield Transfer & Storage Co., Inc.—Purchase (Portion)—Fred Olson Motor Service Company, now assigned June 9, 1975 at Chicago, Illinois; has been postponed indefinitely.

MC 87511 Sub 17, Saia Motor Freight Line, Inc., now being assigned September 9, 1975 (9 days) at New Orleans, Louisiana; in a hearing room to be designated later.

MC 139064 Sub 1, Bradberry Farms, Inc., now being assigned September 9, 1975 (2 days) at Memphis, Tennessee; in a hearing room to be designated later.

MC 106497 Sub 109, Parkhill Truck Company, now being assigned September 11, 1975 (2 days) at Memphis, Tennessee; in a hearing room to be designated later.

MC 115654 Sub 33, Tennessee Cartage Co., Inc., now being assigned September 15, 1975 (1 week) at Memphis, Tennessee; in a hearing room to be designated later.

No. 36050 United States Steel Corporation v. Seaboard Coast Line Railroad Company, now being assigned July 1, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139495 Sub 13, National Carriers, Inc., now assigned June 19, 1975 at St. Louis, Missouri; has been postponed indefinitely.

MC 119792 Sub 46, Chicago Southern Transportation Company, Inc., now being assigned September 9, 1975 at St. Paul, Minnesota; in a hearing room to be designated later.

MC 127042 Sub 152, Hagen, Inc., now being assigned September 10, 1975 (1 day) at St. Paul, Minnesota; in a hearing room to be designated later.

MC 40978 Sub 23, Chair City Motor Express Company, now being assigned September 11, 1975, (2 days) at St. Paul, Minnesota; in a hearing room to be designated later.

MC-C 8408, Witte Transportation Company—Investigation and Revocation of Certificates, MC 8964 Sub 28, Witte Transportation Company, and MC-F 12371, Witte Transportation Company—Purchase—North St. Paul Transfer, now being assigned September 15, 1975 (1 week), at St. Paul, Minnesota; in a hearing room to be designated later.

MC 134838 Sub 11, Southeastern Transfer & Storage Co., Inc., now being assigned July 21, 1975 (1 week) at Atlanta, Georgia; in a hearing room to be designated later.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14510 Filed 6-2-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 29, 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 June 18, 1975.

FSA No. 42997—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha.* Filed by Nippon Yusen Kaisha (No. 10), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in The Philippines.

Grounds for relief—Water competition.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14511 Filed 6-2-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MAY 29, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR Part 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before July 3, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 1931 (Sub-No. 14G) filed June 4, 1974. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. 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 United States (except Alaska and Hawaii), restricted against service between: (1) points in Maine and points in New Hampshire; (2) points in New Hampshire and points in Vermont; (3) points in Maine and points in Vermont; and (4) points in North Dakota and points in South Dakota. The purpose of this filing is to eliminate the gateways at points in Colorado, Florida, Nevada, New Mexico, the District of Columbia, Illinois, Tennessee, Pennsylvania, Ohio, Maryland, Georgia, Lupton, Ariz., and Boston, Mass.

No. MC 4484 (Sub-No. 33G), filed June 4, 1974. Applicant: MOORE-FLESHER HAULING COMPANY, 100 Hafner Avenue, Pittsburgh, Pa. 15223. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require special handling or the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers) and *related construction equipment, materials and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size and weight, require the use of special equipment or the use of special handling: (1) between points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Kentucky, Illinois, Indiana, and Michigan, on the one hand, and, on the other, points in Ohio, New York, and West Virginia. The purpose of this filing is to eliminate gateways at points in that part of Pennsylvania located south of U.S. Highway 422, west of U.S. Highway 119, and north of U.S. Highway 40, and points in Pennsylvania on and west of U.S. Highway 15. (2) from points in Ohio, New York, and West Virginia, to points in Virginia and Maryland. The purpose of this filing is to eliminate gateways at points in Pennsylvana on and west of U.S. Highway 15. (3) from points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Kentucky, Illinois, Indiana, and Michigan, to points in Virginia and Maryland. The

purpose of this filing is to eliminate the gateways at points in Pennsylvania on and west of U.S. Highway 15.

No. MC 14743 (Sub-No. 27G), filed June 4, 1974. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 3777 South Jackson Street, Tulsa, Okla. 74101. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (3) *earth drilling machinery and equipment* and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled.

(c) The production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells: (a) between points in Texas and New Mexico, on the one hand, and, on the other, points in Louisiana; Arkansas; points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada International Boundary line; points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway, at Lehr, N. Dak., thence along said unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; and points in that part of South Dakota west of the Missouri River and on and north of a line beginning at the Missouri River at Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 to Philip Junction, S. Dak., thence along unnumbered highway to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Wyoming State line.

(b) Between points in Arkansas, Louisiana, and Kansas, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada International Boundary line; points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway, at Lehr, N. Dak., thence along said unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; and points in that part of South Dakota west of the Missouri River and on and north of a line beginning at the Missouri River at Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 to Philip Junction, S. Dak., thence along unnumbered highway to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways at points in Kansas and Oklahoma.

(B) (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, equipment, and materials, and supplies* used in, or in connection with, the drilling of water wells; (3) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (4) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells:

(a) between points in Arkansas, Kansas, New Mexico, Texas, and Louisiana, on the one hand, and, on the other, points in Mississippi; Colorado; Wyoming; points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada International Boundary line; points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway, at Lehr, N. Dak., thence along said unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; and points in that part of South Dakota west of the Missouri River and on and north of a line beginning at the Missouri River at Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 to Philip Junction, S. Dak., thence along unnumeberd highway to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line;

(b) Between points in Mississippi, Colorado, and Wyoming, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence over U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada International Boundary line; points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway at Lehr, N. Dak., thence along said unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; and

points in that part of South Dakota west of the Missouri River and on and north of a line beginning at the Missouri River at Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 to Philip Junction, S. Dak., thence along unnumbered highway to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line; (c) between points in New Mexico and Texas, on the one hand, and, on the other, points in Arkansas and Louisiana; and (d) between points in Oklahoma, on the one hand, and, on the other, points in Mississippi, Colorado, and Wyoming. The purpose of this filing is to eliminate gateways at points in Oklahoma, points in Tulsa County, Okla., and points in Oklahoma on and east of U.S. Highway 81.

(C) (1) *Machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; and

(3) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines: between points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Texas, Wyoming, and points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 through Alzada, and Broadus, Mont., to Miles City, Mont., thence along Montana Highway 22 through Hillside, Mont., to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the United States-Canada International Boundary line; points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line, and extending along North Dakota Highway 30 through St. John, York, and Medina, N. Dak., to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; and points in South Dakota west of the Missouri River, and north of a line beginning at the Missouri River at Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14) to Philip Junction, S. Dak., thence along U.S. Highway 16 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14 (formerly U.S. Highway 14), thence along Alternate U.S. Highway 14 to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line, on the one hand, and, on the other, ports of entry on the United States-Canada International Boundary line in Montana and North Dakota between Sweetgrass, Mont., and Pembina, N. Dak., including Sweetgrass and Pembina. The purpose of this filing is to eliminate gateways at points in Oklahoma.

(D) *Machinery, and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products; and *materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing and processing plant) sites, or storage sites, between points in New Mexico and Texas, on the one hand, and, on the other, points in Louisiana, Wyoming, and points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line, and extending along North Dakota Highway 30 through St. John, York, and Medina, N. Dak., to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate gateways at points in Oklahoma.

No. MC 29079 (Sub-No. 81G), filed February 3, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between St. Louis, Mo., and points in Illinois, on the one hand, and, on the other, points in Ohio, (2) between points in Illinois, on the one hand, and, on the other, points in that portion of Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay, (3) between St. Louis, Mo., and points in Illinois, on the one hand, and, on the other, Louisville, Ky., (4) between Louisville, Ky., on the one hand, and, on the other, points in Ohio, (5) from points in Ohio, to points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, including Holland, Grand Rapids and Lansing, (6) from points in Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay, to points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua and on and west of U.S. Highway 26 from Piqua to Cincinnati, and (7) between points in that portion of Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to Michigan-Indiana State line, on the one hand, and, on the other, that portion of Michigan lying north and east of the above described territory and bounded on the north by Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay. The purpose of this filing is to eliminate the gateway of Tipton County, Ind.

No. MC 65748 (Sub-No. 5G), filed June 4, 1974. Applicant: PLYMOUTH VAN LINES, INC., 4437 Howley Street, Pittsburgh, Pa. 15224. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia and (2) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, the District of Columbia, Arizona, California, Colorado, Nebraska, Nevada, and Utah. The purpose of this filing is to eliminate the gateways of Allegheny and Westmoreland Counties, Pa., Beaver, Cambria, Indiana, and Washington Counties, Pa., Hancock County, Ohio, Marshall County, W. Va., and points in that part of Ohio, on and

east of U.S. Highway 21, and Cuyahoga County, Ohio.

No. MC 78842 (Sub-No. 4G), filed June 4, 1974. Applicant: DALEY & WANZER, INC., 821 Nantasket Avenue, Hull, Mass. 02045. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods:* (1) between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, New Hampshire, and Maine, on the one hand, and, on the other, points in Connecticut, New York, New Hampshire, Maine, Rhode Island, Pennsylvania, Maryland, Virginia, Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and the District of Columbia. The purpose of this filing is to eliminate gateways at Hull and Brookline, Mass.; Quincy, Mass. and points within five miles thereof; Boston, Mass. and points within 15 miles thereof; and points in Massachusetts. (2) between points in Maryland, Virginia and the District of Columbia, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee and Pennsylvania. The purpose of this filing is to eliminate the gateway of Boston, Mass. and points within 15 miles thereof.

No. MC 106451 (Sub-No. 13G), filed January 29, 1975. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, Akron, Ohio 44305. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Ohio north and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to Zanesville, Ohio, thence along Ohio Highway 16 to Coshocton, Ohio, thence along Ohio Highway 76 to Wooster, Ohio, thence along Ohio Highway 3 to Medina, Ohio, thence along Ohio Highway 18 to Mallet Corner, Ohio, and thence along Ohio Highway 252 to Lake Erie (except between Cleveland and Akron and points in the commercial zones thereof as described by the Commission, on the one hand, and, on the other, those points in West Virginia on and north of U.S. Highway 60 which are within 30 miles of Charleston), including points on the indicated portions of the highways specified, and between the plantsite of the Ohio Body Company at New London, Ohio, on the one hand, and, on the other, points in Boone, Braxton, Clay, Fayette, Greenbrier, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Raleigh, Summers, Webster, and Wyoming Counties, West Virginia and those portions of Cabell, Kanawha (except that portion embraced in the Charleston, W. Va. commercial zone), Putnam and Wayne Counties, W. Va. which are within 75 miles of Gatewood, Fayette County, W. Va. and situated south of U.S. Highway 60. The purpose of this filing is to eliminate the gateways of points on U.S. Highway 60 in Cabell, Kanawha, Putnam, and Wayne Counties, W. Va. which are within 75 miles of Gatewood, Fayette County, W. Va. and points in such counties north of U.S. Highway 60 as Braxton, Clay, Webster, McNicholas, and Greenbrier Counties, W. Va.

No. MC 107456 (Sub-No. 23G), filed June 3, 1974. Applicant: HARRY L. YOUNG AND SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Commodities* the transportation of which because of size and weight require the use of special equipment and (b) *machinery parts and contractors' materials and supplies*, in mixed loads with the commodities in (1)(a) above; (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and classes A and B explosives), in mixed loads with the commodities in (1)(a) above, restricted to movement under a single bill of lading and from a single consignor, (3)(a) *self-propelled vehicles* weighing 15,000 pounds or more (except motor vehicles as defined in section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and (b) *machinery, tools, and parts of self-propelled vehicles* as described in (3)(a) above in mixed loads with self-propelled vehicles in (3)(a) above, (4) *iron and steel articles*, between points in Arizona, California, Idaho, Montana, Nevada, Oregon, Washington and Utah. The purpose of this filing is to eliminate the gateways of Salt Lake City, Utah or points in Utah.

No. MC 107478 (Sub-No. 17G), filed May 31, 1974. Applicant: OLD DOMINION FREIGHT LINE, a Corporation, P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: J. T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) between Baltimore, Md., on the one hand, and, on the other, points in Georgia (except Augusta) on, north and west of a line beginning at the Georgia-Alabama State Boundary line near Texas, Ga., and extending along Georgia Highway 34 to intersection Interstate Highway 85 near Newnan, Ga., thence along Interstate Highway 85 to Atlanta, Ga., thence along U.S. Highway 78 to Monroe, Ga., thence along Georgia Highway 83 to the Morgan County Boundary line near North High Shoals, Ga., thence along the Morgan County Boundary line to the Green County Boundary line, thence along the Green County Boundary line to intersection Georgia Highway 77, thence along Georgia Highway 77 to Lexington, Ga., thence along Georgia Highway 77 to the Broad River, and thence along the Broad River to the Georgia-South Carolina State Boundary line.

(2) between points in the District of Columbia, on the one hand, and, on the other, points in Georgia (except Augusta) on, north and west of a line beginning at the Georgia-Alabama State Boundary line near Waresville, Ga., and extending along Georgia Highway 34 to intersection Interstate Highway 85 near Newnan, Ga., thence along Interstate Highway 85 to intersection Interstate Highway 285, thence along Interstate Highway 285 to intersection U.S. Highway 78, thence along U.S. Highway 78 to Monroe, Ga., thence along Georgia Highway 83 to the Morgan County Boundary line near North High Shoals, Ga., thence along the Morgan County Boundary line to the Green County Boundary line, thence along the Green County Boundary line to intersection Georgia Highway 77, thence along Georgia Highway 77 to Lexington, Ga., thence along Georgia Highway 77 to the Broad River, and thence along the Broad River to the Georgia-South Carolina State Boundary line; (3) between Norfolk, Va., on the one hand, and, on the other, points in Georgia on, north and west of a line beginning at the Georgia-Alabama State Boundary line near Texas, Ga., and extending along Georgia Highway 34 to intersection Interstate Highway 85 near Newnan, Ga., thence along Interstate Highway 85 to Atlanta, Ga., thence along U.S. Highway 278 to Union Point, Ga., thence along Georgia Highway 44 to Washington, Ga., and thence along U.S. Highway 378 to the Georgia-South Carolina State Boundary line; (4) between Richmond, Va., on the one hand, and, on the other, points in Georgia on, north and west of a line beginning at the Georgia-Alabama State Boundary line at Lanett, Ala. and extending along U.S. Highway 29 to LaGrange, Ga., thence along U.S. Highway 29 to Newnan, Ga., thence along Georgia Highway 34 to intersection Georgia Highway 54, thence along Georgia Highway 54 to Jonesboro, Ga., thence along Georgia Highway 138 to intersection Georgia Highway 124, thence along Georgia Highway 124 to Lithonia, Ga., thence along Interstate Highway 20 to intersection Georgia Highway 77, thence along Georgia Highway 77 to Lexington, Ga., thence along U.S. Highway 78 to Washington, Ga., thence along U.S. Highway 378 to Lincolnton, Ga., thence along Georgia Highway 47 to the Clark Hill Reservoir and the Georgia-South Carolina State Boundary line.

(5) Between Martinsville, Va., on the one hand, and, on the other, points in Georgia on, north and west of a line beginning at the Georgia-Alabama State Boundary line at Hilton, Ga., and extending along Georgia Highway 62 to Albany, Ga., thence along Georgia Highway

257 to intersection Georgia Highway 32, thence along Georgia Highway 32 to intersection Georgia Highway 107 near Irwinville, Ga., thence along Georgia Highway 107 to Fitzgerald, Ga., thence along U.S. Highway 319 to McRae, Ga., thence along U.S. Highway 280 to Mount Vernon, Ga., thence along Georgia Highway 56 to Swainsboro, Ga., thence along U.S. Highway 80 to Twin City, Ga., thence along Georgia Highway 23 to Millen, Ga., thence along Georgia Highway 21 to Sylvania, Ga., and thence along U.S. Highway 301 over the Savannah River to the Georgia-South Carolina State Boundary line; (6) between Suffolk, Va., on the one hand, and, on the other, points in Georgia on, north and west of a line beginning at the Georgia-Alabama State Boundary line near Texas, Ga., and extending along Georgia Highway 34 to intersection Interstate Highway 85 near Newnan, Ga., thence along Interstate Highway 85 to Atlanta, Ga., thence along U.S. Highway 78 to Monroe, Ga., thence along Georgia Highway 83 to the Morgan County Boundary line near North Highway Shoals, Ga., thence along the Morgan County Boundary line to the Green County Boundary line, thence along the Green County Boundary line to intersection Georgia Highway 77, thence along Georgia Highway 77 to Lexington, Ga., thence along Georgia Highway 77 to the Broad River, and thence along the Broad River to the Georgia-South Carolina State Boundary line. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 108297 (Sub-No. 23G), filed June 4, 1974. Applicant: FOX TRANSPORT SYSTEM, a Corporation, 21 So. Fifth Street, Philadelphia, Pa. 19106. Applicant's representative: Frederick W. Fox, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment*, from Allentown, Chester, Easton, Hazleton, Lehighton, Mahanoy City, Pottstown, Pottsville, Reading, Scranton, Shenandoah, Wilkes-Barre, Harrisburg, and Williamsport, Pa., and Atlantic City and Bridgeton, N.J., to Binghamton, N.Y. (2) *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and those requiring special equipment), from points in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del.-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending along the Susquehanna River to Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. State line and the Md.-Pa. State line to the point of beginning, and those in the District of Columbia to Binghamton, N.Y. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

3. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (restricted to shipments moving from, to or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), from points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning, including the points named, to Binghamton, N.Y. The purpose of this filing is to eliminate the gateways at Bethlehem and Philadelphia, Pa. 4. *Fruits, vegetables, farm products, poultry and seafood*, from points in Delaware, New Jersey, and Pennsylvania to Binghamton, N.Y. The purpose of this filing is to eliminate the gateways at Bethlehem and Philadelphia, Pa. 5. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment*, from points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J. to Binghamton, N.Y. The purpose of this filing is to eliminate the gateway at Bethlehem, Pa.

(6) *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, and Bethlehem, Pa., to points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn. The purpose of this filing is to eliminate the gateway of Binghamton, N.Y. (7) *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment*, from Syracuse, Hall, and Piermont, N.Y., to Philadelphia, Pa. The purpose of this filing is to eliminate the gateways at Allentown, Easton, Hazleton, Lehighton, Mahanoy City, Pottsville, Scranton, Shenandoah, Wilkes-Barre, and Harrisburg, Pa. (8) *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), from Syracuse, Hall, and Piermont, N.Y. to points in a territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Delaware, thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named. The purpose of this filing is to eliminate the gateways in Pennsylvania north of U.S. 22 and east of U.S. 11 including Nicholson, Scranton, Forrest City, Honesdale, Stroudsburg, Berwick, Danville, Northumberland, and Harrisburg.

9. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment*, from Syracuse, Hall, and Piermont, N.Y., to points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateways at points in Pennsylvania north of U.S. 22 in Berks, Carbon, Lehigh, Monroe, Northampton, Pike, and Schuylkill Counties, including Lehighton, Stroudsburg, Allentown, and Easton, Pa. 10. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment*, from points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn., to points in that part of Pennsylvania north to U.S. 22 and east of U.S. 11, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways at Syracuse, Hall, and Piermont, N.Y. 11. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Syracuse, Hall, and Piermont, N.Y., to points in Dauphin,

Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateways at points in Pennsylvania north of U.S. 22 and east of U.S. 11, including Nicholson, Scranton, Forrest City, Honesdale, Berwick, Danville, Northumberland, and Harrisburg, Pa.

12. *Packinghouse products, and by-products, including fresh meats, and packinghouse supplies and equipment* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and those requiring special equipment), between Allentown, Easton, Hazleton, Lehighton, Mahanoy City, Pottstown, Pottsville, Reading, Scranton, Shenandoah, Wilkes Barre, Harrisburg, and Williamsport, Pa., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., and thence east through Nutley, N.J., to the Hudson River, those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending along the Susquehanna River to Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia. 13. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment*, from Allentown, Easton, Hazleton, Lehighton, Mahanoy City, Pottstown, Pottsville, Reading, Scranton, Shenandoah, Wilkes-Barre Harrisburg, and Williamsport, Pa., and Atlantic City and Bridgeton, N.J., Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., Townsend, Del., Geneva, N.Y., and points in that part of Pennsylvania bounded by a line beginning at the Delaware River and extending through Easton and Hazleton, Pa., to Williamsport, Pa., thence along U.S. 15 to Md.-Pa. State line, thence along the Md.-Pa. State line to the Delaware River to the point of beginning, including the points named and those on the indicated portions of the above-specified highways.

(14). *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), between Williamsport, Pa., and points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named.

15. *Fruit, vegetables, farm products, poultry and seafood* from points in Delaware, New Jersey, and Pennsylvania to Williamsport, Pa. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. in parts 12, 13, 14 and 15.

16. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from Allentown, Easton, Hazletown, Lehighton, Mahonoy City, Pottstown, Pottsville, Reading, Scranton, Shenandoah, Wilkes Barre, Harrisburg, and Williamsport, Pa., and Atlantic City and Bridgeton, N.J., to points in Arlington, Fairfax, and Loudon Counties, Va., and to points in Delaware. The purpose of this filing is to eliminate the gateway at the plantsite and facilities of The Great Atlantic and Pacific Tea Company, Inc., at Fort Washington, (Montgomery County), Pa., (Fort Washington is located within the Philadelphia, Pa. Commercial Zone).

17. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment*, between Philadelphia, Pa., and points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateways at Allentown, Easton, and Lehighton, Pa. 18. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk), from Allentown, Easton, Chester, Hazleton, Lehighton, Mahanoy City, Pottstown, Pottsville, Reading, Scranton, Shenandoah, Wilkes-Barre, Harrisburg, and Williamsport, Pa., and Atlantic City and Bridgeton, N.J., to points in Prince William County, Va. The purpose of this filing is to eliminate the gateway at Fort Washington (Montgomery County), Pa. 19. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Allentown, Chester, Easton, Hazleton, Lehighton, Mahanoy City, Pottstown, Pottsville, Reading, Scranton, Shenandoah, Wilkes-Barre, Harrisburg, and Williamsport, Pa., and points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn. The purpose of this filing is to eliminate gateways located at New Jersey points within the Philadelphia, Pa. Commercial Zone including Camden, N.J.

20. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk), from Allentown, Chester, Easton, Hazleton, Lehighton, Mahanoy City, Pottstown, Pottsville, Reading, Scranton, Shenandoah, Wilkes-Barre, Harrisburg, and Williamsport, Pa., and Atlantic City and Bridgeton, N.J., to points in Allegany, Garrett, and Washington Counties, Md. The purpose of this filing is to eliminate the gateway at Fort Washington, Pa. 21. *Packinghouse products and by-products, including fresh meats, and packinghouse supplies and equipment* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between Williamsport, Pa., and points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. 22. *Canned goods, and such commodities* as are dealt in by retail grocery stores, from points in the New York, N.Y. Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., and thence east through Nutley, N.J., to the Hudson River, and those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del.-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending along the Susquehanna River to Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning and those in the District of Columbia to points in Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., Townsend, Del., Geneva, N.Y., and those in that part of Pennsylvania bounded by a line beginning at the Delaware River and extending through Easton and Hazleton, Pa., to Williamsport, Pa., thence along U.S. 15 to Md.-Pa. State line, thence along the Md.-Pa. State line to the Del.-Pa. State line, thence along the Del.-Pa. State line to the Delaware River to the point of beginning, including the points named and those on the indicated portions of the above-specified highways.

23. *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (restricted to shipments moving, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses, and, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and those requiring special equipment), between points in the New York, N.Y., Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., and thence east through Nutley, N.J., to the Hudson River, those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del.-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending along the Susquehanna River to Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia, and points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named.

24. *Fruits, vegetables, farm products, poultry and seafood* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and these requiring special equipment), from points in Delaware, New Jersey, and Pennsylvania, to points in the New York, N.Y. Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., and thence east through Nutley, N.J., to the Hudson River, those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del.-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending from the Susquehenna River to the Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. in parts 21, 22, 23, and 24.

25. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles, and except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, and those requiring special equipment), from points in the New York, N.Y. Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., and thence east through Nutley, N.J., to the Hudson River, those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del.-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line begining at the Md.-Pa. State line and extending along the Susquehanna River to Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loundoun Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware. The purpose of this filing is to eliminate the gateway located at the plant site and facilities of The Great Atlantic & Pacific Tea Company, Inc., at Fort Washington, Montgomery, County, Pa. (located within the Philadelphia, Pa. Commercial Zone).

26. *Such commodities* as are dealt in by retail grocery stores (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and those requiring special equipment), between Philadelphia, Pa., and points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway points in New Jersey including Lambertville, N.J., and at New Hope, Pa. 27. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk), and except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, and those requiring special equipment, from points in the New York, N.Y. Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., and thence east through Nutley, N.J., to the Hudson River, those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del.-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending along the Susquehanna River to Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia, to points in Prince William County, Va. The purpose of this filing is to eliminate the gateway located at Fort Washington (Montgomery County), Pa.

28. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, films, and those injurious or contaminating to other lading), between Philadelphia, Pa., points in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del-Md. State line, those in Maryland north of Baltimore and on the east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending along the Susquehanna River to the Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia, and points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn. The purpose of this filing is to eliminate gateways at points located in New Jersey within the Philadelphia, Pa. Commercial Zone including Camden, N.J.

29. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk, and except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, and those requiring special equipment), from points in the New

York, N.Y. Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., thence east through Nutley, N.J., to the Hudson River, those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del., to the Del.-Md. State line those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Md.-Pa. State line and extending along the Susquehanna River to the Chesapeake Bay, thence along the Chesapeake Bay Shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. Canal, thence along the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia to points in Allegany, Garrett, and Washington Counties, Md. The purpose of this filing is to eliminate the gateway at Fort Washington, Pa.

30. *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and those requiring special equipment), between points in the New York, N.Y. Commercial Zone, as defined by the Commission, those in New Jersey on and south of a line extending from Lambertville, N.J., to Montclair, N.J., thence east through Nutley, N.J., to the Hudson River, those in Delaware on and north of a line extending from the Delaware Bay through Little Creek, Dover, and Pearson's Corner, Del. to the Del.-Md. State line, those in Maryland north of Baltimore and on and east of U.S. 1, those in Maryland bounded by a line beginning at the Chesapeake Bay, thence along the Cheaspeake Bay Shore line, the Chesapeake and Delaware Canal to the Md.-Del. State line, and thence along the Md.-Del. and Md.-Pa. State lines to the point of beginning, and those in the District of Columbia and points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

31. *Canned goods, and such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to Binghamton, N.Y. The purpose of this filing is to eliminate the gateways at Bethlehem and Philadelphia, Pa. 32. *Canned goods, and such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named. The purpose of this filing is to eliminate the gateways at points in Pennsylvania including Oxford, Lancaster, and Philadelphia, Pa. 33. *Fruits, vegetables, farm products, poultry and seafood*, from points in Delaware, New Jersey, and Pennsylvania to points in Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., Townsend, Del., Geneva, N.Y., and points in Pennsylvania in a territory bounded by a line beginning at the Delaware River and extending through Easton and Hazleton, Pa., to Williamsport, Pa., thence along U.S. 15 to Md.-Pa. State line, thence along the Md.-Pa. State line to the Del.-Pa. State line, thence along the Del.-Pa. State line to the Delaware River to the point of beginning, including the points named and those on the indicated portions of the above-specified highways. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

34. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from Baltimore, Md., and Philadelphia, Pa., to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudon Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware. The purpose of this filing is to eliminate the gateway at the plant site and facilities of the Great Atlantic & Pacific Tea Company, Inc., at Fort Washington, (Montgomery County), Pa. (located within the Philadelphia, Pa. Commercial Zone). 35. *Such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., and Philadelphia, Pa., to points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway points in Pennsylvania including Doylestown, Easton, and Allentown, Pa. 36. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk), from Baltimore, Md., and Philadelphia, Pa., to points in Prince William County, Va. The purpose of this filing is to eliminate the gateway at Fort Washington (Montgomery County), Pa.

37. *Canned goods, and such commodities* as are dealt in by retail grocery stores (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., and Philadelphia, Pa., to points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn. The purpose of this filing is to eliminate the gateways located at points in New Jersey within the Easton, Pa. Commercial Zone and at Geneva, N.Y. 38. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk), from Baltimore, Md., and Philadelphia, Pa., to points in Allegany, Garrett, and Washington Counties, Md. The purpose of this filing is to eliminate the gateway at Fort Washington, Pa. (located within the Philadelphia, Pa. Commercial Zone).

39. *Canned goods, and such commodities* as are dealt in by retail grocery stores (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from points in Baltimore, Md., to (a) points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va., (b) points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to the point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning, including the points named, restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz and Milton, Pa., and points in their respective commercial zones. The purpose of this filing is to eliminate gateways in (a) above at points in Lancaster and Chester Counties, Pa., and in (b) above at points in Baltimore County, Md., within the Baltimore, Md., Commercial Zone including Towson, Rockland, Pikesville, Milford, Catonsville, and Fullerton, Md.

40. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles, restricted to shipments moving from, to or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), from points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River, to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudoun Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware. The purpose of this filing is to eliminate the gateway at the plant site and facilities of The Great Atlantic & Pacific Tea Company, Inc., at Fort Washington, Montgomery County, Pa. (which is located within the Philadelphia, Pa. Commercial Zone).

41. *Such commodities* as are dealt in by retail grocery stores (restricted to shipments from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), between points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named and points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateways in Pennsylvania and New Jersey including Phillipsburg and Clinton, N.J., and Easton and Stroudsburg, Pa.

42. *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk and restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), from points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named to points in Prince William County, Va. The purpose of this filing is to eliminate the gateway at Fort Washington (Montgomery County), Pa.

43. *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), between points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named and points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn. The purpose of this filing is to eliminate the gateways in New Jersey along the Delaware River, between Delaware Water Gap and Pennsville, N.J., including Phillipsburg, Trenton, Camden, Bridgeport, and Deepwater, N.J.

(44) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except in bulk and restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), from points within the territory bounded by a line beginning at Phillipsburg, N.J. and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south to Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Del.-Md. State line at a point west of Glasgow, Del., thence north along the Del.-Md. State line to point of intersection with the Pa.-Md. State line, thence west along the Pa.-Md. State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap, Pa., thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning including the points named to points in Allegany, Garrett, and Washington Counties, Md. The purpose of this filing is to eliminate the gateway at Fort Washington, Pa.

45. *Fruits, vegetables, farm products, poultry and seafood*, in vehicles equipped with mechnical refrigeration (except commodities in bulk, in tank or hopper-type vehicles), from points in Delaware, New Jersey, and Pennsylvania, to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudon Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware. The purpose of this filing is to eliminate the gateway at the plant site and facilities of The Great Atlantic & Pacific Tea Company, Inc., at Fort Washington, (Montgomery County), Pa.

46. *Fruits, vegetables, farm products, poultry and seafood*, from points in Delaware, New Jersey, and Pennsylvania to points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset,

Sussex, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateways in New Jersey and Pennsylvania including Easton and Stroudsburg, Pa., and Clinton and Phillipsburg, N.J.

47. *Fruits, vegetables, farm products, poultry and seafood,* (except in bulk) in vehicles equipped with mechanical refrigeration, from points in Delaware, New Jersey, and Pennsylvania, to points in Prince William County, Va. The purpose of this filing is to eliminate the gateway at Fort Washington (Montgomery County), Pa.

48. *Fruits, vegetables, farm products, poultry and seafood* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), points in Delaware and Pennsylvania, to points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn. The purpose of this filing is to eliminate the gateways located at Delaware Water Gap, Belvidere, Phillipsburg, Lambertville, Trenton, Burlington, Camden, Bridgeport, and Deepwater, N.J. 49. *Fruits, vegetables, farm products, poultry and seafood* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Delaware, New Jersey, and Pennsylvania, to points in Allegany, Garrett, and Washington Counties, Md. The purpose of this filing is to eliminate the gateway at Fort Washington, Pa. 50. *Fruits, vegetables, farm products, poultry and seafood* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in Delaware, New Jersey, and Pennsylvania to points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md.; Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. The purpose of this filing is to eliminate gateways in Delaware, New Jersey, and Pennsylvania including Glasgow, and Wilmington, Del., and Harrisburg, Lancaster, and Oxford, Pa. 51. *Such merchandise* as are dealt in by retail grocery stores (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn. The purpose of this filing is to eliminate gateways in New Jersey including Delaware Water Gap, Belvidere, Phillipsburg, and Lambertville, N.J.

(52) *Such commodities* as are dealt in by retail grocery stores (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., and points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateway points in New Jersey and Pennsylvania including Stroudsburg, Pa., and Clinton and Phillipsburg, N.J. The purpose of this filing is to eliminate gateway points in New Jersey and Pennsylvania including Stroudsburg, Pa., and Phillipsburg, N.J. 53. *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, comodities requiring special equipment, and those injurious or contaminating to other lading), in vehicles equipped with mechanical refrigeration, between points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn., and points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. The purpose of this filing is to eliminate gateways in New Jersey between Delaware Water Gap and Pennsville including Belvidere, Phillipsburg, Lambertville, Trenton, Burlington, Camden, Bridgeport, and Deepwater, N.J.

No. MC 110525 (Sub-No. 1098G), filed June 4, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals,* in bulk, in tank vehicles, from points in Georgia, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (2) *Commodities,* in bulk, in tank vehicles, from points in Rhode Island, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Newark, N.J. (3) *Animal, vegetable, mineral, and fish oil, chemicals, soap, and soap products, and glycerin,* in bulk, in tank vehicles, from points in Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line, near Delta, Pa., and extending north through Lancaster, Pa., to the Pennsylvania-New York State line. The purpose of this filing is to eliminate a gateway of Newark, N.J. (4) *Liquid chemicals,* in bulk, in tank vehicles, from points in that part of Pennsylvania on and east of U.S. Highway 220, to points in Virginia. The purpose of this filing is to eliminate the gateways of Baltimore, Md. and Alexandria, Va.

(5) *Liquid chemicals,* in bulk, in tank vehicles, from points in New Jersey, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Newark, N.J.; Stoneham, Mass.; Claymont, Del.; Lima, Pa.; Philadelphia, Pa.; Syracuse, N.Y.; and Carteret, N.J. (6) *Chemicals,* in bulk, in tank vehicles from points in New Jersey, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Stoneham, Mass. (7) *Liquid chemicals,* in bulk, in tank vehicles, from points in West Virginia, to points in Iowa. The purpose of this filing is to eliminate the gateway of Natrium, W. Va. (8) *Dry chemicals,* in bulk, in tank vehicles, from Perth Amboy, N.J., to points in Ohio. The purpose of this filing is to eliminate the gateway of Springfield, Mass. (9) *Animal, mineral, vegetable and fish oil, soap and soap products, chemicals and glycerin,* in bulk, in tank vehicles, from points in that part of Pennsylvania east of a line beginning at the Pennsylvania-Maryland state line near Delta, Pa. and extending north through Lancaster, Pa. to the Pennsylvania-New York state line, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Newark, N.J. (10) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from points in Massachusetts, to points in Ohio. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Pittsburgh, Pa.

(11) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from points in that part of New Jersey on and south of New Jersey Highway 33, to points in Delaware. The purpose of this filing is to eliminate the gateways of Claymont, Del., and Lima, Pa. (12) *Liquid chemicals,* in bulk, in tank vehicles, from points in New Jersey, to points in Maine. The purpose of this filing is to eliminate the gateways of Carteret, N.J.; Syracuse, N.Y.; Claymont, Del.; and Lima, Pa. (13) *Chemicals,* in bulk, in tank vehicles, from Norco, La., to Catlettsburg and Leach, Ky., and Martinsville, Va. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn. (14) *Liquid Chemicals,* in bulk, in tank vehicles, from points in Ohio, to points in Mississippi. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (15) *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland, to points in Ohio. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va. (16) *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland, to points in New York. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Carteret, N.J. (17) *Liquid chemicals,* in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

(18) *Hydrogen peroxide,* in bulk, in tank vehicles, from Woodstock, Tenn., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Louisville, Ky. (19) *Liquid chemicals,* in bulk, in tank vehicles, from Chattanooga, Copperhill, and Woodstock,

Tenn., to points in Michigan. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky. (20) *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn. (21) *Liquid chemicals*, in bulk, in tank vehicles, from Copperhill, and Chattanooga, Tenn., to points in Missouri. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn. and Louisville, Ky. (22) *Hydrogen peroxide*, in bulk, in tank vehicles, from Woodstock, Tenn., to Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Oglethorpe, Ga. (23) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in Alabama. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (24) *Liquid chemicals*, in bulk, in tank vehicles, from Atlanta, Ga., to Bridgeton and St. Louis, Mo. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn. and Louisville, Ky.

(25) *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, glycerin*, in bulk, in tank vehicles, from points in that part of New Jersey on and north of New Jersey Highway 33, to points in Delaware. The purpose of this filing is to eliminate the gateway of Lima, Pa. (26) *Liquid chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (27) *Liquid chemicals*, in bulk, in tank vehicles, from points in West Virginia, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va. (28) *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27, to points in Indiana. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn. and Louisville, Ky. (29) *Liquid chemicals*, in bulk, in tank vehicles, from points in Louisiana, to points in Ohio. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (30) *Liquid chemicals and petroleum products*, in bulk, in tank vehicles, from points in New Jersey, to points in Vermont. The purpose of this filing is to eliminate the gateways of Carteret, N.J. and Syracuse, N.Y.

(31) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J. (32) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Maryland, to points in New Jersey. The purpose of this filing is to eliminate the gateways of Lima, Pa. and Claymont, Del. (33) *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in New York. The purpose of this filing is to eliminate the gateway of Carteret, N.J. (34) *Liquid chemicals*, in bulk, in tank vehicles, from points in New York, to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and S. Charleston, W. Va. (35) *Liquid chemicals*, in bulk, in tank vehicles, from Lake Charles, La., to Hopewell and Portsmouth, Va. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (36) *Liquid chemicals*, in bulk, in tank vehicles, from Isabella and Kingsport, Tenn., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

(37) *Hydrogen peroxide*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Virginia. The purpose of this filing is to eliminate the gateway of Oglethorpe, Ga. (38) *Acrylonitrile*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Virginia. The purpose of this filing is to eliminate the gateway of Waynesboro, Va. (39) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in New York. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va. (40) *Dry chemicals*, in bulk, in tank vehicles, from Perth Amboy, N.J., to points in Vermont. The purpose of this filing is to eliminate the gateway of Springfield, Mass. (41) *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Carteret, N.J. and Claymont, Del. (42) *Liquid chemicals*, in bulk, in tank vehicles, from points in West Virginia, to points in Ohio. The purpose of this filing is to eliminate the gateway of S. Charleston, Follansbee, and Pt. Pleasant, W. Va. (43) *Liquid chemicals*, in bulk, in tank vehicles, from Copperhill, Chattanooga, Knoxville, Tenn., to points in Illinois. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn. and Louisville, Ky.

(44) *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Carteret, N.J. and Syracuse, N.Y. (45) *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Pennsylvania on and west of U.S. Highway 220, to points in Virginia. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va. (46) *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in Monroe County, N.Y., to points in New Castle County, Del. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. (47) *Liquid chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn., to points in New York. The purpose of this filing is to eliminate the gateway of Hopewell, Va. (48) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in Alabama. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (49) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in Maryland. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. (50) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in Missouri. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (51) *Liquid chemicals*, in bulk, in tank vehicles, from Anderson and Charleston, S.C., to Ardmore, Tulsa, and Oakhurst, Okla. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Beaumont, Tex.

(52) *Dry chemicals*, in bulk, in tank vehicles, from Riverview, (Washington County), Ohio, to points in New York. The purpose of this filing is to eliminate the gateway of Willow Island, W. Va. (53) *Liquid chemicals*, in bulk, in tank vehicles from points in that part of Pennsylvania east of a line beginning at the Pennsylvania-Maryland state line near Delta, Pa., and extending north through Lancaster, Pa. to the Pennsylvania-New York state line, to points in New York. The purpose of this filing is to eliminate the gateway of Carteret, N.J. (54) *Liquid chemicals*, in bulk, in tank vehicles, from points in Texas (except points in Harris and Jefferson Counties, and Fort Worth and Velasco), to points in North Carolina and Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (55) *Dry chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in New York. The purpose of this filing is to eliminate the gateway of Springfield, Mass. (56) *Liquid chemicals*, in bulk, in tank vehicles, from points in Virginia, to points in Delaware. The purpose of this filing is to eliminate the gateway of Hopewell, Va. (57) *Petroleum products*, in bulk, in tank vehicles, from points in New Jersey, to points in New York. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(58) *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in New York. The purpose of this filing is to eliminate the gateways of Claymont, Del., Lima, Pa., and Carteret and New Brunswick, N.J. (59) *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania, to points in North Carolina. The purpose of this filing is to eliminate the gateways of Greensboro, N.C. and S. Charleston, W. Va. (60) *Liquid chemicals*, in bulk, in tank vehicles, from Hattiesburg, Pascagoula, and Picayune, Miss., to Linden, Whippany, and Newark, N.J. and Clairton, Pa. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (61) *Liquid chemicals*, in bulk, in tank vehicles, from Baton Rouge, and Lake Charles, La., to points in West Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (62) *Liquid chemicals*, in bulk, in tank vehicles, from Kingsport and Woodstock, Tenn., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Hopewell, Va. and Oglethorpe, Ga. (63) *Liquid chemicals*, in bulk, in tank vehicles, from points in Virginia, to points in New York. The purpose of this filing is to eliminate the gateway of Hopewell, Va.

(64) *Sodium sulphate,* in bulk, in tank vehicles, from Front Royal, Va., to points in New York. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Lima, Pa., and Newark, N.J. (65) *Liquid chemicals,* in bulk, in tank vehicles, from Chatham and Hopewell, Va., to points in Arkansas. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (66) *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania, to points in Ohio. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and Follansbee and Natrium, W.Va. (67) *Liquid chemicals,* in bulk, in tank vehicles, from points in Virginia, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Hopewell, Va. (68) *Dry adipic acid,* in bulk, in tank vehicles, from Hopewell, Virginia, to Neville Island, Pa. The purpose of this filing is to eliminate the gateway of Natrium, W. Va. (69) *Liquid chemicals,* in bulk, in tank vehicles, from points in West Virginia, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Morgantown, W. Va. and Syracuse, N.Y.

(70) *Liquid chemicals,* in bulk, in tank vehicles, from points in West Virginia, to points in Indiana and Kentucky. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (71) *Liquid chemicals,* in bulk, in tank vehicles, from Hopewell, Va., to Arlington and Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. (72) *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania, to points in Indiana. The purpose of this filing is to eliminate the gateways of Follansbeen and Natrium, W. Va. (73) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from points in New Jersey, to points in Rhode Island. The purpose of this filing is to eliminate the gateways of New Brunswick and Newark, N.J. (74) *Liquid chemicals,* in bulk, in tank vehicles, from Norfolk, Va., to Auburn, Maine. The purpose of this filing is to eliminate the gateways of Hopewell, Va. and Syracuse, N.Y. (75) *Liquid chemicals,* in bulk, in tank vehicles, from Chatham, Va., to Seminole, Okla. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

(76) *Commodities,* in bulk, from points in that part of New Jersey on and north of New Jersey Highway 33, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J. (77) *Liquid chemicals,* in bulk, in tank vehicles, from points in South Carolina, to points in that part of Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Murphy, N.C. (78) *Molten dimethyl terephthalate,* in bulk, in tank vehicles, from Old Hickory, Tenn., to Florence and Winona, S.C. The purpose of this filing is to eliminate the gateway of Brevard, N.C. (79) *Hydrogen peroxide,* in bulk, in tank vehicles, from Woodstock, Tenn., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Oglethorpe, Ga. (80) *Liquid chemicals,* in bulk, in tank vehicles, from Chattanooga, Knoxville, and Woodstock, Tenn., to points in Ohio. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn. and Louisville, Ky. (81) *Liquid chemicals,* in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27, to points in Alabama. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

(82) *Liquid chemicals,* in bulk, in tank vehicles, from points in New York, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Newark, N.J. (83) *Liquid chemicals,* in bulk, in tank vehicles, from points in Virginia, to points in Maryland. The purpose of this filing is to eliminate the gateway of Hopewell, Va. (84) *Liquid chemicals,* in bulk, in tank vehicles, from points in Virginia, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Hopewell, Va. (85) *Liquid chemicals,* in bulk, in tank vehicles, from points in Virginia, to points in Indiana and Kentucky. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (86) *Liquid chemicals,* in bulk, in tank vehicles, from points in West Virginia, to points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Morgantown, W. Va. (87) *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania, to points in Kentucky. The purpose of this filing is to eliminate the gateways of Morgantown, W. Va. and S. Charleston, W. Va. (88) *Liquid chemicals,* in bulk, in tank vehicles, from points in Virginia, to points in Ohio. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

(89) *Liquid chemicals,* in bulk, in tank vehicles, from points in New York to points in that part of New Hampshire on and east of U.S. Highway 3 and on and south of U.S. Highway 302. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Stoneham, Mass. (90) *Liquid chemicals,* in bulk, in tank vehicles, from points in Texas (except Harris and Jefferson Counties, and Fort Worth and Velasco), to points in Illinois. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va. (91) *Liquid chemicals,* in bulk, in tank vehicles, from points in South Carolina, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn. (92) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from Rochester, Waterford, and Waterloo, N.Y., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. (93) *Liquid chemicals,* in bulk, in tank vehicles, from points in Onondaga County, N.Y., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Rahway, N.J., Philadelphia, Pa. and Lima, Pa. (94) *Sodium sulphate,* in bulk, in tank vehicles, from Front Royal, Va., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Lima, Pa., and Camden, N.J. (95) *Dry chemicals,* in bulk, in tank vehicles, from Fredericksburg, Va., to Metuchen, N.J. The purpose of this filing is to eliminate the gateways of Baltimore, Md. and Lima, Pa. (96) *Liquid chemicals,* in bulk, in tank vehicles, from points in Texas (except points in Harris and Jefferson Counties, and Fort Worth and Velasco), to points in Kentucky. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

(97) *Liquid chemicals,* in bulk, in tank vehicles, from points in Onondaga County, N.Y., to points in that part of Pennsylvania on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Rahway, N.J. (98) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from Rochester, N.Y., to Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. (99) *Liquid chemicals,* in bulk, in tank vehicles, from points in that part of New York on and south of a line beginning at the New York-Vermont state line, and extending along New York Highway 7 to Binghamton, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania state line (except New York, N.Y., and points in Nassau, Suffolk and Westchester Counties, N.Y.). The purpose of this filing is to eliminate the gateway of Carteret, N.J. (100) *Liquid chemicals,* in bulk, in tank vehicles, from Conroe, Strang and Sugarland, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (101) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Newark, N.J.

(102) *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va. (103) *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin,* from points in that part of Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line near Delta, Pa., and extending north through Lancaster, Pa., to the Pennsylvania-New York state line, to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Newark and Trenton, N.J.

No. MC 110525 (Sub-No. 1099G), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals,* in bulk, in tank vehicles, from points in Indiana, to points in Texas. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (2) *Liquid chemicals,* in bulk, in tank vehicles, from Carpentersville, Ill., to points in Texas. The purpose of this filing is to

eliminate the gateway of So. Charleston, W. Va. (3) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (4) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in South Carolina. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (5) *Liquid chemicals,* in bulk, in tank vehicles, from Carrollton & Leach, Ky., to College Park & Columbia, Ga. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va.

(6) *Liquid chemicals,* in bulk, in tank vehicles, from Carrollton, Ky. and Calvert City, Ky., to points in Detroit and Adrian, Mich. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (7) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in Texas. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (8) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in West Virginia. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (9) *Liquid chemicals,* in bulk, in tank vehicles, from Leach, Ky., to Geismar and Slidell, La. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (10) *Liquid chemicals,* in bulk, in tank vehicles, from points in Florida, to points in New Jersey. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (11) *Petroleum products,* in bulk, in tank vehicles, from Wilmington, Del., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa.

(12) *Liquid chemicals,* in bulk, in tank vehicles, from points in Indiana, to points in New York. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va. (13) *Liquid chemicals,* in bulk, in tank vehicles, from Louisville, Ky., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Jersey City, N.J. (14) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of So. Charleston and Natrium, W. Va. (15) *Liquid chemicals,* in bulk, in tank vehicles, from Chicago, Ill., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Follansbee and So. Charleston, W. Va. (16) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in North Carolina. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (17) *Liquid chemicals,* in bulk, in tank vehicles, from points in Indiana to points in North Carolina. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

(18) *Caustic soda,* in bulk, in tank vehicles, from Evans City, Ala., to points in Georgia. The purpose of this filing is to eliminate the gateway of Rome, Ga. (19) *Liquid chemicals,* in bulk, in tank vehicles, from Chicago Heights, Ill., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and S. Charleston, W. Va. (20) *Liquid chemicals,* in bulk, in tank vehicles, from points in Connecticut, to points in New York. The purpose of this filing is to eliminate the gateway of Carteret, N.J. (21) *Commodities,* in bulk, in tank vehicles, from points in Connecticut, to points in that part of New Jersey on and north of New Jersey Highway 33. The purpose of this filing is to eliminate the gateway of Newark, N.J. (22) *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin,* in bulk, in tank vehicles, from points in Connecticut, to points in that part of New Jersey on and south of New Jersey Highway 33. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Lima, Pa. (23) *Liquid chemicals,* in bulk, in tank vehicles, from Chicago, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Follansbee, W. Va.

(24) *Liquid chemicals,* in bulk, in tank vehicles, from points in Michigan, to points in West Virginia. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (25) *Liquid chemicals,* in bulk, in tank vehicles, from points in Indiana, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va. (26) *Liquid chemicals,* in bulk, in tank vehicles, from points in Indiana, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Follansbee, W. Va. (27) *Liquid chemicals,* in bulk, in tank vehicles, from Midland and Wyandotte, Mich., to points in Tennessee. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (28) *Liquid chemicals,* in bulk, in tank vehicles, from Indianapolis, Ind., to Baton Rouge, La. The purpose of this filing is to eliminate the gateway of So. Charleston, W. Va. (29) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in Ohio. The purpose of this filing is to eliminate the gateways of S. Charleston and Natrium, W. Va. (30) *Petroleum products,* in bulk, in tank vehicles, from points in Delaware, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (31) *Liquid chemicals,* in bulk, in tank vehicles, from Wyandotte, Mich., to Louisville, and Senatobia, Miss. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

(32) *Liquid chemicals,* in bulk, in tank vehicles, from Midland, Mich., to Tulsa, Okla. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (33) *Liquid chemicals,* in bulk, in tank vehicles, from Pensacola, Fla., to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (34) *Commodities,* in bulk, in tank vehicles, from points in Massachusetts, to points in that part of New Jersey on and north of New Jersey Highway 33. The purpose of this filing is to eliminate the gateway of Newark, N.J. (35) *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin,* in bulk, in tank vehicles, from points in Massachusetts, to points in that part of New Jersey on and south of New Jersey Highway 33. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Lima, Pa. (36) *Liquid chemicals,* in bulk, in tank vehicles, from Wyandotte, Mich., to points in California. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio. (37) *Liquid chemicals,* in bulk, in tank vehicles, from points in New York, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

(38) *Liquid chemicals,* in bulk, in tank vehicles, from points in New York, to points in Maryland. The purpose of this filing is to eliminate the gateways of Jersey City, N.J. and Lima, Pa. (39) *Chemicals,* in bulk, in tank vehicles, from points in New York, to points in Maryland. The purpose of this filing is to eliminate the gateways of Jersey City, N.J. and Lima, Pa. (40) *Liquid chemicals,* in bulk, in tank vehicles, from points in New York, to points in Maryland. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Lima, Pa. (41) *Liquid chemicals,* in bulk, in tank vehicles, from points in Kentucky, to points in Tennessee. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (42) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from point in New York to points in the lower peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. (43) *Liquid chemicals,* in bulk, in tank vehicles, from points in Michigan, to points in Kentucky. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (44) *Liquid chemicals,* in bulk, in tank vehicles, from points in Georgia, to points in Illinois. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

(45) *Liquid chemicals,* in bulk, in tank vehicles, from points in Michigan, to points in Louisiana. The purpose of this filing is to eliminate the gateway of S. Charleston, W.Va. (46) *Liquid chemicals,* in bulk, in tank vehicles, from Baltimore, Md., to East Moss Point and Hattiesburg, Miss. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Atlanta, Ga. (47) *Liquid chemicals,* in bulk, in tank vehicles, from points in Georgia, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (48) *Liquid chemicals,* in bulk, in tank vehicles, from points in Indiana, to points in South Carolina. The purpose of this filing is to eliminate the gateway of S. Charleston, W.Va. (49) *Liquid chemicals and coal tar products,* in bulk, in tank vehicles, from points in the lower peninsula of Michigan, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. (50) *Liquid chemicals,* in bulk, in tank vehicles, from points in New York, to points in West Virginia.

The purpose of this filing is to eliminate the gateway of Morgantown, W.Va. (51) *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida, to points in Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W.Va. (52) *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware, to points in Maryland. The purpose of this filing is to eliminate the gateway of Lima, Pa.

(53) *Liquid chemicals*, in bulk, in tank vehicles, from Amcelle, Md., to Celco, Va. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va. (54) *Liquid chemicals*, in bulk, in tank vehicles, from Baltimore and Curtis Bay, Md., to points in Virginia. The purpose of this filing is to eliminate the gateway of Alexandria, Va. (55) *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va. (56) *Liquid chemicals*, in bulk, in tank vehicles, from points in Georgia, to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (57) *Liquid chemicals*, in bulk, in tank vehicles, from points in the lower peninsula of Michigan, to points in Virginia. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa. (58) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in that part of New Jersey on and south of New Jersey Highway 33, to points in Maryland. The purpose of this filing is to eliminate the gateways of Claymont, Del., and Lima, Pa.

(59) *Animal, vegetable, mineral, and fish oil, chemicals, soap & soap products, Glycerin*, in bulk, in tank vehicles, from points in that part of New Jersey on and north of New Jersey Highway 33, to points in Maryland. The purpose of this filing is to eliminate the gateway of Lima, Pa. (60) *Chemicals*, in bulk, in tank vehicles, from Midland, Mich., to El Dorado, Ark. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (61) *Liquid chemicals*, in bulk, in tank vehicles, from Wyandotte, Mich., to Jonesboro, Ark. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (62) *Liquid chemicals*, in bulk, in tank vehicles, from points in New York, to points in Virginia. The purpose of this filing is to eliminate the gateway of Clairton, Pa. (63) *Liquid chemicals*, in bulk, in tank vehicles, from points in Michigan, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

(64) *Liquid chemicals*, in bulk, in tank vehicles, from Barberton, and Cleveland, Ohio, to Des Moines and Cedar Rapids, Iowa. The purpose of this filing is to eliminate the gateway of Natrium, W. Va. (65) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in Georgia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (66) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in Delaware. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va. (67) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in West Virginia. The purpose of this filing is to eliminate the gateways of Follansbee, W. Va., and S. Charleston, W. Va. (68) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in Tennessee. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (69) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in Maryland. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

(70) *Liquid chemicals*, in bulk, in tank vehicles, from Hamilton County, Ohio, to Kansas City, Kans. The purpose of this filing is to eliminate the gateway of Addyston, Ohio. (71) *Liquid chemicals*, in bulk, in tank vehicles, from Allegheny County, Pa., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Newark, N.J. (72) *Dry chemicals*, in bulk, in tank vehicles, from Riverview, and Washington County, Ohio, to points in Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (73) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (74) *Liquid chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Fort Smith, Ark. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (75) *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware, to points in New York. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Carteret, N.J. (76) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

(77) *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, from points in New Jersey, to points in Connecticut. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Lima, Pa. (78) *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Carteret, N.J. (79) *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina, to points in Illinois. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (80) *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina, to points in Indiana. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (81) *Liquid chemicals*, in bulk, in tank vehicles, from points in Georgia, to points in Alabama. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

(82) *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware, to points in Maine. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Syracuse, N.Y. (83) *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn. (84) *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts, to points in New York. The purpose of this filing is to eliminate the gateway of Carteret, N.J. (85) *Dry chemicals*, in bulk, in tank vehicles, from Marietta, Ohio, to Macomb, Ill. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind. (86) *Liquid chemicals*, in bulk, in tank vehicles, from Norco, La., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (87) *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware, to points in Ohio. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

(88) *Dry chemicals*, in bulk, in tank vehicles, from Perth Amboy and Warners, N.J., to Birmingham, Kalamazoo, and Detroit, Mich. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Springfield, Mass. (89) *Liquid chemicals*, in bulk, in tank vehicles, from points in Georgia, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (90) *Liquid chemicals*, in bulk, in tank vehicles, from points in New York, to points in Ohio. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va. (91) *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. (92) *Liquid chemicals*, in bulk, in tank vehicles, from points in Georgia, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (93) *Liquid chemicals*, in bulk, in tank vehicles, from points in Georgia, to points in Texas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

(94) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Clairton, Pa. and Syracuse, N.Y. (95) *Commodities*, in bulk, in tank vehicles, from points in that part of New Jersey on and north of New Jersey Highway 33, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Newark, N.J. (96) *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, to points in North Carolina. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. (97) *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania, to points in Georgia. The purpose of this filing is to eliminate the gateways of Morgantown, W. Va., and Greensboro, N.C. (98) *Animal, vegetable, mineral and fish oil, chemicals, soap and soap products, glycerin*, in bulk, in tank vehicles, from points in that part of New Jersey on and south of New Jersey Highway 33, to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Lima, Pa. and Newark, N.J.

(99) *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line, near Delta, Pa., and extending north through Lancaster, Pa., to the Pennsylvania-New York State line, to points in Maine. The purpose of this filing is to eliminate the gateways of Carteret, N.J. and Syracuse, N.Y. (100) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Maryland, to points in that part of Pennsylvania on and east of U.S. 220. The purpose of this filing is to eliminate the gateways of Lima, Pa. and Claymont, Del.

No. MC 112963 (Sub-No. 59G), filed March 24, 1975. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, (1) from points in Berkshire, Essex, Franklin, Hampden, Hampshire, Middlesex, and Worcester Counties, Mass., to points in New Hampshire and Vermont and (2) from New York, N.Y. and points in New Jersey, to points in Vermont. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 116254 (Sub-No. 144G), filed June 4, 1974. Applicant: CHEM HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid caustic potash*, in bulk, in tank vehicles, from Anniston, Ala., to points in Illinois, Indiana, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas (except points in Harris County, Tex.). The purpose of this filing is to eliminate gateways at Sheffield, Ala. and points in Mississippi located within 10 miles of Waterloo, Ala. (2) *Aqua ammonia and nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Luling, La., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, North Carolina, Oklahoma, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway at Sheffield, Ala. and points within 15 miles thereof. (3) *Liquid chemicals*, in bulk, in tank vehicles, from Sheffield, Ala., and points within 15 miles thereof, to points in Iowa, Michigan, Texas, and West Virginia (except points in Kanawha County, W. Va.). The purpose of this filing is to eliminate the gateway of points in Maury County, Tenn.

(4) *Hydrofluorosilicic acid*, in bulk, in tank vehicles, from Tupelo, Miss., to points in Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Wisconsin, Texas, Virginia, West Virginia, and Tennessee. The purpose of this filing is to eliminate gateways at Barfield, Ark. and points within 10 miles thereof; points in Maury County, Tenn.; and LaVergne, Tenn. (5) *Liquid chemicals*, in bulk, in tank vehicles, from Birmingham, Ala., and points within 10 miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. The purpose of this filing is to eliminate gateways at points in Mississippi located within 10 miles of Waterloo, Ala.; Sheffield, Ala.; Barfield, Ark. and points within 10 miles thereof; and points in Maury County, Tenn. (6) *Liquid chemicals* (except phosphatic feed supplements), from Tampa, Fla., to points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Michigan, Missouri (except points in the St. Louis, Mo., East St. Louis, Ill. Commercial Zone), Ohio, Oklahoma, Texas and Virginia. The purpose of this filing is to eliminate the gateway of points in Maury County, Tenn.

(7) *Liquid chemicals* (except petroleum and petroleum products), in bulk, in tank vehicles, from points in Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, DeKalb, Dickson, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Smith, Sumner, Stewart, Trousdale, Van Buren, Warren, Wayne, White, Williamson, and Wilson Counties, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisina, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Wisconsin, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The purpose of this filing is to eliminate gateways at LaVergne, Tenn.; points in Maury County, Tenn.; and Barfield, Ark. and points within 10 miles thereof. (8) *Bentonite clay*, from Waterloo, Ala., and points within 10 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Arizona, Colorado, and New Mexico (except in containers to points in Pennsylvania). The purpose of this filing is to eliminate gateways at Smithville and Amory, Miss., and points within 15 miles of each; points in Lowndes County, Ala., and points in Monroe and Itawamba Counties, Miss.

(9) *Liquid caustic soda and liquid caustic potash*, in bulk, from Evans City, Ala., to points in Georgia, Michigan, Iowa, and West Virginia (except points in Kanawha County, W. Va.). The purpose of this filing is to eliminate gateways at points in Maury County, Tenn., and St. Joseph, Tenn. (10) *Liquid chemicals* (except caustic soda), from McIntosh, Ala., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Ohio, Oklahoma, and Wisconsin, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of Barfield, Ark. and points within 10 miles thereof. (11) *Liquid fertilizers*, in bulk, in tank vehicles, from Chattanooga and Tyner, Tenn., to points in Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas (except points in Harris County, Tex.), and Virginia. The purpose of this filing is to eliminate the gateway of Sheffield, Ala. and points within 15 miles thereof. (12) *Anhydrous ammonia*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Wisconsin, and points in Texas east and north of a line beginning at the Oklahoma-Texas State Boundary line and extending along U.S. Highway 281 to San Antonio, Tex., thence along U.S. Highway 87 to the Gulf of Mexico (except Longview, Tex.). The purpose of this filing is to eliminate the gateway of Barfield, Ark. and points within 10 miles thereof. (13) *Chemicals*, in bulk, from points in Jefferson, Colbert, Lauderdale, Morgan and Marshall Counties, Ala., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Texas (except points in Harris County, Tex.), restricted to commodities having a prior or subsequent movement by rail or water. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 119641 (Sub-No. 125G), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Fort Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural tractors* (except truck tractors), and *component parts* for agricultural tractors, from Baltimore, Md., to points in Kentucky east of a line beginning at the Kentucky-Indiana State Boundary line and extending along U.S. Highway 60 to intersection U.S. Highway 641, thence along U.S. Highway 641 to intersection Kentucky Highway 94, thence along Kentucky Highway 94 to intersection U.S. Highway 45, and thence along U.S. Highway 45 to the Kentucky-Tennessee State Boundary line. The purpose of this filing is to eliminate the gateway at Shelbyville, Ill. (2) *Agricultural machinery and parts:* (a) From points in Indiana, to points in the lower peninsula of Michigan; points in Kentucky east of a line beginning at the Indiana-Kentucky State Boundary line and extending along U.S. Highway 41 to intersection Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State Boundary line; and points in Tennessee east of a line beginning at the Kentucky-Tennessee State Boundary line and extending along Al-

ternate U.S. Highway 41 to intersection Tennessee Highway 13, thence along Tennessee Highway 13 to intersection U.S. Highway 64, thence along U.S. Highway 64 to intersection Tennessee Highway 22, and thence along Tennessee Highway 22 to the Tennessee-Mississippi State Boundary line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

(b) From points in Iowa, to points in Illinois west and north of a line beginning at the Missouri-Illinois State Boundary line and extending along Interstate Highway 57 to intersection U.S. Highway 51, thence along U.S. Highway 51 to intersection Illinois Highway 29, thence along Illinois Highway 29 to intersection Illinois Highway 54, thence along Illinois Highway 54 to intersection Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State Boundary line; points in Indiana north of a line beginning at the Indiana-Illinois State Boundary line and extending along Interstate Highway 74 to intersection U.S. Highway 231, thence along U.S. Highway 231 to intersection Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State Boundary line; points in Michigan; points in Ohio north of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 224 to intersection Interstate Highway 76, thence along Itnerstate Highway 76 to intersection Interstate Highway 71, and thence along Interstate Highway 76 to Cleveland, Ohio; and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

(c) From points in Ohio, to points in Illinois east of a line beginning at the Wisconsin-Illinois State Boundary line and extending along Illinois Highway 78 to intersection Illinois Highway 88, thence along Illinois Highway 88 to intersection Illinois Highway 98, thence along Illinois Highway 98 to intersection Illinois Highway 121, thence along Illinois Highway 121 to intersection U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State Boundary line; points in Indiana; points in Kentucky east of a line beginning at the Illinois-Kentucky State Boundary line and extending along U.S. Highway 45 to the Kentucky-Tennessee State Boundary line; points in Michigan; points in Wisconsin east of a line beginning at the Michigan-Wisconsin State Boundary line and extending along Wisconsin Highway 13 to intersection U.S. Highway 12, thence along U.S. Highway 12 to intersection Wisconsin Highway 78, thence along Wisconsin Highway 78 to the Wisconsin-Illinois State Boundary line; and points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State Boundary line and extending along U.S. Highway 45W to intersection U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State Boundary line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119702 (Sub-No. 44G), filed June 4, 1974. Applicant: STAHLY CARTAGE CO., a Corporation, 130A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (a) from Cahokia and East St. Louis, Ill., to points in Iowa. The purpose of this filing is to eliminate the gateway of Great Lakes Pipe Lines Company terminal located near Palmyra, Mo. (b) From Hartford, Roxana, and Wood River, Ill., to points in Iowa. The purpose of this filing is to eliminate the gateway of Great Lakes Pipe Lines Company terminal located near Palmyra, Mo. (c) From St. Louis, Mo., to points in Iowa. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill. and the Great Lakes Pipe Lines Company terminal located near Palmyra, Mo. (d) From Cahokia and East St. Louis, Ill., to points in that part of Wisconsin, on, south, and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., and Amboy, Ill.

(e) From Hartford, Roxana and Wood River, Ill., to points in that part of Wisconsin on, south and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., and Amboy, Ill. (f) From St. Louis, Mo., to points in that part of Wisconsin on, south and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateways of the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill. and Amboy, Ill. (g) From the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., to points in that part of Wisconsin on, south and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateway of Amboy, Ill.

(h) From the Great Lakes Pipelines Company terminal located near Palmyra, Mo., to points in that part of Wisconsin on, south and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateway of Amboy, Ill. (i) From St. Louis, Mo., to points in that part of Missouri within 125 miles of East St. Louis, Ill., except points within the St. Louis, Missouri Commercial Zone. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill. (j) From Cahokia and East St. Louis, Ill., to points in Missouri which are more than 125 miles from East St. Louis, Ill. The purpose of this filing is to eliminate the gateways of St. Louis, Mo. and the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill. (k) From Hartford, Roxana, and Wood River, Ill., to points in Missouri which are more than 125 miles from East St. Louis, Ill. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill. (l) From St. Louis, Mo., to points in Missouri which are more than 125 miles from East St. Louis, Ill. The purpose of this filing is to eliminate the gateway of the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill.

(m) From Cahokia and East St. Louis, Ill., to points in that part of Illinois on and south of U.S. Route 24. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. (n) From Hartford, Roxana and Wood River, Ill., to points in that part of Illinois on and south of U.S. Route 24. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. (o) From St. Louis, Mo., to points in that part of Illinois north of U.S. Route 24. The purpose of this filing is to eliminate the gateway of the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill. (p) From Cahokia and East St. Louis, Ill., to points in that part of Illinois north of U.S. Route 24. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill. (q) From Hartford, Roxana and Wood River, Ill., to points in that part of Illinois north of U.S. Route 24. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill. (2) *Fuel oils, gasoline, kerosene and*

asphalt, in bulk, in tank vehicles from Hartford, Roxana and Wood River, Ill., to points in that part of Illinois north of U.S. Route 24. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

(3) *Road oil and asphalt*, in bulk, in tank vehicles from Cahokia and East St. Louis, Ill., to points in that part of Missouri on and east of U.S. Highway 65 (except from Hartford, Roxana, and Wood River, Ill., to points in Missouri within 125 miles of East St. Louis, Ill.). The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and Wood River, Ill., and points in Illinois within five miles thereof. (4) *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.), Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. and the terminal site of AMOCO Oil Company at or near Wood River, Ill. (5) Such petroleum products as are *acids, chemicals, fertilizer and fertilizer ingredients* (except cryogenic liquids) in bulk, in tank vehicles, (a) from the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., to points in Iowa, Michigan, South Dakota, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company, Division of St. Paul Ammonia Products, Inc., at or near East Dubuque, Ill., (b) from the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., to points in Iowa, Kansas, Minnesota, Nebraska, South Dakota and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company, Division of St. Paul Ammonia Products, Inc., at or near Niota, Ill.

(6) Such petroleum products as would be *liquid fertilizer solutions*, in bulk, in tank vehicles from the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., to points in Michigan and Wisconsin (except anhydrous ammonia, from such plantsite to points in Wisconsin). The purpose of this filing is to eliminate the gateway of the plantsite of Agrico Chemical Company, near Pekin, Ill. (7) Such petroleum products as would be *fertilizers* and *fertilizer ingredients* in bulk, from the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., to points in that part of Indiana on and east of U.S. Route 31 and to points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of the plantsite of the United States Steel Corp., Chemical Division, at or near Tilton, Ill.

No. MC 119789 (Sub-No. 204G), filed May 28, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Columbus, Ohio, to points in Arizona, California, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Belledeau, La.

No. MC 119968 (Sub-No. 9G), filed June 4, 1974. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Avenue, Dover, Ohio 44622. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold, dealt in or utilized by chemical manufacturing plants, between points in Illinois, Indiana, Kentucky, Ohio, West Virginia, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and the southern peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 120257 (Sub-No. 20G), filed May 31, 1974. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Kansas, on the one hand, and, on the other, points in Colorado, Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway between points in that part of Texas on, west and south of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 81 to San Antonio, Tex., thence along U.S. Highway 90 to Houston, Tex., and thence along U.S. Highway 75 to Galveston, Tex.

No. MC 121318 (Sub-No. 13G), filed June 4, 1974. Applicant: YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. 16161. Applicant's representative: Harold G. Hernly, 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and raw materials, supplies and equipment*, used in the production, assembly and distribution of iron and steel articles, between points in New York on and west of U.S. Highway 15 and Ohio, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Sharon, Pa. and points within five (5) miles of Sharon.

No. MC 126034 (Sub-No. 5G), filed June 3, 1974. Applicant: BUCKS COUNTY CONSTRUCTION COMPANY, a corporation, P.O. Box 196, Penndel, Pa. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such machinery*, including *pumps, condensers, dynamos, motors*, and *parts*, as would be *lime, fence materials* and *building materials*, from points in New Jersey, Delaware, and Maryland, to Philadelphia, Pa., and Wilmington, Del., and points in New Jersey. The purpose of this filing is to eliminate a gateway in the unincorporated municipalities of Bucks County, Pa., specifically Trevose, Pa. (2) Such *machinery*, including *pumps, condensers, dynamos, motors* and *parts*, as would be *machinery* and *boilers*, and *factory equipment*, together with *stocks*, and *supplies* when part of the movement of a factory, (a) between Wilmington, Del., and points in New Jersey, on the one hand, and, on the other, Sayre and Erie, Pa., Aberdeen, Md., and Martinsburg, W. Va., and points in Connecticut, Massachusetts, New York, the District of Columbia, and those in Pennsylvania on and east of the Susquehanna River. The purpose of this filing is to eliminate gateway at a point in the Philadelphia, Pa., Commercial Zone which is in New Jersey.

(b) Between points in New Jersey, on the one hand, and, on the other, Wilmington, Del. and points in New Jersey. The purpose of this filing is to eliminate gateway of a point in the Philadelphia, Pa., Commercial Zone which is east of the Susquehanna River in Pennsylvania. (3) Such *machinery*, including *pumps, condensers, dynamos, motors* and *parts*, as would be *construction machinery* and *equipment*, between points in Pennsylvania, New Jersey, and Delaware, within 40 miles of Philadelphia, Pa., including Philadelphia, on the one hand, and, on the other, Wilmington, Del., and points in New Jersey. The purpose of this filing is to eliminate gateway at Philadelphia, Pa., and its Commercial Zone. (4) Such *machinery* and *boilers*, and *factory equipment*, together with *stocks and supplies* when part of the movement of a factory, as would be *lime, fence materials*, and *building materials*, from points in New Jersey, Delaware, and Maryland, to points in New Jersey. The purpose of this filing is to eliminate gateway at Trevose, Pa. (5) Such *construction machinery* and *equipment* as would be *lime, fence materials* and *building materials*, from points in New Jersey, Delaware, and Maryland, to points in Pennsylvania, New Jersey, and Delaware within 40 miles of Philadephia, Pa., including Philadelphia. The purpose of this filing is to eliminate the gateway at Trevose, Pa.

(6) Such *machinery* and *boilers*, and *factory equipment*, together with *stocks* and *supplies*, when part of the movement of a factory, as is *construction machinery* and *equipment*, (a) between points in Pennsylvania, New Jersey, and Delaware, within 40 miles of Philadelphia including Philadelphia, on the one hand, and, on the other, Sayre and Erie, Pa., Aberdeen, Md., and Martinsburg, W. Va., and points in Connecticut, Massachu-

setts, New York, the District of Columbia, and those in Pennsylvania east of the Susquehanna River. The purpose of this filing is to eliminate gateway at any point in New Jersey within 40 miles of Philadelphia, Pa., including Philadelphia. (b) Between points in New Jersey, on the one hand, and, on the other, points in Pennsylvania, New Jersey, and Delaware, within 40 miles of Philadelphia, Pa., including Philadelphia. The purpose of this filing is to eliminate gateway at a point within 40 miles of Philadelphia including Philadelphia in Pennsylvania which is also east of the Susquenhanna River. (7) Such *machinery* and *boilers*, and *factory equipment*, together with *stocks* and *supplies*, when part of the movement of a factory as are also *lime, fence materials* and *building materials*, as well as are *machinery*, including *pumps, condensers, dynamos, motors* and *parts*, from points in New Jersey, Delaware, and Maryland, to points in New Jersey, Connecticut, Massachusetts, New York, the District of Columbia, and points in Pennsylvania east of the Susquehanna River, and to Sayre and Erie, Pa., Aberdeen, Md., and Martinsburg, W. Va. The purpose of this filing is to eliminate gateway first at Trevose, Pa., and then any point in New Jersey.

(8) Such *construction machinery* and *equipment* as are *machinery*, including *pumps, condensers, dynamos, motors* and *parts*, as well as are *lime, fence materials*, and *building materials*, from points in New Jersey, Delaware, and Maryland, to points in Pennsylvania, New Jersey, and Delaware, within 40 miles of Philadelphia, Pa., including Philadelphia. The purpose of this filing is to eliminate gateway at Trevose, Pa., and then closest point in Philadelphia, Pa., Commercial Zone. (9) Such *machinery* and *boilers*, and *factory equipment*, together with *stocks* and *supplies* when part of the movement of a factory, which are also *construction machinery* and *equipment* and also *lime, fence materials*, and *building materials*, from points in New Jersey, Delaware and Maryland, to points in New Jersey, Connecticut, Massachusetts, New York, the District of Columbia, and points in Pennsylvania east of the Susquehanna River and to Sayre and Erie, Pa., Aberdeen, Md., and Martinsburg, W. Va. The purpose of this filing is to eliminate gateway at first Trevose, Pa. and then any point in New Jersey within 40 miles of Philadelphia. (10) Such *machinery* and *boilers*, and *factory equipment*, together with *stocks* and *supplies*, when part of the movement of a factory, which are also *machinery*, including *pumps, condensers, dynamos, motors*, and *parts* and are also *lime, fence materials* and *building materials*, from points in New Jersey, Delaware, and Maryland, to points in Wilmington, Del., and points in New Jersey. The purpose of this filing is to eliminate gateway at Trevose, Pa., and then a point in the Philadelphia Commercial Zone.

(11) Such *machinery*, including *pumps, condensers, dynamos, motors*, and *parts*, as are *construction machinery* and *equipment* and are *lime, fence materials* and *building materials*, from points in New Jersey, Delaware, and Maryland, to points in Pennsylvania, New Jersey, and Delaware, within 40 miles of Philadelphia, Pa., including Philadelphia. The purpose of this filing is to eliminate gateways at Trevose, Pa., and then any point in New Jersey within 40 miles of Philadelphia, Pa. (12) Such *machinery* and *boilers*, and *factory equipment*, and *stocks* and *supplies* when part of the movement of a factory, as also are *construction machinery* and *equipment*, as well as are *lime, fence materials*, and *building materials*, from points in New Jersey, Delaware, and Maryland, to points in Connecticut, Massachusetts, New York, the District of Columbia, and points in Pennsylvania east of the Susquehanna River and to Erie and Sayre, Pa., Aberdeen, Md., and Martinsburg, W. Va. The purpose of this filing is to eliminate gateways at Trevose, Pa., and a point in New Jersey within 40 miles of Philadelphia, Pa.

No. MC 138514 (Sub-No. 8G), filed June 3, 1974. Applicant: ARCTICARE TRANSPORT, INC., 307 Hartford Pike, Shrewsbury, Mass. 01545. Applicant's representative: Chester G. Groebel, 47 East Street, Rockville, Conn. 06066. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen foodstuffs, dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *imitation liquid milk and cream*, and *chocolate candies*, in vehicles equipped with mechanical refrigeration: (1) between points in Maine and New Hampshire, on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Maryland, New York (except points in Westchester, Suffolk, and Nassau Counties, N.Y.), and Pennsylvania. The purpose of this filing is to eliminate the gateways at Billerica, Mass. and points in Fairfield County, Conn. (2) Between Ayer, Billerica, Fall River, Fitchburg, Gardner, Greenfield, Lawrence, Lowell, Lunenburg, Monroe, North Adams, Pittsfield, Shrewsbury and Worcester, Mass., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New York (except points in Nassau, Suffolk, and Westchester Counties, N.Y.), and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Fairfield County, Conn.

(3) Between points in Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties, N.J., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New York (except points in Nassau, Suffolk, and Westchester Counties, N.Y.), and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Fairfield County, Conn. (4) Between points in Westchester County, N.Y., and points on Long Island west of New York Highway 112, on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, Pennsylvania, and New York (except points in Nassau, Suffolk, and Westchester Counties, N.Y.). The purpose of this filing is to eliminate the gateway of points in Fairfield County, Conn. (5) Between Albany, Austerlitz, Green River, Hudson, Poughkeepsie, Rhineback, Rock City, and Valtie, N.Y., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, Pennsylvania and New York (except points in Nassau, Suffolk, and Westchester Counties, N.Y.). The purpose of this filing is to eliminate the gateway of points in Fairfield County, Conn. (6) Between points in Maine, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of Medford, Mass.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14509 Filed 6-2-75;8:45 am]

[Notice 298]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 23, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75768. By order of May 23, 1975 the Motor Carrier Board approved the transfer to John B. Barbour Trucking Company, a corporation, Iowa Park, Texas, of the operating rights in Certificates No. MC-105984, MC-105984 (Sub-No. 7), MC-105984 (Sub-No. 12) and MC-105984 (Sub-No. 13) issued May 21, 1963, January 4, 1971, May 31, 1974 and April 25, 1974 respectively to John B. Barbour, Jr., doing business as John B. Barbour Trucking Company, Iowa Park, Texas, authorizing the transportation of various commodities from, to and between specified points and areas in the United States. Cliff Brashier, 1100 First Wichita National Bldg., Wichita Fall, Texas, 76301, attorney for applicants.

No. MC-FC-75791. By order of May 27, 1975 the Motor Carrier Board approved the transfer to Virden Lovell, doing business as Foree Truck Lines, Ballwin, Mo.,

of Certificate No. MC–1611 issued by the Commission October 8, 1957, to Leon Foree, doing business as Foree Truck Lines, Paris, Mo., authorizing the transportation of general commodities, with exceptions, over regular routes, between Paris, Mo., and National Stock Yards, Ill., serving specified intermediate and off-route points; and household goods, road-building and farm machinery, livestock, and grain, over irregular routes, between points in Jackson Township, Monroe County, Mo., on the one hand, and, on the other, points in Illinois. Forrest P. Carson, Esquire, 211 East Capitol Avenue, Jefferson City, Mo. 65101.

No. MC–FC–75792. By order entered May 23, 1975 the Motor Carrier Board approved the transfer to Thompson Trucking, Inc., Charlotte, N.C., of that portion of the authority set forth in Certificate of Registration No. MC–113067 (Sub-No. 18), issued February 18, 1975, to Burris Express, Inc., Albemarle, N.C., evidencing a right to engage in transportation in interstate or foreign commerce, of general commodities, except those requiring special equipment, between points in specified counties in North Carolina; yarn from points in Gaston County, N.C., to Winston-Salem, Valdese, and Mount Airy, N.C.; and waste bagging from points in Gaston County, N.C., to Henderson, N.C. Stuart R. Childs, One NCNB Plaza, Suite 2940, Charlotte, N.C. 28280, attorney for applicants.

No. MC–FC–75826. By order of May 23, 1975 the Motor Carrier Board approved the transfer to Contractual Carrier, Inc., Wilmington, Del., of the operating rights in Permits No. MC–71642, MC–71642 (Sub-No. 4), MC–71642 (Sub-No. 10), and MC–71642 (Sub-No. 13) issued August 16, 1950, December 19, 1967, March 24, 1971 and January 5, 1972 respectively to N. S. DeShong, Wilmington, Del., authorizing the transportation of various commodities from, to and between specified points and areas in Delaware, Maryland, New Jersey, New York, Pennsylvania, Georgia, North Carolina, and South Carolina. Francis P. Desmond, 115 East 5th St., Chester, Pa., 19013, attorney for applicants.

No. MC–FC–75827. By order entered 5.28.75 the Motor Carrier Board approved the transfer to G.J.R., Inc., Cincinnati, Ohio, of the operating rights set forth in Certificates Nos. MC–47710 and MC–47710 (Sub-No. 1), issued March 24, 1949, and January 2, 1963, to Joseph F. Klawitter, doing business as Klawitter Trucking Company, Cincinnati, Ohio, authorizing the transportation of coal and coke and such commodities as are transported in dump trucks, between Cincinnati, Ohio, on the one hand, and, on the other, Aurora, Ind., and points in Ohio within 40 miles of Cincinnati, and those in Boone, Kenton, and Campbell Counties, Ky., within ten miles of the Ohio River and from Cincinnati, Ohio, to points in Wayne, Henry, Union, Fayette, Rush, Franklin, Decatur, Dearborn, Ohio, Ripley, Switzerland, and Jefferson Counties, Ind. Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, Ohio 43220, attorney for applicants.

No. MC–FC–75829. By order entered 5.28.75 the Motor Carrier Board approved the transfer to Barrett Trucking, Inc., Shelby, Iowa, of the operating rights set forth in Certificate No. MC–129329, issued July 8, 1968, to Kiesel Trucking, Inc., Shelby, Iowa, authorizing the transportation of agricultural feed, agricultural seed, farm implement parts, and farm supplies, except agricultural chemicals, between Shelby, Iowa, on the one hand, and, on the other, Omaha, Nebr. Barrett Trucking, Inc., Shelby, Iowa 51570, transferee and Kiesel Trucking, Inc., Shelby, Iowa 51570, transferor.

No. MC–FC–75831. By order of May 27, 1975, the Motor Carrier Board approved the transfer to Jesse E. Fleshman, Rainelle, W. Va., of the operating rights in Certificates Nos. MC–113604 and MC–113604 (Sub-No. 2) issued September 17, 1959, and May 11, 1965, respectively, to C. C. Starcher, doing business as Starcher's Transfer, Charmco, W. Va., authorizing the transportation of household goods as defined by the Commission, from Charmco, W. Va., and points within 15 miles thereof, to points in Kentucky, Maryland, Ohio, and Virginia within 200 miles of Charmco; lumber and building materials and supplies, from Rainelle, W. Va., to points in Kentucky, Ohio, Pennsylvania, Virginia, Maryland, and North Carolina, and lumber and specified lumber mill products, from the plant site of Meadow River Lumber Company at Rainelle, W. Va., to points in Michigan, New Jersey, New York, Tennessee, and Wisconsin. Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. 25332, attorney for applicants.

No. MC–FC–75834. By order of May 27, 1975 the Motor Carrier Board approved the transfer to William G. Yokely, doing business as Mac's Produce Company, Raleigh, N.C. of the operating rights in Certificate No. MC–134031 (Sub-No. 1) issued September 17, 1970 to Joseph T. Waldo and William G. Yokely, doing business as Mac's Produce Company, Raleigh, N.C., authorizing the transportation of agricultural commodity containers and wooden crate material from Murfreesboro, N.C. to points in South Carolina and Georgia and from Milwaukee, N.C. to points in South Carolina, Georgia and Florida. Howard E. Manning, PO. Box 1150, Raleigh, N.C., 27602, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75–14515 Filed 6–2–75;8:45 am]

[Notice 299]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC–FC–75880. By application filed May 22, 1975, FISHER & BROTHER/GEORGIA, INC., 650 Murphy Ave. SW., Atlanta, Ga. 30310, seeks to temporary lease the operating rights of JOHN J. WOODSIDE STORAGE CO. INC., 255 Edgewood Ave. SW., Atlanta, Ga. 30303, under section 210a(b). The transfer to FISHER & BROTHER/GEORGIA, INC., of the operating rights of JOHN J. WOODSIDE STORAGE CO., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75–14514 Filed 6–2–75;8:45 am]

[Notice 300]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC–FC–75887. By application filed May 27, 1975, UNITED SPECIALIZED HAULING, INC., 715 Park Ave., E. Orange, N.J. 07017, seeks temporary authority to lease the operating rights of FIRST PENNSYLVANIA BANK N.A., Secured Creditor in possession of certain assets of STANDARD CONTAINER TRANSPORT CORP., First Pennsylvania Tower, Center Square, Philadelphia, PA 19101, under section 210a(b). The transfer to UNITED SPECIALIZED HAULING, INC., of the operating rights of FIRST PENNSYLVANIA BANK N.A., Secured Creditor in possession of certain assets of STANDARD CONTAINER TRANSPORT CORP., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75–14513 Filed 6–2–75;8:45 am]

[Notice 301]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under

section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-75893. By application filed May 23, 1975, ROBERT O. MICHELS AND JERRY D. FLYNN, doing business as VINCENNES TRANSFER & STORAGE COMPANY, 1115 Shelby St., Vincennes, IN 47591, seeks authority to temporarily lease the operating rights of IVAN WEAVER AND GERALD HARMON, doing business as ACME VAN & STORAGE CO., 2237 Locust St., Terre Haute, Ind. under section 210a(b). The transfer to ROBERT O. MICHELS AND JERRY D. FLYNN, doing business as VINCENNES TRANSFER & STORAGE COMPANY, of the operating rights of IVAN WEAVER AND GERALD HARMON, doing business as ACME VAN & STORAGE CO., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14512 Filed 6-2-75;8:45 am]

federal register

TUESDAY, JUNE 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 107

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 190]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Proposed Rulemaking

Pursuant to the authority contained in Subpart 1 of Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following amendments to the regulations governing the Basic Educational Opportunity Grant Program.

During the first two years of operation of the Basic Grant program, only students who were enrolled as full-time students were eligible to receive assistance. However, beginning with the 1975–76 academic year, program eligibility criteria have been broadened by legislative action to include students who will be enrolled as at least half-time students. Consequently, the regulations are being amended to establish the procedures for the calculation and disbursement of the Basic Grant award for students who will be enrolled on a less than full-time basis. The current regulations to which these amendments are proposed have been previously published on November 6, 1974 (39 FR 39412) and on December 2, 1974 (39 FR 41800).

The proposed amendments provide for a definition of "three-quarter time student" which is in addition to the definitions of half-time and full-time students, and further provide that the award for a three-quarter time student will be in general an amount equal to 75 percent of the award established for a full-time student, and that for a half-time student will be 50 percent of the amount established for a full-time student.

The proposed amendments prohibit the payment of a Basic Grant unless the student has signed an affidavit stating that the money attributable to such grant will be used solely for expenses related to the attendance or continued attendance at an institution of higher education.

The regulations further provide that a member of a religious order, who by direction of the order is pursuing a course of study at an institution of higher education, or who is receiving support and maintenance from the order shall be deemed to have a family contribution of not less than $1,201. As such, such an individual would not receive a Basic Grant. These amendments will provide comparability with similar provisions governing the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs. Under the college based programs such individuals are not considered to have financial need which should be met by the Federal government since their order is responsible for their maintenance and support. To provide a parallel treatment in the Basic Grant program such individuals are deemed to have family contributions of $1,201.

Finally, the proposed amendments established a final cut-off date for each academic year for the recomputation of the expected family contribution based on corrected information submitted by the student.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to Mr. Peter K. U. Voigt, Director, Division of Basic and State Student Grants, U.S. Office of Education, Room 5678, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202. All relevant material must be received on or before July 3, 1975, unless July 3, 1975 is a Saturday, Sunday, or Federal holiday, in which case such material must be received by the next following business day. Comments received will be available for public inspection at the above office Monday through Friday between 8 a.m. and 4:30 p.m.

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

Dated: April 18, 1975.

T. H. Bell,
U.S. Commissioner of Education.

Approved: May 13, 1975.

Caspar W. Weinberger,
Secretary of Health, Education, and Welfare.

Part 190 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

§ 190.2 [Amended]

1. Section 190.2 is amended as follows: Paragraph (q) becomes (s); paragraph (r) becomes (t); and paragraphs (e) through (p) become (f) through (q). Also, the first sentence of paragraph (i) is revised; paragraph (m) is revised; and paragraphs (e) and (r) are added to read as follows:

* * * * *

(e) "Disbursement Schedule" means a table, effective for a given academic year, published by the Commissioner, which indicates the amount of a student's Basic Educational Opportunity Grant which would be paid to a three-quarter time or half-time student for a full school year which falls within an academic year. Such a table is based upon the student's expected family contribution, cost of attendance, and the part-time nature of the student's attendance.

* * * * *

(i) "Half-time student" means a student who is carrying at least a half-time academic work load but less than a three-quarter time work load measured in terms of (1) the tuition and fees customarily charged for half-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled: *Provided, however,* That such course work and activities amount to a minimum of (i) 6 semester hours or 6 quarter hours per academic term for institutions utilizing semesters, trimesters, or quarter hour systems; (ii) 12 semester hours or 18 quarter hours per school year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 12 clock hours per week for institutions which utilize clock hours to measure progress.

* * * * *

(m) "Payment Schedule" means a table effective for a given academic year, published by the Commissioner which indicates the amount of a full-time student's Scheduled Basic Educational Opportunity grant based on the Family Contribution Schedules effective for that academic year as described in Subparts C and D of this part, the cost of attendance at the institution in which the student is enrolled as defined in § 190.51, and the amount of funds available for making grants under this part for that academic year.

* * * * *

(r) "Three-quarter time student" means a student who is carrying at least a three-quarter time academic work load but less than a full-time work load measured in terms of (1) the tuition and fees customarily charged for three-quarter time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled: *Provided, however,* That such course work and activities amount to a minimum of (i) 9 semester hours or 9 quarter hours per academic term for institutions utilizing semesters, trimesters, or quarter hour systems; (ii) 18 semester hours or 27 quarter hours per school year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 18 clock hours per week for institutions which utilize clock hours to measure progress. For students enrolled in an institution which measures progress in terms of both credit and clock hours, a student shall be considered a three-quarter time student at that institution if the sum of the fractions representing the number of credit hours taken by the student, when divided by 9 and the number of clock hours per week taken by the student when divided by 18 is equal to or greater than one, and if such student is charged the tuition and fees customarily charged for three-quarter time study by the institution. Furthermore, a student shall be considered a three-quarter time student if he undertakes a series of courses or seminars, which extends over a period not exceeding 18 weeks and which, if completed, would amount to the equivalent of at least 9 semester or 9 quarter hours and is charged the tuition and fees customarily charged for three-quarter time study by the institution.

(20 U.S.C. 1088(c)(2))

2. Section 190.3 is amended by revising subparagraph (2) of paragraph (a) and by adding paragraph (c) to read as follows:

§ 190.3 Eligible student.

(a) * * *

(2) Is accepted for enrollment or is enrolled in good standing as at least a half-time undergraduate student at an institution of higher education.

* * * * *

(c) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed to have a family contribution of not less than $1,201. For purposes of this part "a religious community, society, or order" includes an agency or organization which has, as a primary objective, the promotion of ideals and beliefs regarding a Supreme Being and which provides subsistence support to its members and require its members to forego monetary compensation or other support substantially beyond other support provided by the agency or organization.

3. Section 190.15 is revised to read as follows:

§ 190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.

An applicant may request a recomputation of his expected family contribution if he believes a clerical or arithmetic error has occurred. Such a request for recomputation shall be made in such form as the Commissioner may prescribe and must be received by the Commissioner no later than five (5) weeks after the processing date indicated on the "Student Eligibility Report;" except that, notwithstanding the foregoing, no request for recomputation will be processed if received by the Commissioner more than five (5) weeks after the cut-off date established pursuant to § 190.13 for the filing of applications for determining expected family contributions for an academic year.

(20 U.S.C. 1070a(b)(2))

4. In § 190.51 paragraph (d) is revised to read as follows:

§ 190.51 Cost of attendance.

* * * * * *

(d) In the case of students engaged in a program of study by correspondence, only the costs of tuition and fees determined in accordance with paragraph (a) of this section shall be recognized as a student's cost of attendance for the purposes of this part: *Provided however,* That travel and room and board costs incurred specifically in fulfillment of a required period of residential training may be recognized as a cost of attendance for such a student.

5. Section 190.62 is revised to read as follows:

§ 190.62 Calculation of basic educational opportunity grant awards at full-funding.

(a) When funds are available to satisfy such payments, the Commissioner will pay to each eligible applicant who is enrolled as a full-time student for any academic year a Basic Educational Opportunity Grant in an amount equal to $1400 minus his expected family contribution, except that no award will be made (1) which is in excess of 50 percent of the applicant's actual cost of attendance at the institution of higher education in which the applicant is enrolled, (2) which exceeds the difference between the expected family contribution of the applicant and his actual cost of attendance at the institution in which he is enrolled, or (3) which is less than $200.

(b) In the event that a student enrolls as a three-quarter time student, the amount of his award shall equal 75 percent of the award established in accordance with paragraph (a) of this section; except that no award will be made if the amount of such award after reduction in accordance with this section is less than $200.

(c) In the event that a student enrolls as a half-time student the amount of his award shall equal 50 percent of the award established in accordance with paragraph (a) of this section; except that no award will be made if the amount of such award after reduction in accordance with this section is less than $200.

(20 U.S.C. 1070a(2))

6. Section 190.63 is revised to read as follows:

§ 190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding.

(a) When funds are not available to fully satisfy all Basic Educational Opportunity Grant awards, each grant awarded to an eligible applicant who is enrolled as a full-time student shall be reduced in accordance with the provisions of section 411(b)(3) of the Act. The amount to be reduced in accordance with section 411(b)(3) will be the remainder of $1400 less the applicant's expected family contribution. No award will be made if the amount of such award after the application of the provisions of section 411(b)(3) of the Act is less than $50, nor may an award be made under this section to an applicant whose award was calculated to be less than $200 under § 190.62(a).

(b) In the event that a student enrolls as a three-quarter time student, the amount of his award shall equal 75 percent of the award established in accordance with paragraph (a) of this section; except that no award will be made if the amount of such award after reduction in accordance with this section is less than $50.

(c) In the event that a student enrolls as a half-time student, the amount of his award shall equal 50 percent of the award established in accordance with paragraph (a) of this section; except that no award will be made if the amount of such award after reduction in accordance with this section is less than $50.

(20 U.S.C. 1070a(a)(2)(b)(iii))

7. Section 190.64 is revised to read as follows:

§ 190.64 Calculation of basic educational opportunity grant awards for less than a full school year.

(a) In the event that an applicant is enrolled as at least a half-time student in an eligible program which is less than a full school year in duration, the amount of his grant shall be reduced in the same proportion as that period of time bears to eight months.

(b) In the event that an applicant is enrolled as at least a half-time student in an eligible program which meets the definition of "school year", but the student enrolls for a period of time which is less than the full school year, the amount of his grant shall be reduced in the same proportion as the period of his enrollment bears to the length of such school year.

(20 U.S.C. 1070a(a)(2))

8. Section 190.65 is revised to read as follows:

§ 190.65 Calculation of basic educational opportunity grant awards for a school year which is longer than twelve months in length.

In the event that a student is enrolled as at least a half-time student for a school year which is longer than 12 months, the amount of a Basic Grant payable for an academic year shall be in the same proportion to his Scheduled Basic Educational Opportunity Grant as the number of months of the school year occurring in the academic year for which payment is requested bears to twelve months.

(20 U.S.C. 1070a)

9. Section 190.66 is revised to read as follows:

§ 190.66 Calculation of basic educational opportunity grant awards for a school year which spans two academic years.

Subject to the provision of §§ 190.64 and 190.65, in the event that an applicant is enrolled as at least a half-time student for a school year which spans two academic years, the amount of his grant payable during any one academic year, by reason of enrollment in such school year, shall be equal to an amount which bears the same proportion to his Scheduled Basic Educational Opportunity Grant award for that academic year as the number of months of such school year occurring within that academic year bears to the total number of months of that school year.

(20 U.S.C. 1070a)

10. Section 190.73 is amended by revising paragraph (b) to read as follows:

§ 190.73 Institutional agreements.

* * * * * *

(b) The Commissioner will send to each institution with which he has an

agreement pursuant to paragraph (a) of this section a payment schedule and a disbursement schedule for each academic year.

(20 U.S.C. 1070a)

11. Section 190.75 is revised to read as follows:

§ 190.75 Payment of basic educational opportunity grant awards.

(a) An institution shall make payment of a Basic Educational Opportunity Grant to a student on the basis of having made the following determinations:

(1) That the student applying for the grant meets the eligibility requirements of § 190.3. In making this determination the institution is entitled to rely on information provided by the student if the institution has no direct independent knowledge with respect to such information;

(2) That the student is enrolled as a full-time, three-quarter time, or half-time student;

(3) The amount equal to the actual cost of attendance of such student, calculated in accordance with § 190.51;

(4) The amount of the student's Scheduled Basic Educational Opportunity Grant, calculated in accordance with the payment scheduled in effect for the period involved;

(5) The amount by which the amount determined in subparagraph (4) of this paragraph should be adjusted for three-quarter and half-time students (this amount is set forth in the disbursement schedule in effect for the period involved); and

(6) The amount, if any, by which the amount determined in subparagraph (4) or (5) of this paragraph should be adjusted in accordance with §§ 190.64–190.66.

(b)(1) Payment of Basic Educational Opportunity Grant awards shall be made in equal amounts at least once at the beginning of each semester, trimester, or quarter for those institutions which utilize such academic units. For those institutions not utilizing such academic periods, payments shall be made in equal amounts not less than twice during that portion of the school year which falls within the academic year, with one payment to be made at the beginning and the other to be made at the midpoint of that portion of the school year which falls within the academic year; provided that if the portion of a school year which falls within an academic year is less than three months, only one payment need be made.

(2) Except where prohibited by § 190.76(c), funds paid to a student with respect to an academic period which has already been completed may be paid to such student in one lump sum payment.

(c)(1) Before making any payment to a student under this section, an institution shall confirm that the student meets or continues to meet the eligibility requirements of § 190.3.

(2) In addition to the requirement set forth in subparagraph (1) of this paragraph, the institution shall confirm at the beginning of each semester, trimester, or quarter (or for institutions not utilizing such academic periods, at the beginning and midpoint of the school year) and before making payment to a student for such period, that the student is entitled to receive the amount of the grant payment calculated for that period.

(3) If an institution determines at the beginning of a semester, trimester, or quarter, or for institutions not utilizing such academic periods, at the beginning and midpoint of the school year, that the amount calculated for that student no longer reflects the enrollment status of such student at that institution, it shall recalculate the amount of that student's grant payment for that period in accordance with paragraph (a) of this section.

(4) If an institution disburses funds to a student for a particular academic period and during that period the student increases or decreases his academic workload while continuing to meet the eligibility requirements of § 190.3, the institution may, but need not, adjust the amount of the student's grant attributable to that academic period in accordance with this section and with § 190.85.

(5) Except as provided in § 190.78, if an institution disburses funds to a student for a particular academic period and during that period the student becomes ineligible to participate in the program, the payment applicable to that period need not be returned by the student if such payment was not made on the basis of inaccurate information or statements provided by the student; however, the student shall not receive additional basic grant payments unless he reestablishes his eligibility.

(d) No grant may be paid under this part unless the student to whom it is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit on a form approved by the Commissioner stating that the money attributable to such grant will be used solely for expenses related to attendance or continued attendance at such institution. The student must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at such institution. The notary or other person must enter his signature and as applicable, his seal or stamp on the affidavit form.

(e) Payments to a student may be made by check or by credit to the student's account with the institution. If payments are made to a student by crediting his account, the institution shall retain a receipt signed by the student for each such transaction and the credit entry to the student's account shall be clearly identifiable.

(20 U.S.C. 1070a)

12. Section 190.85 is revised to read as follows:

§ 190.85 Recalculation of Basic Educational Opportunity Grant awards.

(a) The amount of a student's Basic Educational Opportunity Grant award for an academic year may be recalculated during that academic year if the amount of a student's expected family contribution is redetermined in accordance with § 190.15, § 190.39, or § 190.48; if the student enrolls at more than one institution during the course of an academic year; or if a student varies his academic workload from one-half, three-quarter, or a full-time enrollment.

(b) If a student's Basic Educational Opportunity Grant is adjusted in accordance with § 190.15, § 190.39, or § 190.48, or is increased because of a change in his academic workload, subsequent payments to the student shall be adjusted, based on the newly calculated scheduled award, to ensure that the student is paid the entire amount of his newly calculated award (subject to any adjustments pursuant to §§ 190.64–190.66) before the conclusion of the academic period for which the grant is made. However, an institution calculating an award under § 190.83(b) shall only pay that portion of the newly calculated award which is commensurate with that portion of the school year within the academic year for which the student is enrolled at that institution.

(20 U.S.C. 1070a)

13. Section 190.86 is amended by deleting the numbers (1) and (2) in paragraph (b). As revised, § 190.86(b) reads as follows:

§ 190.86 Calculation and disbursement of awards by the Commissioner of Education.

* * * * *

(b) The Commissioner will pay to a student his Basic Educational Opportunity Grant award computed in accordance with the relevant provisions of this part in equal amounts at least once each semester, trimester, or quarter for those institutions which utilize such academic units. For those institutions not utilizing such academic periods, payments will be made in equal amounts not less than twice during that portion of the school year which falls within the academic year, with one payment to be made at the beginning and the other to be made at the midpoint of that portion of the school year which falls within the academic year: *Provided*, That if the portion of a school year which falls within the academic year is less than three months, only one payment need be made.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Posthospital Extended Care

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Posthospital Extended Care

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form, are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The purpose of the proposed amendments is to implement section 247(a) of Pub. L. 92-603, the Social Security Amendments of 1972, approved on October 30, 1972, which defined the level of care required to qualify an individual for extended care benefits under title XVIII of the Social Security Act.

Prior to the enactment of section 247 (a), an individual could qualify for extended care benefits only if he needed continuing skilled nursing care for further treatment of any condition for which he received inpatient hospital services or for a condition which arose while he was in a skilled nursing facility receiving care for a condition for which he received inpatient hospital services. Effective January 1, 1973, an individual is eligible for extended care benefits if he needs skilled nursing care or other skilled rehabilitation services on a daily basis, for further treatment of any of the conditions with respect to which he received inpatient hospital services or for a condition which arose while he was in a skilled nursing facility receiving care for a condition for which he received inpatient hospital services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis. This change gives recognition to the fact that there are patients in need of daily skilled rehabilitation services (other than nursing) which are essential to their recovery from an inpatient hospital stay or to prevent their condition from worsening and which as a practical matter should be provided in an institution. Thus, patients in need of daily skilled rehabilitation services requiring institutional care, such as hip fracture patients who need daily physical therapy services after the fracture has healed to the weight-bearing stage, may now qualify for extended care benefits.

The proposed regulations: (a) Define the term "daily basis," as requiring services on, essentially, a 7-day-a-week basis; (b) explain that in determining when, as a "practical matter," care can only be provided in a skilled nursing facility, consideration must be given to the patient's condition and to the availability and feasibility of using more economical alternative facilities and services; (c) define "other skilled rehabilitation services;" and (d) redefine "skilled nursing service."

In the past, a skilled nursing service has been defined in regulations of the health insurance program as one which must be furnished by or under the direct supervision of a licensed nurse (i.e., if an aide performed a skilled nursing service, a licensed nurse (R.N. or L.P.N.) had to be present at the time the service was being performed by the aide). Under the revised definition, an aide may perform skilled services under the general, rather than direct, supervision of a licensed nurse (R.N. or L.P.N.), (i.e., at the time such services are performed, the nurse must only be on the premises of the institution).

In addition, the proposed regulations provide that if a patient needs a variety of unskilled services on a regular daily basis, the patient could be considered a skilled care patient if the planning and overseeing of the unskilled services requires daily skilled assessment and management to meet his needs, promote his recovery, and/or actuate his medical safety.

In existing regulations, the sterile irrigation of a catheter is classified as a nonskilled nursing service. The amendments specify that such irrigation is now classified as a skilled nursing service.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Social Security Administration, P.O. Box 1585, Baltimore, Maryland 21203, on or before July 3, 1975.

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

The proposed amendments are to be issued under the authority contained in sections 1102, 1814(a)(2), and 1871 of the Social Security Act, 49 Stat. 647, 79 Stat. 294, as amended, and 79 Stat. 331, (42 U.S.C. 1302, 1395f(a)(2), 1395hh).

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

Dated: May 1, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 22, 1975.

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

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations, as amended, is further amended as set forth below:

1. Section 405.126 is revised to read as follows:

§ 405.126 Posthospital extended care.

(a) *Defined.* Posthospital extended care is the level of care which is provided a patient who no longer requires the constant availability of the medical services provided by a hospital but who continues to need, on a daily basis (see § 405.128), skilled nursing services or skilled rehabilitation services (see § 405.127), which as a practical matter (see § 405.128a) can be provided only in a skilled nursing facility on an inpatient basis, and which are for either (1) a condition for which he received inpatient hospital services (see § 405.120(c)), or (2) for a condition which arose while he was in a skilled nursing facility receiving care for a condition for which he received inpatient hospital services.

(b) *Coverage criteria.* In determining whether the services a patient requires in connection with a condition specified in paragraph (a)(1) or (a)(2) of this section constitute the level of care covered under the extended care benefit, three criteria must be met:

(1) Skilled nursing services or skilled rehabilitation services must be required;

(2) Such services must be required on a daily basis; and

(3) As a practical matter, the service can only be provided in a skilled nursing facility (or only in such a facility or a hospital) on an inpatient basis.

2. Section 405.127 is revised to read as follows:

§ 405.127 Posthospital extended care; skilled nursing and rehabilitation services.

(a) *Defined.* Skilled nursing and/or skilled rehabilitation services are those services furnished under the general direction of a physician which: (1) Require the skills of technically or professionally trained personnel, e.g., registered nurse, licensed practical (vocational) nurse, physical therapist, occupational therapist, speech pathologist as defined in § 405.1101 (c), (k), (m), (q), and (t) and (2) are provided either directly by or under the supervision (§ 405.1101(u)) of such personnel.

(b) *Determination of services as skilled.* In determining whether a service is skilled, the following criteria shall apply:

(1) Where the inherent complexity of a service prescribed for a patient is such that it can be safely and/or effectively performed only by or under the supervision of technically or professionally trained personnel, the service would constitute a skilled service.

(2) The restoration potential of a patient is not the deciding factor in determining whether a service is to be considered skilled or nonskilled. Even where full recovery or medical improvement is not possible, skilled care may be needed to prevent, to the extent possible, deterioration of the condition or to sustain current capacities. For example, even though no potential for rehabilitation exists, a terminal cancer patient may require such skilled services as periodic "tapping" to relieve fluid accumulation, and injections to alleviate pain.

(3) A service that is generally nonskilled would be considered to be a skilled service where, because of special

medical complications, its performance or supervision or the observation of the patient necessitates the use of skilled nursing or skilled rehabilitation personnel. For example, the existence of a plaster cast on an extremity generally does not indicate a need for skilled care, but a patient with a preexisting acute skin problem or a need for special traction of the injured extremity might need to have technically or professionally trained personnel properly adjust traction or observe him for complications. In such cases, the complications and special services involved must be documented by physicians' orders and nursing and/or therapy notes.

(c) *Skilled nursing or rehabilitation services.* Some examples of skilled nursing and other skilled rehabilitation services include, but are not limited to, the following:

(1) *Services which could qualify as either skilled nursing or skilled rehabilitation services*—(i) *Overall management and evaluation of care plan.* The development, management, and evaluation of a patient care plan, based on the physician's orders and concurrent with his approval, constitute skilled services when, in terms of the patient's physical or mental condition, such development, management, and evaluation necessitate the involvement of technically or professionally trained personnel to meet his needs, promote his recovery, and actuate his medical safety. This would include the management of a plan involving only a variety of nonskilled services where in light of the patient's condition the aggregate of such services necessitates the involvement of technically or professionally trained personnel. For example, an aged patient with a history of diabetes mellitus and angina pectoris who is recovering from an open reduction of a fracture of the neck of the femur requires, among other services, careful skin care, appropriate oral medications, a diabetic diet, a therapeutic exercise program to preserve muscle tone and body condition, and observation to detect signs of deterioration in his condition or complications resulting from his restricted, but increasing mobility. Although any of the required services could be performed by a properly instructed person, such a person would not have the ability to understand the relationship between the services and evaluate the ultimate effect of one service on the other. Since the nature of the patient's condition, his age, and his immobility create a high potential for serious complications, such an understanding is essential to assure the patient's recovery and safety. Under these circumstances, the management of such a plan of care would require the skills of a technically or professionally trained nurse even though the individual services are not skilled. Skilled planning and management activities are not always specifically identified in the patient's clinical record. In light of this, where the patient's overall condition would support a finding that his recovery and/or safety could be assured only if the total care he requires is planned, managed, and evaluated by technically or professionally trained rehabilitation personnel, it would be appropriate to infer that skilled services are being provided.

(ii) *Observation and assessment of the patient's changing condition.* When the patient's condition is such that the skills of a nurse or other professional person are required to identify and evaluate the patient's need for possible modification of treatment and the initiation of additional medical procedures until his condition is stabilized, such services constitute skilled services. For example, a patient with congestive heart failure may require continuous close observation to detect signs of decompensation, abnormal fluid balance, or adverse effects resulting from prescribed medication(s) which serve as indicators for adjusting therapeutic measures. Likewise, surgical patients transferred from a hospital to a skilled nursing facility while in the complicated, unstabilized postoperative period, e.g., after hip prosthesis or cataract surgery, may need continued close skilled monitoring for postoperative complications and adverse reaction. Patients, who in addition to their physical problems, exhibit acute psychological symptoms such as depression, anxiety, or agitation, etc., may also require skilled observation and assessment by technically or professionally trained personnel to assure their safety and/or the safety of others, i.e., to observe for indications of suicidal or hostile behavior. In such cases, special services required must be documented by physicians' orders and/or nursing or therapy notes.

(iii) *Patient education services.* In cases where the use of technically or professionally trained personnel are necessary to teach a patient self-maintenance, such teaching services would constitute skilled services. For example, a patient who has had a recent leg amputation needs skilled rehabilitation services provided by technically or professionally trained personnel to provide gait training and to teach prosthesis care. Likewise, a patient newly diagnosed with diabetes requires instruction from technically or professionally trained personnel to learn the self-administration of insulin or foot-care precautions, etc.

(2) *Services which would qualify as skilled nursing services.* (i) Intravenous or intramuscular injections and intravenous feeding;

(ii) Levin tube and gastrostomy feedings;

(iii) Nasopharyngeal and tracheotomy aspiration;

(iv) Insertion and sterile irrigation and replacement of catheters;

(v) Application of dressings involving prescription medications and aseptic techniques;

(vi) Treatment of extensive decubitus ulcers or other widespread skin disorder;

(vii) Heat treatments which have been specifically ordered by a physician as part of active treatment and which require observation by technically or professionally trained nurses to adequately evaluate the patient's progress;

(viii) Initial phases of a regimen involving administration of medical gases;

(ix) Rehabilitation nursing procedures, including the related teaching and adaptive aspects of nursing, that are part of active treatment.

(3) *Services which would qualify as skilled rehabilitation services.* (i) Ongoing assessment of rehabilitation needs and potential: Services concurrent with the management of a patient care plan, including tests and measurements of range of motion, strength, balance, coordination, endurance, functional ability, activities of daily living, perceptual deficits, speech and language or hearing disorders;

(ii) Therapeutic exercises or activities: Therapeutic exercises or activities which, because of the type of exercises employed or the condition of the patient, must be performed by or under the supervision of a qualified physical therapist or occupational therapist to ensure the safety of the patient and the effectiveness of the treatment;

(iii) Gait evaluation and training: Gait evaluation and training furnished to restore function in a patient whose ability to walk has been impaired by neurological, muscular, or skeletal abnormality;

(iv) Range of motion exercises: Range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, mobility (as evidenced by a therapist's notes showing the degree of motion lost and the degree to be restored);

(v) Maintenance therapy: Maintenance therapy, when the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance. For example, a patient with Parkinson's disease who has not been under a rehabilitation regimen may require the services of a qualified therapist to determine what type of exercises will contribute the most to the maintenance of his present level of functioning;

(vi) Ultrasound, short-wave, and microwave therapy treatments.

(vii) Hot pack, hydrocollator, infrared treatments, paraffin baths, and whirlpool: Hot pack, hydrocollator, infrared treatments, paraffin baths, and whirlpool, in particular cases where the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures, or other complications, and the skills, knowledge, and judgment of a qualified physical therapist or occupational therapist are required; and

(viii) Services of a technically or professionally trained speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

(d) *Personal care services.* Personal care services that can be learned and performed by the average ancillary health person are not skilled services except under the circumstances specified in paragraphs (b)(3) and (c)(1)(i) of this section. Personal care services include, but are not limited to, the following:

(1) Administration of routine oral medications, eye drops, and ointments;

(2) General maintenance care of colostomy or ileostomy;

(3) Routine services in connection with indwelling bladder catheters;

(4) Changes of dressings for noninfected postoperative or chronic conditions;

(5) Prophylactic and palliative skin care, including bathing and application of creams, or treatment of minor skin problems;

(6) Routine care of the incontinent patient, including use of diapers and rubber sheets;

(7) General maintenance care in connection with a plaster cast;

(8) Routine care in connection with braces and similar devices;

(9) Use of heat (hot pack, hydrocollator, infrared, and whirlpool) for palliative and comfort purposes;

(10) Routine administration of medical gases after a regimen of therapy has been established;

(11) Assistance in dressing, eating, and going to the toilet;

(12) Periodic turning and positioning in bed; and

(13) General supervision of exercises which have been taught to the patient; including the actual carrying out of maintenance programs, i.e., the performance of the repetitive exercises required to maintain function do not require the skills of a therapist and would not constitute skilled rehabilitation services (see paragraph (c)(3) of this section). Similarly, repetitious exercises to improve gait, maintain strength, or endurance; passive exercises to maintain range of motion in paralyzed extremities, which are not related to a specific loss of function; and assistive walking do not constitute skilled rehabilitation services.

3. Section 405.128 is revised to read as follows:

§ 405.128 Posthospital extended care; frequency of services; "daily basis."

Skilled nursing services or skilled rehabilitation services must be required and provided on a "daily basis"—i.e., on essentially a 7-day-a-week basis. However, if skilled rehabilitation services are not available on a 7-day-a-week basis, a patient whose inpatient stay is based solely on the need for skilled rehabilitation services would meet the "daily basis" requirement where he needs and receives such services on at least 5 days a week. Accordingly, where a facility provides physical therapy on only 5 days a week and the patient in such a facility requires and receives physical therapy on each of the days on which such is available, the requirement that skilled rehabilitation services be provided on a daily basis would be met. The requirement that skilled services be required on a daily basis should not be applied so strictly that it would not be met merely because there is a break of a day or two during which no skilled services are furnished and discharge from the facility would not be practical. For example, a patient who normally requires skilled rehabilitation services on a daily basis exhibits extreme fatigue which results in his physician's suspending therapy sessions for a day or two. Payment would be made for these days since discharge in such a case would not be practical.

4. Section 405.128a is added to read as follows:

§ 405.128a Posthospital extended care; need for institutionalization; "practical matter."

(a) In determining whether the care needed by a beneficiary can, as a practical matter, only be provided in a skilled nursing facility on an inpatient basis, consideration must be given to the patient's condition and to the availability and feasibility of using more economical alternative facilities and services.

(b) If the needed service is not available in the area in which the individual resides and transporting him to the closest facility furnishing such services would be an excessive physical hardship, it would be appropriate to conclude that the needed care can, as a practical matter, only be provided in a skilled nursing facility. This would also be true even though the patient's condition might not be adversely affected, if it would be more economical or more efficient to provide the covered services in the institutional setting. For example, if the patient's condition was such that daily transportation by ambulance was necessary, it might be more economical to provide the needed care in an institutional setting.

(c) In determining the availability of alternative facilities and services, availability of funds to pay for the services furnished by such alternative facilities is not a factor to be considered. For instance, an individual in need of daily physical therapy might be able to receive the needed services from an independent physical therapy practitioner. The fact that reimbursement could not be made under the health insurance program for the services in a year after $100 in expenses had been incurred, would not be a basis for determining that the needed care could be provided only in a skilled nursing facility.

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