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PART I

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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

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CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Allocation of Tobacco Inspection Service; Eligibility for Price Support

On March 5, 1975, a notice of rulemaking was published in the FEDERAL REGISTER (40 FR 10190) containing proposals by the Department to amend its regulations, relating to tobacco inspection and price support services with regard to flue-cured tobacco, by amending Subpart A—Tobacco Loan Program (7 CFR Part 1464) and Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services for Flue-Cured Tobacco on Designated Markets (7 CFR Part 29). The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act (49 Stat. 731, 7 CFR 511 et seq.); the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U.S.C. 714 et seq.); and the Agricultural Act of 1949, as amended (63 Stat. 1051, 7 U.S.C. 1421 et seq.).

Interested persons were afforded opportunity to file written data, views and arguments on the proposed amendments to the regulations and 34 statements were received. After consideration of all relevant material including the material set forth in the aforesaid notice, the data, views and arguments filed thereon, and other available information, it is concluded that such amendments to the tobacco inspection and price support regulations should be made effective with the modifications set forth below.

Statement of consideration. Under the amended regulations, the warehouse designation card is eliminated in favor of the use of the producer's marketing card, issued by ASCS. This would eliminate the necessity for a producer to have two cards in order to sell his tobacco with price support. The producer's marketing card, in addition to the other information thereon, will indicate the warehouse number of the warehouse which the producer has designated for obtaining price support when selling his tobacco. In the case of producers who choose not to designate their tobacco, the marketing card will indicate that the tobacco is undesignated.

Another amendment to the regulations provides that violations at the end of one marketing season will be carried over into the following marketing season. This amendment will clarify the current regulations which merely imply that warehouses that oversell at the end of the season must come back into compliance at the beginning of the next selling season. This type of provision is necessary to negate any advantage that might accrue otherwise by warehouse oversales on the last sales days of a marketing season. The regulations will also be amended to allow a warehouse which undersells its designated sales opportunity to carry over such unused sales opportunity to the next immediate sales day to a maximum of 2,500 pounds for designated tobacco and 250 pounds for undesignated tobacco. This added tolerance will not add much, if any, tobacco to the weekly sales schedule and will enable the warehouses to use as much sales time as they can without an onerous burden of computation and scheduling.

The provisions in the regulations concerning the sales opportunity for undesignated tobacco are also amended so as to provide that the recommendations by the Flue-Cured Tobacco Advisory Committee for undesignated tobacco reflect the information available to the Committee with regard to the amount of undesignated tobacco available for sale in any marketing area. The Secretary had previously proposed that the sales opportunity "reflect the Secretary's calculations as the amount of undesignated tobacco available for sale in any marketing area." In the only comment received on this proposed amendment, the Commissioner of the Commonwealth of Virginia Department of Agriculture and Commerce pointed out that the proposal might be too restrictive on the Committee and that the regulations should continue to give the Committee access to all available information in making determinations which are part of its recommendations to the Secretary. This is in accord with the Committee's function and the proposal, therefore, is modified as indicated. The Commissioner also pointed out that the proposal with regard to the Secretary's authority to authorize additional undesignated sales opportunity during the "close-out" may be difficult to administer since marketing areas have not been delineated in relation to production. He further pointed out that requiring that tobacco be eligible for designation to a warehouse is sufficiently restrictive making it unnecessary to also require that tobacco be grown within a "marketing area." This concern is well taken, and the regulations concerning the Secretary's authority to authorize additional undesignated sales opportunity is, therefore, amended so as to provide that, in addition to the requirement that the warehouse provide proper proof that it has available for sale undesignated tobacco which has not been previously designated and which is in excess of the amount allowed by the schedule, the warehouse only need show that the tobacco had been eligible for designation to that warehouse had the producer chosen to designate it. Moreover, in order to clarify the current provision, the regulations are modified to indicate that extra selling time for undesignated tobacco may be made available by the Secretary only during the close-out period in any marketing area.

All comments received were directed, at least in part, to the proposal to amend the regulations in regard to the producer's right to redesignate his tobacco subsequent to the opening of the flue-cured tobacco markets. Diverse comments were received on the proposed change in the redesignation procedure. Several comments favored the proposal, some favored last year's procedure, and still others were in favor of another alternative which they proposed. Some of the comments received pointed out that the Department's proposal might create instability in the marketing of flue-cured tobacco. In addition, some of the comments received, as well as the views expressed by the Flue-Cured Tobacco Advisory Committee, indicate the procedure followed last year was generally well accepted in the flue-cured tobacco marketing area by all segments of the industry. Since the purpose of this program is to aid growers, it is therefore concluded that for 1975 no change will be made in the redesignation procedure followed last year.

Redesignation will be studied during the marketing season to determine whether changes may be desirable for future marketing seasons. Particular consideration will be given to determine whether all producers are being given equitable sales opportunity during the marketing season.

As proposed, the regulations will be amended to allow for an immediate redesignation of a farm's allotment upon reconstitution (the combining or dividing of a farm due to a change in operation). Procedures for such redesignations, as well as those done as a result of a lease, shall be established by the Deputy Administrator, Programs, ASCS.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) Producers, warehousemen and buyers are familiar with the amendments since notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning the amendments involved;

(b) Farmers, warehousemen and buyers are now making plans for the marketing of the 1975 flue-cured tobacco crop which is expected to begin before mid-July; and

(c) These amendments are necessary to continue orderly marketing conditions in the flue-cured marketing area under the grower designation plan which was made effective in the 1974 marketing season and will involve no significant change in procedures.

Therefore, good cause exists for making the amendments to the regulations herein effective June 5, 1975.

Accordingly, Part 29 of this Title is amended as follows:

1. Section 29.9404 is amended as follows:

§ 29.9404 Marketing area opening dates and marketing schedules.

(a) The Flue-Cured Tobacco Advisory Committee shall recommend, to the Secretary, marketing areas in the flue-cured tobacco production area and marketing area opening dates and selling schedules for both designated and undesignated tobacco for each marketing area and for the individual warehouses in each marketing area, which specify the length of time inspectors will be available to inspect designated tobacco and undesignated tobacco and/or the quantity of designated or undesignated tobacco to be marketed in each area and through each warehouse within such marketing area. In developing such opening date and selling schedules, the Committee shall take into account the following:

(1) When a sufficient volume of tobacco produced within a specific area of the flue-cured tobacco production area will be ready for marketing;

(2) The volume of tobacco ready for marketing which the producers have designated under § 1464.2(e) of this title to be sold at specific warehouses and also the volume of tobacco ready for marketing which has not been so designated by the producer;

(3) With regard to undesignated tobacco, the Committee shall first determine, on the basis of all information available to it, the volume of undesignated tobacco in a geographical area, and then shall provide sales opportunity for each warehouse to sell an amount of the undesignated tobacco available for sale from that geographical area in proportion to the amount of tobacco designated to the warehouse in comparison to the total amount of tobacco designated in the marketing area in which the warehouse is located. *Provided, however,* That, during the close-out period in a marketing area, the Secretary may authorize additional undesignated sales opportunity if the warehouse provided proper proof that it does, in fact, have available for sale a volume of tobacco which has not previously been designated and which was eligible for designation to that warehouse had the producer chosen to designate and that such additional volume of tobacco warrants more sales opportunity than allowed by the schedule;

(4) The processing or redrying capacity of the industry and the number of inspectors available to provide inspection service during the specific period involved;

(5) Such other factors or information as may be necessary to develop an effective and equitable opening date and selling schedule.

2. Section 29.9406 is amended by revising paragraphs (b) and (d) as follows:

§ 29.9406 Failure of warehouse to comply with opening date and selling schedule.

* * * * *

(b) Except as provided in paragraph (c) of this section on any sales day a warehouseman sells tobacco in excess of that allowed by the selling schedules, such excess amount shall be deducted from the quantity of tobacco authorized to be sold at that warehouse on either or both of the following two sales days, and if a warehouse sells tobacco in excess of that allowed by the selling schedule on either of the last two sales days in one selling season, then it shall deduct such excess on either or both of the first two sales days of the next selling season. If such deductions of excess sales are not made by the warehouse within such two days, no tobacco inspection or price support services shall be made available at such warehouse on the next succeeding sales day. However, any such adjustment which is within 100 pounds of the required reduction shall be considered as in compliance with this section.

* * * * *

(d) If, on any sales day, a warehouse does not sell the full quantity of designated or undesignated tobacco authorized to be sold at such warehouse, the designated or undesignated sales opportunity at such warehouse on the next immediate sales day shall automatically be increased by the unsold quantity except that no such increase in sales opportunity shall exceed 2,500 pounds for designated tobacco or 250 pounds for undesignated tobacco.

Done at Washington, D.C., this 30th day of May, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-14555 Filed 6-4-75;8:45 am]

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

[Export Reg. 24, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade Regulation

Amendment 9 to Regulation 24, effective June 9, 1975, lowers the minimum grade requirement applicable to export shipments of Florida Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type to U.S. No. 2 except that such oranges shall be free from damage caused by dryness or mushy condition. The specification of such lower minimum grade for Florida Valencia and other late-type oranges is necessary to satisfy the current and prospective demand for such oranges by export market outlets.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the current and prospective demand for Florida, Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type by export outlets. The lower grade requirement specified for export shipments of Valencia and other late-type oranges is consistent with the external quality and remaining supply of such oranges. Fresh shipments of Florida round oranges for the season through May 25, 1975, totaled 20,611 carlots, including export shipments of 1,770 carlots.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment lowers requirements applicable to the handling of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type grown in Florida.

Order. 1. In § 905.559 (Export Regulation 24; 39 FR 32976; 37186; 40 FR 2792, 11345, 12646, 14889, 16210, 20061, 21467) the provisions of paragraph (b)(9) are revised to read as follows:

§ 905.559 Export Regulation 24.

* * * * *

(b) * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 2, except that such oranges shall be free

from damage caused by dryness or mushy condition;

* * * * *

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

Dated: May 30, 1975, to become effective June 9, 1975.

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

[FR Doc.75-14728 Filed 6-4-75;8:45 am]

[Valencia Orange Regulation 501]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 6–12, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.801 Valencia Orange Regulation 501.

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

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be fairly strong.

Prices f.o.b. averaged $3.57 per carton on a reported sales volume of 845,000 cartons last week, compared with an average f.o.b. price of $3.46 per carton and sales of 660,000 cartons a week earlier.

Track and rolling supplies at 547 cars were up 100 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 3, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 6, 1975, through June 12, 1975, are hereby fixed as follows:

(i) District 1: 260,000 cartons;

(ii) District 2: 490,000 cartons;

(iii) District 3: 250,000 cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: June 4, 1975.

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

[FR Doc.75-14932 Filed 6-4-75;11:38 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 2]

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

FLUE-CURED TOBACCO PRODUCERS' DESIGNATION OF WAREHOUSES

Commodity Credit Corporation is amending the regulations concerning the Tobacco Loan Program (7 CFR Part 1464, Subpart A). For a statement of consideration regarding these amendments, see the preamble to the amendments to 7 CFR, Part 29, Subpart G, (FR Doc. 75-14555) also appearing in this issue.

Section 1464.2 of the Tobacco Loan Program Regulations is amended by revising paragraphs (e)(2)(iii), (iv), (v), and (vi) to read as follows:

§ 1464.2 Availability of price support.

* * * * *

(e) * * *

(2) * * *

(iii) *When producer designations shall be made.* Producer designations of the warehouse or warehouses at which they will market their tobacco shall be made each year during a period which shall be announced by the county ASCS office in their county prior to the start of the period. Such period shall be prior to May 31 each year. Producers who lease quota or whose farm is reconstituted (the combining or dividing of a farm due to a change in operation) after such period may designate the warehouse or warehouses at which the tobacco involved will be marketed, as advised by the County ASCS office, pursuant to procedures to be established by the Deputy Administrator, Programs, ASCS. Redesignation (a change in warehouses designated or in pounds designated to the warehouse) or initial designations for undesignated farms may be made during the five work days ending on the first Friday of each calendar month after any flue-cured marketing area has opened for inspection and sale of tobacco. Producers who have designated warehouses which cease to operate or cease to have tobacco inspection or price support available may change their designations of such warehouses at any time subsequent to such occurrences.

(iv) *Form and content of designations.* A designation shall be made for each warehouse at which a producer desires to market his tobacco by executing a form provided by the county ASCS office. The producer will be required to indicate

on such form the name of the warehouse or warehouses designated by him and the pounds of flue-cured tobacco he desires to sell at such warehouse as well as any other information required on such form.

(v) *Entering warehouse designation information.* The warehouse code number of the warehouse the producer has designated for his tobacco will be indicated on the farm marketing card. If the producer has not designated a warehouse, a warehouse number code will not be shown on the marketing card. Changes in designation by the producer shall be accomplished by the producer returning his marketing card to county ASCS office and requesting the transfer of any unmarketed pounds of flue-cured tobacco shown on any marketing card to another eligible warehouse or warehouses.

(vi) *Use of warehouse designation information.* (*a*) A separate sale bill marked "no price support" shall be prepared for that quantity of tobacco weighed in that is in excess of the balance of the pounds designated as shown on the marketing card;

(*b*) The warehouse shall mark "no price support" on a sale bill for any tobacco which is presented for sale and which is accompanied by a marketing card which does not show a warehouse code or which shows a code of another warehouse.

Effective Date: June 5, 1975.

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423))

Signed at Washington, D.C., on June 2, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-14747 Filed 6-4-75;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Recognized Breeds and Books of Record

Statement of considerations. The purpose of this amendment is to include Landrace swine in the listing of recognized breeds and the books of record of the Canadian National Live Stock Records contained in 9 CFR § 151.9(b)(1). An examination has been made by the Animal and Plant Health Inspection Service of the microfilm records and the rules of entry for the registration of Landrace swine in Canada, and it has been determined that these rules and records are complete and adequate to provide a sufficient pedigree certificate to meet the requirements of 9 CFR Part 151.

Accordingly, in § 151.9, the chart in paragraph (b)(1) is amended by inserting the following in alphabetical order under the heading "Swine":

§ 151.9 Recognized breeds and books of record.

* * * * *

(b)(1) * * *

Code	*Swine*
6003	Landrace

(Sec. 101, 76 Stat. 72, Item 100.01, Title I, Tariff Act of 1930, as amended; (19 U.S.C. 1202, Item 100.01); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on June 5, 1975.

The effect of the amendment is to provide for duty-free entry of certain purebred animals and, in order to be of maximum benefit to persons desiring to import such animals, the amendment should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 30th day of May 1975.

M. A. MIXSON,
Acting Deputy Administrator,
Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-14730 Filed 6-4-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Subpart L—General Reporting and Recordkeeping Requirements

ELIMINATION OF SUPPLIER'S USE OF FEA FORM TO CALCULATE DISTRIBUTION OF ALLOCABLE SUPPLIES

On May 1, 1975, the Federal Energy Administration issued a notice of proposed rulemaking (40 FR 19660, May 6, 1975) to amend 10 CFR 211.223 to eliminate the requirement that suppliers of allocated products maintain records on FEA forms demonstrating the basis for distribution of allocable supplies among their various purchasers.

Adoption of the proposed amendment will eliminate the need for Form FEO-22. However, suppliers will be required to maintain records which shall contain the information required in § 211.223 and which shall be subject to FEA audit.

Interested parties were given the opportunity to submit, not later than May 27, 1975, data, views or arguments regarding this proposal.

Those organizations submitting comments unanimously supported the proposal, and the amendment is adopted without change.

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

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective June 1, 1975.

Issued in Washington, D.C., May 30, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

Section 211.223 is amended to revise the first two sentences to read as follows:

§ 211.223 Recordkeeping requirements.

Suppliers which sell to wholesale purchaser-consumers and end-users shall maintain records, subject to FEA audit, which shall be made available to the FEA upon request, which demonstrate the basis for distribution of allocable supplies among their various purchasers. These records shall contain the following information for each allocated product and for each purchaser for each period corresponding to a base period:

* * * * *

[FR Doc.75-14642 Filed 5-30-75;5:54 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14683; Amdt. 39-2236]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Model 700 Series Airplanes

There has been a report of an in-flight failure of the horizontal stabilizer on a Viscount Model 700 Series airplane, that resulted in its crash and total destruction. An investigation of the crash indicated that the left horizontal stabilizer separated in flight as a result of fatigue failure of the rear spar upper forward boom. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued which requires a one time fluorescent penetrant inspection of the left and right horizontal stabilizer rear spar upper forward booms for cracks, a one time visual inspection of the boom flanges for corrosion in the area of the root end fitting, and repair, modification, or replacement, as appropriate. In addition, the AD imposes additional life limitations on certain stabilizer components.

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

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and

of section 6(c) of the 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:

BRITISH AIRCRAFT CORPORATION. Applies to Viscount Model 700 Series airplanes certificated in all categories.

Compliance required as indicated.

To prevent the possible in-flight fatigue failure of the horizontal stabilizer, accomplish the following:

(a) For horizontal stabilizer rear spars with more than 25,000 landings on the effective date of this AD, comply with paragraphs (c) and (d) of this AD within the next 10 landings or 50 hours time in service, whichever occurs first, unless already accomplished.

(b) For all horizontal stabilizer rear spars not covered in paragraph (a) of this AD, comply with paragraphs (c) and (d) of this AD before the accumulation of 20,000 total landings or the lesser of 100 landings or 800 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished.

(c) Inspect the rear spar of the left and right horizontal stabilizer for cracks and corrosion, and repair or replace as necessary, in accordance with CAA-approved British Aircraft Corporation (BAC) Alert Preliminary Technical Leaflet (PTL) No. 298, Issue 1, dated August 16, 1974, or an FAA-approved equivalent.

(d) Accomplish BAC Modification Leaflet D.3268 or D.3269, or an FAA-approved equivalent of either, as provided in BAC PTL No. 298, Issue 1.

(e) Spar booms on which the corrosion damage exceeds the limits set forth in BAC PTL No. 298, Issue 1, may not be returned to service unless the repair of such damage is approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region of the FAA.

(f) The service life limitation of the rear spar assembly of a spar boom modified in accordance with BAC Modification Leaflet D.3268, or an FAA-approved equivalent, is 2000 landings after modification or 30,000 total pre-modification and post-modification landings, whichever occurs first.

(g) The service life limitation of the rear spar assembly of a spar boom modified in accordance with BAC Modification Leaflet D.3269, or an FAA-approved equivalent, is 30,000 total pre-modification and post-modification landings.

(h) For the purpose of this AD, the number of landings may be determined by actual count, or, subject to the acceptance of the assigned FAA maintenance inspector, by dividing the horizontal stabilizer spar total time in service by an average flight time determined from the airplane log book to be representative for that airplane. Operators who have not kept records of landings or time in service for individual horizontal stabilizers must substitute total number of airplane landings or time in service in place thereof.

This amendment becomes effective June 6, 1975.

Issued in Washington, D.C., on May 29, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-14672 Filed 6-4-75;8:45 am]

[Docket No. 75-CE-14-AD; Amdt. 39-2232]

PART 39—AIRWORTHINESS DIRECTIVES

Collins AP106 Autopilots

An Airworthiness Directive (AD) was adopted on May 13, 1975, and made effective immediately by air mail letter to all known owners of Collins AP106 Autopilots installed in various airplane models. This AD was issued because a recent incident and investigations have established that these autopilots may fail with the result that the maximum servo control forces are applied to all three axes simultaneously. This condition is caused by failure of the —13 volt internal power supply in the 161H–1 programmer (P/N 622–1036–001), which is a part of the AP106 Autopilot. In order to prevent this condition, the directive requires a check to determine if the programmer has been modified in accordance with Collins Service Bulletin No. 6. If the unit has not been so modified, the AD requires that the roll and pitch servo axes be disassembled by placing a collar over the circuit breakers, if installed, or the removal and tieing back of the connector from the roll and pitch servos. In either case a placard must be installed which cautions the pilot not to engage the autopilot. Finally, on or before December 1, 1975, all 161H–1 programmers must be modified in accordance with Collins Service Bulletin No. 6.

Since it was found that immediate corrective action was required, notice and public procedure hereon were impracticable and contrary to the public interest and good cause existed for making this AD effective immediately to the owners of Collins AP106 Autopilots installed in their aircraft. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons who did not receive the letter notification.

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

COLLINS. Applies to Collins AP106 Autopilots which may be installed on Aero Commander Models 500S and 690A; Beech Models 60, A60, B60, 95–C55, 95–C55A, D55, D55A, E55, E55A and A36; DeHavilland Model DHC–6; Piper Models PA 31–350 and PA 31–325; and Swearingen Models SA 226–AT and SA 226–TC, airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent failure in multiple servos, accomplish the following:

A. Within the next 10 hours' time in service after the effective date of this AD, check the modification information plate on the 161H–1 programmer (P/N 622–1036–001), which is part of the AP106 Autopilot, to determine if the unit has been modified in accordance with Collins Service Bulletin No. 6, or approved revisions. If so modified, make an appropriate entry in the aircraft records indicating compliance with this AD.

B. If the 161H–1 programmer has not been modified in accordance with Collins Service Bulletin No. 6, or approved revisions, prior to further flight, disable the roll and pitch servo axes by placing a collar over the circuit breakers, if installed, or remove and tie back the connector from the roll and pitch servos, and in either case install a placard in plain view of the pilot which reads:

DO NOT ENGAGE AUTOPILOT

and operate the aircraft in accordance with this limitation.

C. On or before December 1, 1975, modify all the 161H–1 programmers in accordance with Collins Service Bulletin No. 6.

D. Any alternate means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective June 11, 1975, to all persons except those to whom it was made effective earlier by air mail letter issued May 15, 1975.

(Secs. 313(a), 601 and 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)).)

Issued in Kansas City, Missouri, on May 27, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-14669 Filed 6-4-75;8:45 am]

[Airworthiness Docket No. 75-WE-38-AD; Amdt. 39-2234]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed L–1011–385–1 Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on May 14, 1975, and made effective immediately by telegrams dated May 14, 1975, to all known United States operators of Lockheed L–1011 airplanes. The airworthiness directive prohibits use of the autopilot command mode below 100 feet AGL and requires installation of a placard stating this limitation.

This AD is required because of two recent incidents in which unwanted pitch-up occurred while the airplane was in the autoland mode. In each case, the pitch-up occurred at or near the time of touchdown causing the airplane tail to strike the runway. Investigation is proceeding to isolate the cause of the pitch-up. In the interim, the agency has determined that the autopilot must be disconnected by the flight crew prior to the landing.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of Lockheed L–1011–385–1 airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

LOCKHEED. Applies to L-1011-385-1 Series airplanes, certificated in all categories with Collins FCS-110 autopilot installed.

To prevent possible unwanted pitchup while in the autoland mode, accomplish the following:

(1) Effective 48 hours after receipt of this telegram, the following operating limitation applies: 'Autopilot command mode use prohibited below 100 feet AGL', and a placard must be installed in plain view of the pilots stating:

AUTOPILOT CMD MODE USE PROHIBITED BELOW 100' AGL

(2) Operators shall, by the most immediate and practicable means, notify flight crews of the foregoing.

This amendment is effective June 12, 1975 for all persons except those to whom it was made effective immediately by telegrams dated May 14, 1975.

(Sec. 313(a), 601, and 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)).

Issued in Los Angeles, California on May 28, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-14670 Filed 6-4-75;8:45 am]

[Docket No. 75-GL-11 Amdt. 39-2226]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propeller Governors

There have been a few failures of certain McCauley Propeller Governors on the Cessna 310Q type aircraft that have resulted in loss of governor control. Such failures, which are attributed to a certain lot of drive gears that were assembled in the affected governors, may cause complete loss of propeller pitch control including the inability to feather, and propeller-engine overspeeding. Since this condition is likely to exist in McCauley Propeller Governors Models DCF290 D1A/T2, DCFS290D1A/T2, DCFU290D1 A/T2, and DCFUS290D1A/T2, an Airworthiness Directive is being issued to require removal and replacement of these governors.

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

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

MCCAULEY PROPELLER GOVERNORS. Applies to the following McCauley Governors installed on but not limited to Cessna 310P and 310Q aircraft models:

GOVERNOR MODELS AND SERIAL NUMBERS

DCF290D1A/T2

721466	730108
721481	730113
721482	730115-730121
721484	730208-730219
721486	730223-730227
721489-721494	730260-730272
721572	730274-730279
721576	730423-730430
721577	730432-730437
721579	730439-730458
721581	730460-730466
730106	730482-730490

DCFS290D1A/T2

730041-730050	730331
730052-730054	730390-730394
730159-730165	730635-730643
730244-730252	

DCFU290D1A/T2

730150-730152	730361-730378
730155	730402
730236-730243	730654-730656
730350-730359	730671-730681

DCFUS290D1A/T2

730058-730061	730304-730311
730122-730129	730505-730508
730131	

Compliance required as indicated, unless already accomplished.

To prevent the possibility of loss of propeller pitch control including the inability to feather, and propeller-engine overspeeding inflight, accomplish the following:

Within the next 100 hours' time in service after the effective date of this Airworthiness Directive, remove and replace the affected propeller governors in accordance with McCauley Service Bulletin No. 108 dated May 12, 1975, or later Federal Aviation Administration approved revisions, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

(Cessna Multi-Engine Service Letter No. ME 75-12, dated May 16, 1975 also pertains to this subject).

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417, and the Cessna Aircraft Company, Wallace Division, Box 1977, Wichita, Kansas 67201. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file of this AD which includes incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective June 6, 1975.

(Secs. 313(a), 601, and 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))).

Issued in Des Plaines, Illinois on May 22, 1975.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

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

[FR Doc.75-14685 Filed 6-4-75;8:45 am]

[Airworthiness Docket No. 75-SW-7; Amdt. 39-2223]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 720, and 500S Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of a "bob weight" on some Rockwell Models 500, 600, and 700 series airplanes was published in 40 FR 6675.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment received requested that the airworthiness directive allow a restriction to the aft c.g. limit as an alternative to the "bob weight" installation. This comment was rejected since it would be necessary to severely restrict the aft c.g. limit, and thereby affect operational capability to obtain stick forces equivalent to those provided by the "bob weight" installation.

Two comments expressed the view that the 200 hour compliance time is too restrictive for aircraft with high utilization, and that availability of parts due to material shortages could present problems in meeting the compliance time. In consideration of these comments, the compliance time will be increased to 300 hours.

Two comments were received expressing the view that the installation would introduce appreciable risk of controls jamming. Another stated that a possibility existed of fouling existing structure. In this regard, existing production configurations should not have a fouling problem. The FAA recognizes that modified aircraft could experience a problem with fouling or jamming. Since this possibility will require consideration, revised instructions will be directed to this problem. Reevaluation of the installations prescribed by Rockwell service bulletins numbered 129 and 136 did disclose a deficient area from the point of view of loose objects. The service bulletins have been revised to preclude jamming by loose objects.

Another comment proposed certain pilot training and installation of an accelerometer as an alternative to the bob weight installation. Pilot familiarization with aircraft that have low stick force/g characteristics would be beneficial. However, an accelerometer would not preclude a pilot from inadvertently applying excessive "g" loading under high stress conditions. This would be especially applicable where the aircraft has a low stick force/g gradient and a narrow plus/minus "g" range.

In consideration of the foregoing, and pursuant to the authority delegated by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROCKWELL: Applies to Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 720, and 500S (prior to serial number 3156) and Model 500S, serial numbers 3156 through 3246 airplanes certificated in all categories.

Compliance is required as indicated.

Within the next 300 hours' time in service after the effective date of this AD, to prevent inadvertent pilot induced structural failure, install "bob weights" in accordance with Rockwell International Service Bulletin No. 128, Revision 1, dated April 24, 1975, or No. 129, Revision 2, dated May 9, 1975, or No. 136, Revision 1, dated May 9, 1975 (or later FAA approved revision), or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, unless already accomplished in accordance with the above revised service bulletins.

Aircraft that have complied with Service Bulletin No. 129 prior to Revision 2 or Service Bulletin No. 136 prior to Revision 1, must comply with Rockwell Service Bulletin No. 152 dated May 9, 1975, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, unless already accomplished. Compliance with Service Bulletin No. 152 is required within 300 hours' time in service after the effective date of this AD.

Copies of these bulletins may be obtained by contacting the Service Manager, Commander Aircraft Division, Rockwell International, 5001 North Rockwell Avenue, Bethany, Oklahoma 73008.

This amendment becomes effective July 2, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 135(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on May 20, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-14671 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-12]

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

Alteration of Control Zone and Transition Area

On Page 15399 of the FEDERAL REGISTER dated April 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Marion, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 GMT, August 14, 1975.

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

Issued in Des Plaines, Illinois, on May 16, 1975.

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

1. In § 71.171 (40 FR 354), the following control zone is amended to read:

MARION, INDIANA

Within a 5-mile radius of the Marion Municipal Airport (Latitude 40°29'27" N., Longitude 85°40'43" W.); and within 2.5 miles each side of the Marion VOR 042°, 211° and 320° radials; extending from the 5-mile radius to 6 miles northeast and northwest and 5.5 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

2. In § 71.181 (40 FR 441), the following transition area is amended to read:

MARION, INDIANA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport, Marion, Indiana (Latitude 40°29'27" N., Longitude 85°40'43" W.); and within 3 miles each side of the Marion VOR 042°, 211° and 320° radials, extending from the 5-mile radius to 8 miles northeast, southwest and northwest of the VOR.

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

[FR Doc.75-14679 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-11]

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

Alteration of Transition Area

On Page 15400 of the FEDERAL REGISTER dated April 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Terre Haute, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, July 24, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of section (c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois on May 19, 1975.

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

In § 71.181 (40 FR 441), the following transition area is amended to read:

TERRE HAUTE, INDIANA

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (Latitude 39°27'07" N., Longitude 87°18'25" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest; within a 5-mile radius of the Sky King Airport (Latitude 39°32'56" N., Longitude 87°-23'38" W.); within a 5-mile radius of the Arthur Airport (Latitude 39°28'36" N., Longitude 87°06'00" W.).

[FR Doc.75-14680 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-15]

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

Alteration of Transition Area

On Page 16088 of the FEDERAL REGISTER dated April 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area in the State of Minnesota.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 09:01 G.m.t., August 14, 1975.

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

Issued in Des Plaines, Illinois, on May 19, 1975.

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

In § 71.181 (40 FR 441), the following area is amended to read:

MINNESOTA

That airspace extending upward from 1200 feet above the surface within the boundary of the State of Minnesota south of parallel 46°30' and that area bounded on the north by the Canadian boundary, on the east by Victor Airway 161, on the south by Victor Airway 430, on the west by Victor Airway 82 excluding the portion which overlies the Bemidji, Baudette, International Falls and Grand Rapids, Minnesota transition areas.

[FR Doc.75-14676 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-21]

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

Alteration of Transition Area

On Page 16346 of the FEDERAL REGISTER dated April 11, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Moline, Illinois.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective immediately.

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

Issued in Des Plaines, Illinois, on May May 19, 1975.

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

In § 71.181 (40 FR 441), the following area is added to read:

MOLINE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (Latitude 41°26'56" N., Longitude 90°30'34" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from one mile east to 18½ miles west of the OM; within 5 miles either side of the Quad City ILS localizer east course extending from the 9-mile radius area to 16½ miles east of the airport; within a 6½-mile radius of Davenport Municipal Airport (Latitude 41°36'40" N., Longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 6½-mile radius area to the VOR.

[FR Doc.75-14673 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-20]

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

Alteration of Transition Area

On Page 16345 of the FEDERAL REGISTER dated April 11, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Bend, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective July 24, 1975.

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

Issued in Des Plaines, Illinois, on May 16, 1975.

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

In § 71.181 (40 FR 441), the following transition area is amended to read:

WEST BEND, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Bend Municipal Airport (Latitude 43°25'17" N., Longitude 88°07'41" W.); within 3 miles each side of the 051° bearing from the airport, extending from the 7-mile radius area to 8 miles northeast of the airport, and within 3 miles each side of the 133° bearing from the airport, extending from the 7-mile radius area to 7½ miles southeast of the airport.

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

[FR Doc.75-14674 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-17]

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

Designation of Transition Area

On Page 16346 of the FEDERAL REGISTER dated April 11, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lacon, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective July 10, 1975.

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

Issued in Des Plaines, Illinois, on May 16, 1975.

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

In § 71.131 (40 FR 441), the following transition area is added:

LACON, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marshall County Airport (Latitude 41°01'12" N., Longitude 89°23'08" W.); and within 2 miles each side of the Bradford VORTAC 133° radial extending from the 5-mile radius area to 6.5 miles northwest of the airport.

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

[FR Doc.75-14675 Filed 6-4-75;8:45 am]

[Airspace Docket No. 73-WA-13]

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

Designation of Terminal Control Area at New Orleans, Louisiana

CORRECTIVE AMENDMENT

On May 9, 1975, FR Doc. 75-12177 was published in the FEDERAL REGISTER (40 FR 20269), designating the New Orleans, La., Group II Terminal Control Area (TCA) effective July 17, 1975.

In describing Area A and Area B, one area of exclusion was identified as Area F. However, a defect in the description of Area F inadvertently resulted in not excluding certain airspace from the areas identified as "A" and "B". As discussed in the preamble to the amendment designating the New Orleans TCA, the Federal Aviation Administration (FAA) intended to exclude from the TCA configuration a corridor from 1,000 to 2,000 feet MSL, one mile wide within that airspace identified as Area F to permit operations over Moisant Airport and through Area A and Area B. The error permitted Area A and Area B to include airspace which was not intended to be included within the TCA designation.

Since this amendment is corrective in nature and implements the intended TCA configuration for the New Orleans Group II TCA, further notice and public procedure is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations (§ 71.401(b)), is amended effective 0901 G.m.t., July 17, 1975, by amending the descriptions of Area A, Area B and Area F of the TCA configuration for the New Orleans Group II Terminal Control Area as follows:

Area A—That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the New Orleans International Airport—Moisant Field, and within a 1.5-mile radius of the ILS Runway 10 outer compass locator (Lat. 30°01'30" N., Long. 90°23'59" W.) excluding that airspace north of the south shore of Lake Pontchartrain, that airspace within and underlying Area C described hereinafter, and that airspace ½ nautical mile either side of a line extending from Lat. 30°01'09" N., Long. 90°07'47" W., to Lat. 29°59'30" N., Long. 90°15'37" W., to Lat. 30°03'36" N., Long. 90°22'10" W.

Area B—That airspace extending upward from 600 feet MSL to and including 7,000 feet MSL north of the south shore of Lake Pontchartrain within a 7-mile radius of the New Orleans International Airport—Moisant Field excluding that airspace ½ nautical mile either side

of a line extending from Lat. 30°01'09" N., Long. 90°07'47" W., to Lat. 29°59'30" N., Long. 90°15'37" W., to Lat. 30°03'36" N., Long. 90°22'10" W.

Area F—That airspace extending upward from the surface to 1,000 feet MSL and from 2,000 feet MSL to 7,000 feet MSL, ½ nautical mile either side of a line extending from Lat. 30°01'09" N., Long. 90°07'47" W., to Lat. 29°59'30" N., Long. 90°15'37" W., to Lat. 30°03'36" N., Long. 90°22'10" W., excluding that airspace below 600 feet MSL north of the south shore of Lake Pontchartrain.

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

Issued in Washington, D.C., on May 30, 1975.

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

[FR Doc.75-14683 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-14]

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

Designation of Transition Area

On page 15400 of the FEDERAL REGISTER dated April 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Delaware, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective July 24, 1975.

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

Issued in Des Plaines, Illinois, on May 16, 1975.

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

In § 71.181 (40 FR 441), the following transition area is added:

DELAWARE, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Delaware Municipal Airport (Latitude 40°16'46" N., Longitude 83°06'22" W.); and within 3 miles either side of the 093° bearing from the airport extending from the 6-mile radius to 8 miles east of the airport.

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

[FR Doc.75-14677 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-13]

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

Designation of Transition Area

On page 16089 of the FEDERAL REGISTER dated April 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at West Union, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 24, 1975.

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

Issued in Des Plaines, Illinois on May 19, 1975.

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

In § 71.181 (40 FR 441), the following transition area is added:

WEST UNION, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Alexander Salamon Airport (Latitude 38°51'05" N., Longitude 83°34'00" W.); and within 3 miles either side of the 049° bearing from the airport extending from the 6-mile radius to 8 miles northeast of the airport.

[FR Doc.75-14678 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-GL-9]

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

Designation of Transition Area

On Page 15400 of the FEDERAL REGISTER dated April 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Winamac, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective July 24, 1975.

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

Issued in Des Plaines, Illinois, on May 16, 1975.

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

In § 71.181 (40 FR 441), the following transition area is added:

WINAMAC, INDIANA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arens Airport (Latitude 41°05'35" N., Longitude 86°36'45" W.); within 2 miles each side of the Knox VORTAC 173° radial extending from the 5-mile radius area to 10 miles south of the VORTAC.

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

[FR Doc.75-14681 Filed 6-4-75;8:45 am]

[Airspace Docket No. 75-WA-3]

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

Establishment of VOR Federal Airways

On April 9, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 16089) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate two VOR Federal Airways from International Falls, Minn., to Dryden, Ontario, Canada, and to Atikokan, Ontario, Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., August 14, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended to add the following:

1. V-180 from International Falls, Minn., to Dryden, Ontario, Canada, NDB, excluding that airspace within Canada.

2. V-242 from International Falls, Minn., to Atikokan, Ontario, Canada, NDB, excluding that airspace within Canada.

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

Issued in Washington, D.C. on May 30, 1975.

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

[FR Doc.75-14682 Filed 6-4-75;8:45 am]

[Docket No. 14627; Amdt. No. 971]

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 (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's 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 rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's 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 SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's 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 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 SIAP's, effective July 17, 1975.

Dixon, Ill.—Dixon Municipal-Charles R. Walgreen Field, VOR-A, Amdt. 4.
Elgin, Ill.—Elgin Arpt., VOR Rwy 36, Amdt. 1.
New Braunfels, Tex.—New Braunfels Municipal Arpt., VOR/DME-A, Amdt. 1.
New Roads, La.—False River Airpark, VOR/DME-A, Orig.
Odessa, Tex.—Ector County Arpt., VOR-A, Amdt. 2.
Ozark, Ark.—Ozark-Franklin County Arpt., VOR/DME-A, Orig.

* * * effective May 28, 1975:

Stevens Point, Wis.—Stevens Point Municipal Arpt., VOR Rwy. 3, Amdt. 7.
Stevens Point, Wis.—Stevens Point Municipal Arpt., VOR Rwy 21, Amdt. 11.
Stevens Point, Wis.—Stevens Point Municipal Arpt., VOR Rwy 30, Amdt. 10.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective July 17, 1975.

Brownsville, Tex.—Brownsville Int'l. Arpt., LOC (BC) Rwy 31L, Amdt. 3.

* * * effective June 19, 1975:

Los Angeles, Calif.—Van Nuys Arpt., LOC/DME-A, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective July 17, 1975.

Frederick, Okla.—Frederick Municipal Arpt., NDB Rwy 17, Amdt. 1.
Idaho Falls, Idaho—Fanning Field, NDB Rwy 21, Amdt. 2.
Odessa, Tex.—Ector County Arpt., NDB Rwy 20, Orig.
Oxford, Ohio—Miami University Arpt., NDB Rwy 4, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective July 17, 1975.

Idaho Falls, Idaho—Fanning Field, ILS Rwy 21, Amdt. 1.

* * * effective June 19, 1975:

Los Angeles, Calif.—Van Nuys Arpt., ILS/DME Rwy 16R, Orig.
Shreveport, La.—Shreveport Regional Arpt., ILS Rwy 31, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective July 17, 1975.

Abilene, Tex.—Abilene Municipal Arpt., RADAR-1, Amdt. 5.
San Antonio, Tex.—San Antonio Int'l. Arpt., RADAR-1, Amdt. 18.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective July 17, 1975.

Elgin, Ill.—Elgin Arpt., RNAV Rwy 18, Amdt. 2.

(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) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on May 29, 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.75-14684 Filed 6-4-75;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. R-75-337]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

SPECIAL FORBEARANCE RELIEF

The following amendment is being made to this chapter to relax the requirement for granting special forbearance relief, to encourage mortgagees to enter into forbearance agreements with mortgagors that would have previously necessitated prior approval by the Commissioner, and to transfer the authority for granting forbearance relief from the Commissioner to the Assistant Secretary for Housing Management.

In accordance with his authority contained in 12 U.S.C. 1710, the Secretary had determined that such a change is necessary and desirable to enable mortgagors to complete mortgage payments.

The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and good cause exists for making this amendment effective upon publication.

Accordingly, § 203.340 is amended by revising the introductory text of (a), (a)(1), (a)(3), the introductory text of (b), and (b)(1) (i) and (ii) as follows:

§ 203.340 Conditions of special forbearance relief.

(a) *General Conditions—Assistant Secretary for Housing Management's prior approval.* The Assistant Secretary for Housing Management may approve special forbearance relief if he finds that the default was due to circumstances beyond the mortgagor's control. Approval is given on condition that the mortgagor and morgagee enter into a written forbearance agreement providing for:

(1) The increase, reduction or suspension of regular mortgage payments for a specified for bearance period;

(2) * * *

(3) The payment of the total unpaid amount accruing prior to and during the forbearance period on or before the maturity date of the mortgage or on or before a date subsequent to the ma-

turity date which is approved by the Assistant Secretary for Housing Management.

(b) *Special Conditions—Assistant Secretary for Housing Management's approval not required.* Special forbearance relief may be granted by the mortgagee, without prior approval of the Assistant Secretary for Housing Management, under the following conditions:

(1) * * *

(i) The mortgagor does not own other property subject to a mortgage insured by the Department of Housing and Urban Development, and

(ii) The default was caused by circumstances beyond the control of the mortgagor.

* * * * *

Effective date. This amendment is effective June 5, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-14758 Filed 6-4-75;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-262]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Indiana; Correction

On December 5, 1973, in 38 FR 33467, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Columbus, Indiana, as an eligible community and included Map No. H 180007 05 which indicates that Parcel P-5, Redevelopment Project One, Columbus, Indiana, as recorded in Plat Book G, Page 102 in the office of the Recorder of Bartholomew County, Indiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective December 7, 1973, Map No. H 180007 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: May 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14759 Filed 6-4-75;8:45 am]

[Docket No. FI-315]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

New York; Correction

On August 6, 1974, in 39 FR 28245, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Ossining, New York, as an eligible community and included Map No. H 361021 01 which indicates that Buildings No. 2 and No. 3, Kemeys Cove Condominiums, Ossining, New York, as recorded in the Office of the County Clerk of Westchester County, New York, on September 30, 1974, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective July 19, 1974, Map No. H 361021 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: May 16, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14760 Filed 6-4-75;8:45 am]

[Docket No. FI-594]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Virginia; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot No. 792, Section 11, Kings Park West, Fairfax County, Virginia, as recorded in Deed Book 3314, Page 724 in the office of the Clerk of the Court, Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: May 16, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14761 Filed 6-4-75;8:45 am]

Title 25—Indians

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

PART 88—INDIAN FISHING IN ALASKA

Annette Island Reserve

MAY 28, 1975.

Basis and purpose. Pursuant to the authority contained in the Acts of March 3, 1891 (26 Stat. 1101), May 1, 1936 (49 Stat. 1250), and June 25, 1959 (73 Stat. 141), and Presidential Proclamation of April 28, 1916 (39 Stat. 1777), it is proposed to amend subsec-

tions (c) and (e) of § 88.3 of the Code of Federal Regulations, Title 25—Indians, dealing with the salmon trap fishing season and fishing area within the Annette Island Reserve by the Metlakatla Indian Community, Alaska. The purpose of this amendment is to permit the Metlakatla Indians and those people known at Metlakatlans an equal opportunity to catch their fair share of the total annual salmon run.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. As a result of Supreme Court decision, Alaska Pacific Fisheries v. United States, 248 U.S. 78 (1918), the submission of written comments, suggestions and objections to this amendment are hereby waived and the amendments cited below will become effective on date of publication in the FEDERAL REGISTER.

Paragraphs (c) and (e) of § 88.3 are revised to read as follows:

§ 88.3 Commercial fishing, Annette Island Reserve.

* * * * *

(c) *Trap fishing season.* Fishing for salmon with traps operated by the Metlakatla Indian Community is permitted only at such times as commercial salmon fishing with purse seines is permitted by order or regulation of the Alaska Board of Fish and Game for Commercial Fishing in any part of the following area: from the point at which meridian 132°-17'30" intersects the United States-Canadian boundary due north along said meridian to latitude 55°33'00", thence due east along said parallel to longitude 130°49'15", then due south along said meridian to the point at which it intersects with the United States-Canadian boundary, thence due west along said boundary to the point of beginning, provided, however, that the Secretary or his duly authorized representative may upon request by the Metlakatla Indian Community, authorize fishing for salmon with traps, at such other times as he shall prescribe, which authorization shall be based upon the following criteria:

(1) Number of fish required for spawning escapement and any other requirements reasonable and necessary for conservation;

(2) Fair and equitable sharing of the salmon resource with other user groups fishing in State waters under State law and within the State fisheries management system; and

(3) The federal purpose in the establishment and maintenance of the Metlabatla Indian Reservation.

* * * * *

(e) *Other forms of commercial fishing.* All commercial fishing, other than with traps, shall be in accordance with the season and gear restrictions established by rule or regulation by the Alaska Board of Fish and Game for Commercial Fishing in any part of the previously defined area; provided, however, that the Secretary or his duly authorized representative may, upon request by the Metlakatla Indian Community authorize such other commercial fishing at such times as he shall prescribe, which authorization shall be based upon the following criteria:

(1) Number of fish required for spawning escapement and any other requirements reasonable and necessary for conservation;

(2) Fair and equitable sharing of the fishery resource with other user groups fishing in State waters under State law and within the State fisheries management system; and

(3) The federal purpose in the establishment and maintenance of the Metlakatla Indian Reservation.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-14662 Filed 6-4-75;8:45 am]

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 256—OFF-RESERVATION TREATY FISHING

Identification Cards

The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Part 256, Subchapter W, Chapter I, Title 25, of the Code of Federal Regulations is amended by revising section 256.3 (b). This revision extends to December 31, 1977, the deadline for issuing temporary identification cards as evidence of entitlement to exercise fishing rights secured by treaty to tribal members who do not have approved current membership rolls. The revision is prepared under the authority contained in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Since this revision extends a deadline for issuing temporary identification cards to tribal members to be used in connection with treaty fishing rights, advance notice and public procedure thereon would delay extension of the deadline for issuing the identification cards and is deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b) (B) of 5 U.S.C. 553 (1970).

Since this revision extends the deadline to allow tribal members to receive needed identification cards, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d) (1) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective June 5, 1975.

As revised, § 256.3(b) reads as follows:

§ 256.3 Identification cards.

* * * * *

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of the Interior. *Provided*, That until December 31, 1977, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his entitlement thereto satisfactory to the issuing officer and, in the case of a tribally issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this chapter.

* * * * *

No further changes are made in the text of Part 256.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

MAY 27, 1975.

[FR Doc.75-14771 Filed 6-4-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL-374-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revisions to Oregon Implementation Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act (42 U.S.C. 1857c-5), and 40 CFR Part 51, the Administrator approved the State of Oregon Clean Air Act Implementation Plan in its entirety. Subsequently,, the following three revisions, among others, have been submitted to EPA for approval.

1. On February 8, 1973, the State of Oregon Department of Environmental Quality (DEQ) submitted to EPA, as a revision to the approved Implementation Plan, amended Oregon Administrative Rules (OAR) Chapter 340, sections 25-105 through 25-130, "*Hot Mix Asphalt Plants.*" The revision was proposed and

public comment was invited in the February 19, 1974, FEDERAL REGISTER (39 FR 6130). No comments were received on the proposal during the 30-day public comment period.

The Administrator has completed his review of the changes and has determined that they are consistent with the approved Implementation Plan and the requirements for the Federal Clean Air Act, as amended. The amended asphalt plant regulation, adopted by the State on January 26, 1973, after proper notice and public hearing, provides for expansion of the geographical limits of "Special Control Areas," increases the distance required between residences and asphalt plants from one-half mile to one mile, and adds opacity and grain loading limitations for asphalt plants within "Special Control Areas." EPA has determined that the Hot Mix Asphalt Plant regulation is more stringent than the present regulation in the approved Oregon Implementation Plan.

2. On February 13, 1973, the State of Oregon DEQ submitted changes to regulations in the approved plan for the Lane Regional Air Pollution Authority.

The revisions to the regulations for the Lane Regional Air Pollution Authority include the following:

1. Recodification of existing regulations presently in the approved Implementation Plan, and some changes in language for clarification.

2. A new veneer drier visual emission regulation identical to the State agency's regulation in the approved Implementation Plan.

3. A new sulfur dioxide emission regulation for fuel burning equipment identical to the State agency's regulation in the approved Implementation Plan.

4. Revision to the gasoline storage regulation requiring a vapor loss control device on tanks of 1500 gallons or more in "Area A" (500 gallons in previous regulation).

5. A new wigwam visual emission regulation as stringent as the State agency's regulation in the approved State Implementation Plan.

The revisions were proposed and public comment was invited in the February 19, 1974 FEDERAL REGISTER (39 FR 6130). No comments were received on the proposal.

EPA's review of the revisions to the rules and regulations of the Lane Regional Air Pollution Authority indicates that the revisions are consistent with the federal Clean Air Act, as amended, 40 CFR Part 51, and the control strategy in the approved State Implementation Plan.

3. On February 13, 1973, the State of Oregon submitted a recodification of regulations for the Columbia-Willamette Air Pollution Authority.

Subsequently, on June 17, 1974, the State of Oregon DEQ submitted amendments to the Oregon Implementation Plan for dissolution of the air quality control program of the Columbia-Willamette Air Pollution Authority which superseded the earlier submitted recodification of regulations. Special DEQ air pollution rules applicable to the areas of Clackamas, Columbia, Multnomah and Washington Counties, to replace the rules of the dissolved Authority, were also submitted. These rules include portions of the rules of the former Columbia-Willamette Air Pollution Authority pertaining to emission standards, open burning and prohibited practices. Since the dissolution of the Columbia-Willamette Air Pollution Authority and the adoption of special DEQ rules is procedural, the effect on the substantive content of the regulations is not significant. These revisions to the Oregon Implementation Plan were proposed and public comment was invited in the February 27, 1974 FEDERAL REGISTER (39 FR 7593). No comments were received on the proposal. The special Air Pollution Control Rules for Clackamas, Columbia, Multnomah, and Washington Counties meet the requirements of the federal Clean Air Act, as amended, and 40 CFR Part 51, and are consistent with the State of Oregon's approved control strategy.

Three additional revisions were proposed in the February 19, 1974 FEDERAL REGISTER (39 FR 6130). Revisions to the OAR, Chapter 340, sections 25–155 through 25–195, *Kraft Pulp Mills*, were submitted on February 8, 1973; revisions to the Rules and Regulations of the Mid-Willamette Valley Air Pollution Authority were submitted on February 13, 1973; and revisions to section 25–315(1), Veneer Driers, were submitted on May 30, 1973. The approval or disapproval of these revisions will be published in a separate FEDERAL REGISTER notice of final rulemaking.

This final rulemaking action approves as Implementation Plan revisions:

1. The revisions to the OAR, Chapter 340, sections 25–105 through 25–130 *Hot Mix Asphalt Plants*.

2. The revisions to the Rules and Regulations of the Lane Regional Air Pollution Authority.

3. The amendments for the dissolution of the Rules of the Columbia-Willamette Air Pollution Authority.

4. The adoption of special DEQ air pollution control rules for Clackamas, Columbia, Multnomah and Washington Counties.

The Administrator finds good cause for making this rulemaking effective immediately as the revisions are already in effect under State law and EPA's approval imposes no additional burdens.

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

Dated: June 2, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart MM—Oregon

1. In § 52.1970, (c) (2) and (3) are revised to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) * * *

(2) August 10, 1972; February 8, 9, and 13, May 30, June 8, 22, and 25, July 17, and August 3, 20, and 27, 1973; January 17, 1974, by the Department of Environmental Quality.

(3) Provided, however, that the Kraft Pulp Mill regulation, Oregon Administrative Rules (OAR) Chapter 340, sections 25–155 through 25–195, submitted on February 8, 1973, the rules and regulations of the Mid-Willamette Valley Air Pollution Authority, submitted on February 13, 1973, and the Veneer Drier regulation, OAR, section 25–315(1), submitted on May 30, 1973, have been neither approved nor disapproved.

[FR Doc.75-14774 Filed 6-4-75;8:45 am]

[FRL 382-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ship and Barge Vapor Recovery

On November 6, 1973, the Administrator promulgated a final regulation requiring recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region, 40 CFR 52.2287 (38 FR 30633). The purpose of the regulation is to reduce hydrocarbon emissions and thereby to assist in at-

tainment and maintenance of the national ambient air quality standard for photochemical oxidants in that region.

The regulation was challenged by a number of companies subject to it, but was held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas, et al. v. EPA*, 499 F. 2d 289, 316–17, 321. Petitions for rehearing were filed, but were denied by the Court. Petitioners filed with the U.S. Supreme Court motions for stay of mandate pending applications for writ of certiorari. The motions were denied on April 28, 1975. The mandate was issued by the Fifth Circuit on April 30, 1975:

On April 25, 1975, the Administrator suspended interim compliance dates contained within the regulation and which had already passed, namely 40 CFR 52.2287(c) (1), (2), and (3), (40 CFR 18437). That notice, however, did not suspend the final compliance date of May 31, 1975, § 52.2287(c)(4).

The Agency is currently engaged in an examination of various aspects of the regulation, including, but not limited to the proper extent of any extensions to the interim and final compliance dates contained in the regulation. In this regard the Agency has requested pertinent information from those subject to the regulation, pursuant to section 114 of the Clean Air Act. The information that has been received, regarding both technical issues and information on past efforts, is now being evaluated and the Agency intends to publish proposed amendments to the regulation within the near future.

In the meantime, the Agency has decided to suspend the final compliance date of May 31, 1975 (40 CFR 52.2287(c)(4)). The final compliance date will be suspended until October 1, 1975. This action will allow the Agency to proceed in an orderly fashion to consider the information now before it. This action does not, however, relieve those subject to the regulation from the obligation to continue to make maximum good faith efforts to comply with the substantive portions of the regulation.

The suspension will be in effect until October 1, 1975, by which time the Administrator plans to publish in final form amendments to the regulation.

(Sec. 301, Clean Air Act, 42 U.S.C. 1857g)

Dated: May 30, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-14773 Filed 6-4-75;8:45 am]

[FRL 383-1]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Corrections

On July 10, 1974 (39 FR 25320) and subsequently on May 19, 1975 (40 FR 21730), EPA published several amendments to the motor vehicle air pollution control regulations dealing with testing procedures for 1976 and subsequent model year light duty vehicles and light duty trucks. These amendments were presented in the FEDERAL REGISTER as amendments to various sections of the 1975 model year test procedures, since the Agency intends that the 1975 model year test procedures be carried over to (i.e., be applicable for) 1976 and subsequent model year vehicles. Because of the manner in which the amendments were presented, some uncertainty has arisen concerning the Agency's intention regarding the testing of 1976 and subsequent model year vehicles. To assure that the regulations are clearly understood by the general public, the regulations are hereby reissued in the form set forth below.

These regulations add sections to Subparts A and C of Part 85, for the testing of 1976 and subsequent model year gasoline-fueled light duty vehicles and light duty trucks. The test procedures for 1976 and subsequent model year vehicles can be ascertained by consulting regulations contained at 40 CFR 85.075 (Subpart A) and 85.275 (Subpart C), and substituting the appropriate sections contained in today's publication (i.e., substitute 85.076–5 for 85.075–5, 85.076–7 for 85.075–7, 85.076–9 for 85.075–9, etc.).

Part 85 of Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1976 model year is amended as follows, effective on (date of publication in the FEDERAL REGISTER). These corrections are issued under the authority of section 206 of the Clean Air Act as amended (42 U.S.C. 1857f–6).

Dated: May 30, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

1. Section 85.076–5 is added to read as follows:

§ 85.076–5 Test vehicles.

(a)(1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all of the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data vehicles:

(1) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-evaporative emission control system combinations. A projected sales volume will be established for each combination for the 1976 model year. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system, and inertia weight class.

(3) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options and axle ratios.

(4) If the vehicles selected in accordance with subparagraphs (2) and (3) of this paragraph do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the

largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(c) Durability data vehicles:

(1) A durability data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(2) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) For purposes of testing under § 85.076–7(g), the Administrator may require additional emission data vehicles and durability data vehicles identical in all material respects to vehicles selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1976 model year is less than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission data or durability data vehicle selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data on a similar vehicle for which certification has previously been obtained.

(g) (1) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, if required by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 2 pounds per item need not be considered.

(2) Where it is expected that more than 33 percent of an engine family may be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes and other items determined by the Administrator.

(3) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

2. Section 85.076–7 is added to read as follows:

§ 85.076–7 Mileage accumulation and emission standards.

The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 85.075–15(d), the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(a) *Emission data vehicles.* Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Complete exhaust emission and fuel evaporative emission tests (see § 85.076–9(a)) shall be conducted at zero miles and 4,000 miles unless the Administrator determines, based on data submitted under § 85.076–5(f), that only the exhaust emission tests (see § 85.076–9(b)) shall be conducted at zero miles and 4,000 miles.

(b) *Durability data vehicles.* Each durability vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission and fuel evaporative emission tests (see § 85.076–9(a)) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, 50,000, unless the Administrator determines based on data submitted under § 85.076–5(f), that only the exhaust emission tests (see § 85.076–9(b)) shall be made at the mileage points specified in this paragraph.

(c) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability vehicles and 4,000 miles for emission data vehicles must be conducted and any accumulated mileage within 250 miles of each of those test points.

(d) (1) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within three working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.075–4. Where the Administrator conducts a test on a durability vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E 26–67, to the number of places to the right of the decimal point indicated by expressing the applicable standard in § 85.076–1 to three significant figures.

(e) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero mile test data to the Administrator and make the vehicle available for such testing under § 85.075–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(f) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (e) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 85.075–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(g) (1) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(2) The test procedures in §§ 85.075–9 through 85.075–27 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

3. Section 85.076–9 is added to read as follows:

§ 85.076–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of vehicles with the standards set forth in § 85.076–1.

(a) Vehicles which are required to be tested for compliance with the exhaust and fuel evaporative emission standards of this subpart shall be tested according to the following procedures:

(1) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(2) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(3) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving, and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(i) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(ii) Running losses from the fuel tank and carburetor resulting from a simulated trip on a chassis dynamometer; and

(iii) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

(4) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.075–6.

(b) Vehicles which are required to be tested for compliance only with the exhaust emission standards of this subpart shall be tested according to the following procedures:

(1) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The test applies to vehicles equipped with catalytic or direct-flame after-burners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(2) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(3) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.075–6.

4. Section 85.076–11 is added to read as follows:

§ 85.076–11 Vehicle and engine preparation.

(a) Vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standards of this subpart shall be prepared as follows:

(1)(i) Apply appropriate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in ⅜-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(ii) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(2)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if required, shall be performed in accordance with § 85.075–6 and be reported with the test results under § 85.075–4.

(ii) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(3) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(4) Provide additional fittings and adapters, as required, to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

(b) Vehicles to be tested for compliance only with the exhaust emission standards of this subpart shall be prepared as follows:

(1)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Such inspection shall include the application of a pressure of 14.5 inches of water (plus or minus 0.5 inches of water) to the fuel system. The pressure should be applied and allowed to stabilize and the fuel system isolated from the pressure source. The fuel system may not lose more than 2.0 inches of water for five minutes beginning with the isolation of the fuel system. Corrective action, if required, shall be performed in accordance with § 85.075–6 and be reported with the test results under §85.075–4.

(ii) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

5. Section 85.076–12 is added to read as follows:

§ 85.076–12 Vehicle preconditioning.

(a) Vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standard of this subpart shall be preconditioned as follows:

(1) The test vehicle shall be operated under the conditions prescribed for mileage accumulation, § 85.076–7, for

one hour immediately prior to the operation prescribed below:

(2) The fuel tank shall be drained and specifiel test fuel (§ 85.075–10(a)) added. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank.

(3) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of § 85.075–14 through § 85.075–19 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68°F and 86°F.

(4) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76°F and 86°F for a period of not less than one hour prior to the soak period prescribed in § 85.075–13(a)(1).

(b) Vehicles to be tested for compliance only with the exhaust emissions standards of this subpart shall be preconditioned as follows:

(1) The fuel tank(s) shall be drained and filled with the specified test fuel (§ 85.075–10(a)) to the prescribed tank(s) fuel volume, defined in § 85.002 (a)(20). The fuel added to the vehicle tank(s) shall have an initial temperature of no more than 86°F. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank(s).

(2) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and precedures of §§ 85.075–14 through 85.075–19 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. Longer preconditioning may be permitted with advance approval of the Administrator. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F and 86° F.

(3) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F and 86° F for a period of not less than one hour prior to the soak period prescribed in § 85.076–12(b)(4).

(4) The test vehicle shall be allowed to soak in an area where the ambient temperature is maintained between 60° F and 86° F for a period of not less and 11 (eleven) hours prior to the dynamometer operation prescribed in §§ 85.075–14 through 85.075–24.

(5) The vehicle shall be operated on the dynamometer according to the requirements and procedures of § 85.075–24. This operation completes the test.

6. Section 85.276–5 is added to read as follows:

§ 85.276–5 Test vehicles.

(a)(1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center to center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air-cooled or water-cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic convertor characteristics.

(ix) Thermal reactor characteristics.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface to volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data vehicles:

(1) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-evaporative emission control system combinations. A projected sales volume will be established for each combination for the 1976 model year. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system and inertia weight class.

(3) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options and axle ratios.

(4) If the vehicles selected in accordance with subparagraphs (2) and (3) of this paragraph do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(c) Durability data vehicles:

(1) A durability data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engin family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(2) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) For purposes of testing under § 85.276–7(g), the Administrator may require additional emission data vehicles and durability data vehicles identical in all material respects to vehicles selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission data

fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1976 model year is less than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission data or durability data vehicle selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data on a similar vehicle for which certification has previously been obtained.

(g) (1) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, if required by the Administrator in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(2) Where it is expected that more than 33 percent of an engine family may be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes, and other items determined by the Administrator.

(3) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

7. Section 85.276–7 is added to read as follows:

§ 85.276–7 Mileage accumulation and emission standards.

The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 85.275–15(d), the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(a) *Emission data vehicles.* Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Complete exhaust emission and fuel evaporative emission tests (see § 85.276–9(a)) shall be conducted at zero miles and 4,000 miles unless the Administrator determines, based on data submitted under § 85.276–5(f), that only the exhaust emission tests (see § 85.276–9(b)) shall be conducted at zero miles and 4,000 miles.

(b) *Durability data vehicles.* Each durability vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission and fuel evaporative emission tests (see § 85.276–9(a)) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, 50,000, unless the Administrator determines based on data submitted under § 85.276–5(f), that only the exhaust emission tests (see § 85.276–9(b)) shall be made at the mileage points specified in this paragraph.

(c) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability vehicles and 4,000 miles for emission data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(d) (1) The results of such emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within three working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.275–4. Where the Administrator conducts a test on a durability vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E 26–67, to the number of places to the right of the decimal point indicated by expressing the applicable standard in § 85.276–1 to three significant figures.

(e) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero mile test data to the Administrator and make the vehicle available for such testing under § 85.275–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(f) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (e) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculation under § 85.275–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(g) (1) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(2) The test procedures in §§ 85.275–9 through 85.275–27 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

8. Section 85.276–9 is added to read as follows:

§ 85.276–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of vehicles with the standards set forth in § 85.276–1.

(a) Vehicles which are required to be tested for compliance with the exhaust and fuel evaporative emission standards of this subpart shall be tested according to the following procedures:

(1) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are

diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(2) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(3) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving, and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(i) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(ii) Running losses from the fuel tank and carburetor resulting from a simulated trip on a chassis dynamometer; and

(iii) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

(4) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.275–6.

(b) Vehicles which are required to be tested for compliance only with the exhaust emission standards of this subpart shall be tested according to the following procedures:

(1) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(2) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(3) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.275–6.

9. Section 85.276–11 is added to read as follows:

§ 85.276–11 Vehicle and engine preparation.

(a) Vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standards of this subpart shall be prepared as follows:

(1)(i) Apply appropriate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in 5/16-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(ii) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(2) (i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if required, shall be performed in accordance with § 85.275–6 and be reported with the test results under § 85.275–4.

(ii) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(3) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(4) Provide additional fittings and adapters, as required, to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

(b) Vehicles to be tested for compliance only with the exhaust emission standards of this subpart shall be prepared as follows:

(1)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Such inspection shall include the application of a pressure of 14.5 inches of water (plus or minus 0.5 inches of water) to the fuel system. The pressure should be applied and allowed to stabilize and the fuel system isolated from the pressure source. The fuel system may not lose more than 2.0 inches of water for five minutes beginning with the isolation of the fuel system. Corrective action, if required, shall be performed in accordance with § 85.275–6 and be reported with the test results under § 85.275–4.

(ii) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

10. Section 85.276–12 is added to read as follows:

§ 85.276–12 Vehicle preconditioning.

(a) Vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standard of this subpart shall be preconditioned as follows:

(1) The test vehicle shall be operated under the conditions prescribed for mileage accumulation, § 85.276–7, for one hour immediately prior to the operation prescribed below.

(2) The fuel tank shall be drained and specified test fuel (§ 85.275–10(a)) added. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank.

(3) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of § 85.275–14 through § 85.275–19 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F. and 86° F.

(4) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F. and 86° F. for a period of not less than one hour prior to the soak period prescribed in § 85.275–13(a)(1).

(b) Vehicles to be tested for compliance only with the exhaust emissions standards of this subpart shall be preconditioned as follows:

(1) The fuel tank(s) shall be drained and filled with the specified test fuel (§ 85.275–10(a)) to the prescribed tank(s) fuel volume, defined in § 85.202 (a)(20). The fuel added to the vehicle tank(s) shall have an initial temperature of no more than 86° F. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank(s).

(2) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 85.275–14 through 85.275–19 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. Longer preconditioning may be permitted with advance approval of the Administrator. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F. and 86° F.

(3) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F. and 86° F. for a period of not less than one hour prior to the soak period prescribed in § 85.276–12(b)(4).

(4) The test vehicle shall be allowed to soak in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 11 (eleven) hours prior to the dynamometer operation prescribed in § 85.–275–14 through 85.275–24.

(5) The vehicle shall be operated on the dynamometer according to the requirements and procedures of § 85.275–24. This operation completes the test.

[FR Doc.75–14652 Filed 6–4–75;8:45 am]

proposed rules

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 204]

DANGER ZONE REGULATIONS

Chesapeake Bay Off Fort Monroe, Virginia

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.49a is hereby proposed to be amended governing the use and navigation of the firing range danger zone in Chesapeake Bay off Fort Monroe, Virginia. Accordingly, § 204.49a is published for comment, through July 7, 1975. Comments on the proposed amendment should be sent to the District Engineer, U.S. Army Engineer District, Norfolk, 803 Front Street, Norfolk, Virginia 23510.

§ 204.49a Chesapeake Bay off Fort Monroe, Va.; firing range danger zone.

(a) *The danger zone.* All of the water area lying within a section extending seaward a distance of 6,000 yards between radial lines bearing 071 degrees True and 103 degrees True, respectively, from a point on shore at Latitude 37°01'30'' N., Longitude 76°17'54'' W.

(b) *The regulations.* (1) No weapon having a greater range than the 5.56 mm M16 is to be fired into the firing range danger zone.

(2) During periods when firing is in progress, red flags will be displayed at conspicuous locations on the beach. Observers will be on duty and firing will be suspended as long as any vessel is within the danger zone.

(3) Passage of vessels through the area will not be prohibited at any time, nor will commercial fishermen be prohibited from working fish nets within the area. No loitering or anchoring for other purposes will be permitted during announced firing periods.

(4) No firing will be done during hours of darkness or low visibility.

(5) The Commander, Fort Monroe, Virginia, is responsible for furnishing in advance the firing schedule to the Commander, 5th Coast Guard District, for publication in his "Local Notice to Mariners" and to the local press at Norfolk and Newport News, Virginia.

(c) The regulations in this section shall be enforced by the Commander, Fort Monroe, Virginia, and such agencies as he may designate.

Dated: May 30, 1975.

By authority of the Secretary of the Army.

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

[FR Doc.75-14659 Filed 6-4-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Parts 250 and 251]

OUTER CONTINENTAL SHELF

Oil, Gas and Sulphur Operations; Geological and Geophysical Exploration

In the notice on this subject published in the FEDERAL REGISTER, Volume 40, Number 78, on Tuesday, April 22, 1975, it was stated that comments from interested parties concerning the proposed amendments to 30 CFR 250.97 and to add Part 251 to Title 30, Code of Federal Regulations and the draft environmental impact statements covering those changes in the regulation would be received until June 6, 1975. Notice is hereby given that written comments, suggestions, or objections to the proposed changes or the draft environmental impact statement may be submitted to the Director, U.S. Geological Survey, National Center, Reston, Virginia 22092, on or before June 20, 1975.

W. A. RADLINSKI,
Acting Director,
U.S. Geological Survey.

[FR Doc.75-14743 Filed 6-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1033]

[Docket No. AO-166-A46]

MILK IN THE OHIO VALLEY MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Ohio Valley marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Columbus, Ohio, on November 7-8, 1974, pursuant to notice thereof issued on October 16, 1974 (39 FR 37502).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on March 27, 1975, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under "1. Pool plant qualifications—(a) Considering Class II and Class III transfers from a supply plant as a receipt at a distributing plant in determining such distributing plant's pool status.", two paragraphs are added immediately following the fifth paragraph, the sixth paragraph is changed, three paragraphs are added immediately following the ninth paragraph, and two paragraphs are added immediately following the last paragraph.

2. Under "1. Pool plant qualifications—(b) Designating a distributing plant as a pool plant for the month based on its performance in preceding months.", a paragraph is added immediately following the twelfth paragraph.

3. Under "1. Pool plant qualifications—(c) Automatic pooling in March-August for a supply plant that was a pool plant in preceding September-February.", a paragraph is added immediately following the last paragraph.

4. Under "1. Pool plant qualifications—(d) Balancing plant.", the last paragraph is changed, and three paragraphs are added immediately following the last paragraph.

5. Under "2. Diversion of producer milk.", the fourth paragraph is deleted, the last paragraph is changed, and a paragraph is added immediately following the last paragraph.

6. Under "3. Classification provisions—(c) Direct allocation of nonfluid other source milk to Class II utilization.", three paragraphs are added immediately following the last paragraph.

The material issues on the record relate to:

1. Pool plant qualifications.
2. Diversion of producer milk.
3. Classification provisions.
4. Adoption of a single butterfat differential.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications—(a) Considering Class II and Class III transfers from a supply plant as a receipt at a distributing plant in determining such distributing plant's pool status.* No change should be made in the distributing plant pooling standards on the basis of this record. However, the procedure for pooling supply plants should be modified to establish a demonstrated bona fide relationship of any supply plant with the fluid market rather than basing pooling qualifications on shipments (which could be exclusively for Class II or Class III use) to pool distributing plants.

Under the existing order, a pool distributing plant must have at least 15 percent of its overall route disposition in the marketing area and its total monthly route disposition must be at least 50 percent (45 percent in March-August) of its overall receipts (including milk diverted from such plant but excluding bulk fluid milk products received by transfer or diversion from other plants as Class II or Class III milk).

As proposed by a federation of cooperatives representing the majority of producers, the overall receipts at the distributing plant to be counted for determining such plant's pool status would be expanded to include all Class II and Class III transfers from supply plants to such distributing plant.

Proponent cooperatives contended that the present pooling provisions constitute a loophole whereby large quantities of milk not associated with the fluid market could be attached to the pool through the receipt and transfer of milk through a supply plant(s) under a requested Class II or Class III classification.

Their proposal was opposed by one cooperative and by a proprietary supply plant operator. The opposing cooperative's spokesman stated that if the proposal were adopted, certain distributing plants, in order to insure continuing pool status, might find it necessary to reduce milk receipts from supply plants. The affected supply plants, in turn, might have to reduce receipts from dairy farmers in order to meet the minimum shipping requirements. The spokesman contended that this chain reaction would force this milk to move to balancing plants operated by the proponent cooperatives, which are pooled under standards different from those applicable to regular supply plants. This he contended, would not be appropriate.

The opposing cooperative's position expressed above to the proposal denied in this decision (including all Class II and Class III transfers from supply plants as a receipt at the distributing plant in determining its pool status) was reiterated in its exception to the recommended decision's modification of the pooling requirements for a supply plant.

Specifying the conditions under which the shipments to a distributing plant qualify a supply plant for pooling is necessary to establish that the supply plant is, in fact, supplying the fluid market. For this reason, the position of the exceptor to allow a supply plant to pool solely on the basis of its shipments to distributing plants, even though the milk would be used for manufacturing purposes only, is without merit. The cooperative's claim that the change in the supply plant pooling requirements herein adopted would force milk that is regularly received at supply plants to move to cooperative balancing plants is without foundation in the record of the hearing or in the experience of the market.

The proprietary handler's opposition centered on the effect adoption of the proposal would have on his total operation. This handler operates one pool supply and six pool distributing plants. One of such distributing plants has substantial capacity to manufacture nonfat dry milk, and at times it has been necessary to utilize this capacity when the supply plant (also a manufacturing plant) could not physically handle all the milk associated therewith and not needed for fluid use. The handler contended that adoption of the proposed change would make it difficult to maintain continuing pool status for the supply plant and/or the distributing plant with manufacturing operations. As a result of actions taken in this decision, the likelihood that a distributing plant would lose pool status in such a situation is minimized.

While the present pooling provisions could be used to pool almost unlimited volumes of milk through supply plant operations which have no direct association with the fluid market, it is not apparent that there has been any abuse of the order through this means. Nevertheless, to protect the integrity of regulation, it is desirable that the order be modified to deter such end.

The present performance standards for pooling distributing plants recognize the fact that some distributing plants in this market, which are primarily fluid milk operations, nevertheless operate substantial manufacturing facilities and therefore, on occasion, may receive milk from other plants for manufacture. In order that such receipts may not jeopardize such a distributing plant's pooling status, and at the same time to accommodate the use of the plant's manufacturing facilities, receipts by transfer from other plants under an agreed Class II or Class III classification are not counted in determining such plant's pooling status. If, as proposed by cooperatives, supply plant milk designated for manufacturing uses was included as a receipt in determining such a distributing plant's pool status, the pooling status of certain distributing plants that have been regularly pooled, and which provide a service to the market in handling reserve milk supplies, might be jeopardized. Loss of pooling status would have serious adverse effect on dairy farmers regularly supplying such plants with milk for fluid use.

The problem proponents seek to resolve (i.e., potential dilution of pool proceeds by the pooling of milk intended solely for manufacturing use), therefore, can best be resolved under the conditions existing in this market by modification of the supply plant rather than the distributing plant pooling standards.

A federation of cooperatives excepted to the revised pool qualification standards for supply plants adopted in this decision. The cooperatives stated that it was unreasonable to expect the operator of a supply plant to know the classification of all milk utilized by a distributing plant to which it shipped milk.

While this may be true, the pooling procedure adopted provides greater protection for producers generally than would be provided by the cooperatives' proposal whereby the pool status of both the distributing plant and the supply plant would be voided by the failure of the distributing plant to meet the performance standard with respect to its overall receipts (excluding diversions from other pool distributing plants).

The operator of a pool supply plant has a continuing association with the operator of the pool distributing plant to which milk is shipped from the supply plant. In this circumstance, it is reasonable to expect that the persons involved will have reached an understanding for providing the supply plant operator the information necessary to determine that shipments from his plant to such pool distributing plant will count in qualifying it as a pool plant.

To protect the integrity of regulation, it is desirable that supply plant milk be required to more adequately demonstrate association with the fluid market to qualify for pooling. This may be accomplished by requiring that pooling status for a supply plant be conditioned on making the prescribed percentage of shipments to a pool distributing plant(s) which has total route disposition of at least 50 percent (45 percent in March–August) of overall receipts (including milk diverted from such plant but excluding bulk fluid milk products received by transfer or diversion from pool distributing plants under an agreed Class II or Class III classification). Route disposition in the marketing area by the supply plant would continue to be added to its qualifying shipments to pool distributing plants for the purpose of determining whether the supply plant met the performance standards for pooling.

Under this procedure a supply plant could conceivably ship all of its receipts to a pool distributing plant and yet fail to qualify because part or all of such shipments were made under an agreed upon Class II or Class III classification and the inclusion of such transfers in the distributing plant's receipts (for the purpose of determining the supply plant's pool status only) resulted in a route disposition percentage less than the prescribed minimum. Such resulting nonpool status for the supply plant could not be construed as inappropriate since it would be a direct manifestation of such plant's insufficient association in supplying the needs of the fluid market. If a supply plant should fail to qualify for pooling, receipts from such plant at any pool plant would be treated as an other source receipt.

Under certain conditions, notwithstanding, a supply plant regularly associated with the market as a pool plant should be allowed to pool for the first subsequent month in which it fails to qualify as a pool plant. Without such a provision, a supply plant could unexpectedly lose poor plant status for the month because of an unforeseen precipitous decine in Class I utilization at a distributing plant that received milk from the supply plant. In that circumstance, the milk of dairy farmers who

delivered to the suppy plant durng the month would not qualify for pooling. Although such an occurrence admittedly should be infrequent, to insure orderly marketing a reasonable safeguard should be provided against loss of pool participation by the supply plant and its dairy farmer patrons. This appropriately can be achieved by according continued pooling for one month to a supply plant which has demonstrated a sustained association with the fluid market but which failed to meet the pooling requirements for such month solely because the pool distributing plant(s) to which it made qualifying shipments did not meet the route distribution requirements with respect to specified overall milk receipts.

Continued pool status should be accorded a supply plant for any month in which it failed to qualify as a pool plant if (1) its failure to qualify was due solely to the fact that the distributing plant(s) to which it made qualifying shipments failed to meet the minimum route distribution requirements with respect to its overall milk receipts (exclusive of receipts from pool distributing plants under an agreed upon Class II or Class III classification); and (2) it was a pool supply plant on the basis of performance in each of the immediately preceding three months.

Allowing a supply plant to retain pool status for one month, as herein provided, will protect the "producer" status of its dairy farmer patrons when such plant inadvertently fails to qualify for pooling solely because the distributing plant it regularly supplies did not perform as expected. With the safeguards here provided, one month's continued pool status for a supply plant will afford reasonable protection to supply plants associated with the market while precluding exploitation of the provision by other supply plants.

Two cooperatives excepted to providing one month's continued pool status for a supply plant that failed to qualify for pooling because a distributing plant to which it shipped failed to meet the specified performance requirements. The exceptors claimed that two months' continued pooling status would be more appropriate because the operator of a supply plant would not know until after the end of the month whether the supply plant shipments to distributing plants would qualify for pooling. This argument fails to recognize that a supply plant would be apprised of the status of its shipments to all distributing plants soon after the end of each month, i.e., not later than the sixth of the month when handler reports are required to be filed with the market administrator.

For the reasons stated above, the one month's continued pool status provides appropriate recognition to the interests of producers and supply plant operators regularly associated with the market. To add a second month for a continuing pool plant status for a supply plant, as requested by exceptors, is not necessary or desirable to achieve the intent of the regulation. On the other hand, its adoption would be contrary to the intent embodied in requiring demonstration of a bona fide relationship of the supply plant with the fluid market.

(b) *Designating a distributing plant as a pool plant for the month based on its performance in preceding months.* A distributing plant that failed to meet the total route disposition percentage pooling requirement should be allowed to be a pool plant for the month if it met such percentage requirement in each of the immediately preceding three months.

To qualify as a pool plant for the month, at least 15 percent of a distributing plant's route disposition must be in the marketing area and its total monthly route disposition must be at least 50 percent (45 percent in March–August) of specified receipts. A distributing plant that failed to meet the total route disposition percentage requirement in any month may nevertheless be pooled for such month if it had been pooled in the preceding month by virtue of having met such performance requirements.

A federation of cooperatives proposed to allow pool plant status for the month for a plant that failed to meet the total route disposition percentage requirement only if it had been pooled as a distributing plant in each of the preceding 12 months. The cooperatives contended the 12-month requirement would demonstrate not only appropriate market association of the distributing plant but also would prevent a handler from using the provision to load the pool with large quantities of milk that are not a regular and dependable supply for the market. Further, they contended that assurance to dairy farmers that their milk would be pooled in a month in which the plant to which their milk was delivered failed to meet the performance requirements was appropriate only under circumstances where such plant's failure to meet the total route disposition requirement for pool status was inadvertent. This, they held, was the intent of their proposed 12-month requirement.

The proposal was opposed by proprietary handlers. The principal basis of the opposition was that the present provision is needed to provide their producer patrons assurance of pool status for their milk in the event of a sudden loss of Class I sales, plant strikes, fire, or other catastrophies that may result in a distributing plant's unanticipated failure to qualify for pooling in any given month.

One opposing handler, who operates six distributing plants in the market, stated that only through the present provision had he been able to keep all his distributing plants pooled. He pointed out that one of his distributing plants produces cottage cheese and other Class II products for his other distributing plants in Ohio. By assignment of particular loads of milk to different plants at different times he was able to keep all the plants qualified as pool distributing plants. A spokesman for this handler cited two instances involving loss of sales contracts that would have caused plants to lose pool status if the provision that allows continued pooling for one month had not been applicable.

This same handler suggested that if the proposed changes were adopted, a proviso should be added to provide that all distributing plants operated by a handler be considered as one plant for the purpose of meeting the total route disposition percentage pooling requirement.

A proposed provision for unit pooling was denied in the 1970 decision that resulted in the merger of five orders into the present Ohio Valley order. It was denied on the basis that such a provision accommodates only a multiple plant operation and does not give recognition to single plant fluid milk operations that also process a relatively large amount of milk for other uses.

The current request for unit pooling was premised on adoption of the proposal to require a 12-month period of prior performance to obtain automatic pool status for one additional month. That proposal is not adopted in this decision. Moreover, this record contains no showing of changed market conditions to provide a basis for reversing the findings in the 1970 decision denying the proposal for unit pooling.

As an alternative to unit pooling, the multi-plant handler proposed lowering the total route disposition percentage pooling requirements from 50 percent to 45 percent in September-February, and from 45 percent to 40 percent in March-August. The handler contended that such action is warranted because of the decline in Class I sales.

Aside from the general statement that Class I sales in the market had declined, no specific testimony was presented to show that the present route disposition requirements are inappropriate and should be changed. Therefore, no action should be taken on proposals advanced at the hearing to change the route disposition percentage requirements for pooling distributing plants.

Producers should have protection against unexpected loss of pool participation of their milk because a distributing plant, over which they have no control, failed to qualify as a pool plant. The present provision, which allows pool status for the month to a distributing plant that met the required total route disposition percentage the preceding month, provides such protection. It also allows a distributing plant operator flexibility in adjusting his operation to meet changing market situations without losing pool status for the month.

However, the present provision provides an "open door" whereby a system of distributing plants may be pooled by adjusting receipts as between plants to the end that each plant individually meets the pooling requirements on at least an every-other-month basis. This is because a distributing plant may be pooled on a year-round basis by meeting the total route disposition percentage requirement for pooling every other month. In other months the plant has pool status without meeting the performance

standards and could pool additional quantities of milk for manufacturing uses. Since this milk would share in the pooled proceeds, the market's Class I use value would be spread over a larger volume of milk. This would lower the marketwide "blend" price, thus diluting returns to those producers regularly supplying milk for the market's fluid needs.

Exceptions to the 3-month prior qualification requirement for a distributing plant to receive continued pool plant status for one month reiterate positions taken at the hearing and in briefs. The sole basis of one exceptor was a statement that he preferred his hearing notice proposal that would allow a distributing plant continued pool plant status for one month only if it qualified as a pool plant in the preceding 12 months. A second exceptor to the 3-month prior qualification requirement preferred instead a month's continued pool plant status for a distributing plant that met the pooling requirements in either of the 2 preceding months. Such a provision would unwarrantedly dilute the pooling requirements that are the basis for establishing a distributing plant's association with the market.

The cooperatives' proposal to provide pool status for the month to a distributing plant based on its route disposition performance in the preceding 12 months would substantially reduce the level of protection now provided producers. Moreover, substantial changes in operations might be required by some handlers in order to maintain pool status for their plants.

Allowing a distributing plant that failed to meet the total route disposition percentage pooling requirement to be a pool plant for the month if it met that requirement in each of the three preceding months, as adopted in this decision, is a reasonable and equitable basis to qualify a plant for pooling under current conditions in the Ohio Valley market. As such, it will contribute to orderly marketing by providing a safeguard against exploitation of the order by pooling milk from farms that are not a regular part of the market supply and by protecting, in a reasonable manner, producers regularly supplying the market from losing the benefits of pooling under the order because of the unanticipated loss of pool plant status by the plant to which their milk is customarily delivered.

In the absence of unit pooling, the provision adopted herein for continued pool status for one month based on three months prior performance is applicable to each distributing plant operated by a multi-plant handler. With present provisions for diverting milk to pool plants, a multi-plant handler should continue to have short-term pooling flexibility sufficient to maintain pool status for his plants without making major adjustments in his total operation.

(c) *Automatic pooling in March-August for a supply plant that was a pool plant in preceding September-February.* A supply plant that was a pool plant throughout the preceding September-February period and which transferred at least 50 percent of its monthly receipts to pool distributing plants in each month of the period should be accorded pool plant status in the following March-August.

Under the existing order provisions, a supply plant may qualify as a pool plant in any month that its transfers to pool distributing plants plus direct route disposition in the marketing area is at least 50 percent of its receipts. Automatic pooling is provided during the March-August period for any supply plant that was a pool plant in the preceding months of September-February.

A pool distributing plant by definition is also a supply plant in any month in which it makes even a token shipment to another pool distributing plant. As a supply plant, which was a pool plant in each of the months of September-February, such a plant in fact acquires automatic pool plant status in the following March-August.

Cooperatives contended that the automatic pooling thus made available for pool distributing plants was inadvertently provided for in the order, and is not an appropriate basis for pooling a distributing plant. They urge that route dispositions not be counted for the purpose of determining the qualification of a supply plant for automatic pooling status.

Because a distributing plant typically serves the market in a different manner than does a supply plant it is necessary that they be accorded different treatment in determining their pooling qualification. The pooling qualifications for a distributing plant are based solely on (1) its route disposition in the marketing area relative to its total route disposition and (2) the total route disposition from the plant relative to its receipts.

Since Class I sales in the market are relatively uniform throughout the year, it is not necessary nor appropriate to provide automatic status for pooling distributing plants during the flush months. Except under the special circumstances hereinbefore provided for continuing pooling status for a distributing plant for one month if it fails to meet the minimum route disposition requirements, no further accommodation for pooling is appropriate. A plant with route disposition of less than 45 percent of its receipts during the flush production months cannot be considered to be sufficiently associated with the fluid market to merit sharing the Class I proceeds of the total market.

A supply plant serves the market by making its milk supply available when needed to meet the varying demands of pool distributing plants. The demand for milk from supply plants is greatest in the fall and winter months of seasonally low production. Pool distributing plants' needs for milk from supply plants is substantially diminished and may be nonexistent in some of the spring and summer months of seasonally high production.

Providing automatic pool status in March-August for a supply plant which qualified for pooling in the preceding September-February by its shipments to pool distributing plants (1) assures the dairy farmers who have established their association with the fluid market by supplying a pool supply plant during the short season that the milk will continue to be pooled during the flush and (2) avoids uneconomic shipments from supply plants to pool distributing plants during the months of seasonally high production solely for the purpose of maintaining pool status.

An exception to the above findings was filed by a handler who had not been present at the hearing. He alleged that the failure to include route disposition as a qualification for automatic pooling of a supply plant during the flush months would make it nearly impossible for him to qualify his plant as a pool plant. It is not apparent how he arrives at this conclusion. Based on the information provided in his exception, his plant seemingly would qualify each month on the basis of performance. However, as previously stated, loss of pooling status for any supply plant as a result of the modifications provided herein would demonstrate an insufficient association of such plant with the fluid market to warrant its sharing in the higher Class I proceeds. Such loss of pooling therefore would not be inappropriate.

(d) *Balancing plant.* No change should be made in the shipping requirements for pooling the "balancing plant" of a cooperative. However, the provision for pooling such a plant should be modified to require that the plant have manufacturing facilities and actually processes milk during the month.

A plant other than a distributing plant may now qualify for pooling as a balancing plant if it is operated by a cooperative, is approved by a duly constituted health authority to handle milk for fluid consumption, and more than 50 percent of the cooperative's members' producer milk was received at pool distributing plants during the month, either by direct delivery from the producers' farms or by transfer from the cooperative's plant. Two balancing plants currently qualify as pool plants under the order.

A federation of cooperatives, including the two cooperatives whose balancing plants now qualify as pool plants, proposed changing the qualifications for pooling a balancing plant. During the months of September through March, proponents would require that not less than 65 percent of a cooperative's members' producer milk be received at pool distributing plants either by direct delivery from producers' farms or by transfer from such cooperative's plant. In addition, these cooperatives proposed that a balancing plant, to qualify for pooling, be required to have combined receipts from and sales to plants regulated by the Ohio Valley order that are greater than the sales from such plant to all other plants.

Proponent cooperatives claimed the more rigid standards for pooling a balancing plant that they proposed are desirable and necessary to avoid possible dilution of the pool by the pooling of plants that are not a regular part of the market supply.

A cooperative that qualified a plant for pooling as a balancing plant in January and February 1974 opposed changing the present pooling qualifications for a balancing plant. It took the position that the proposed changes were aimed at making it more difficult to qualify its plant for pooling as a balancing plant and would preclude a cooperative that did not operate a manufacturing plant from pooling a plant other than a distributing plant.

Balancing plants traditionally operated by cooperatives in this market provide the means whereby proprietary plant operators may adjust their receipts each day to fit their bottling needs and at the same time have assurance that milk not accepted will be available for fluid use as needed. A bottling plant that receives milk by direct delivery from the farms of designated producer members of a cooperative may accept a part or none of such deliveries on any day. The total deliveries of such producers on the days the bottling plant is not operated, and the amount in excess of its Class I needs on other days, may be received at the cooperative's manufacturing (i.e., balancing) plant. Providing pool status for the balancing plant enhances market stability and efficiency and implements the pooling of the milk which is regularly and substantially associated with the market.

The requirement that a cooperative that operates a balancing plant must have supplied to pool plants of other handlers more than half its members' producer milk pooled during the month insures that the cooperative's pooled milk is substantially associated with the fluid market. Any limitation on the quantity of milk that a balancing plant may dispose of to plants outside the market, without losing its status as a pool plant, as suggested by proponents, would tend to reduce the flexibility of marketing inherent in the operation of balancing plants for the Ohio Valley market and could severely restrict the ability of the cooperatives to market the reserve milk supply in the most remunerative outlets.

The outlets for the reserve milk supplies handled at balancing plants frequently may be plants outside the market. Consequently, to require that a plant that otherwise qualified as a balancing plant must have combined receipts from and sales to plants regulated by the Ohio Valley order that are greater than sales to other plants in the same month could unnecessarily restrict the operations of a balancing plant and adversely affect the economic handling of the market's reserve supplies.

Although proponent cooperatives proposed increasing the quantity of member producer milk that must be received at pool distributing plants of other handlers during the month (either by direct delivery from producers' farms or as transfers from a cooperative's plant) from 50 percent to 65 percent to qualify the balancing plant as a pool plant in September–March, it was not shown that the proposed change would achieve any purpose not now realized by the 50 percent requirement. As indicated above, under current conditions in the Ohio Valley market, if more than half the producer milk of a cooperative is utilized at pool plants of other handlers, an association with the market has been reasonably established and an appropriate safeguard is thereby provided against pooling under the order of cooperative plants that are not an integral part of the market.

A major concern of proponent cooperatives was that a balancing plant operated by a cooperative should perform a discernible service to the market in which it is pooled. Evidence of a discernible service to the market can be most appropriately manifested, under the conditions existing in this market, through a requirement that a cooperative operated plant, as a condition of pooling as a balancing plant must have manufacturing facilities which are actively operated during the month processing fluid milk products into a manufactured milk product(s).

A plant without processing facilities cannot service the market in a meaningful way except in the role of a supply plant. A plant without processing facilities accordingly should be required to meet the shipping requirements for pooling as a supply plant.

An exception to the recommended provisions for determining pool status of a cooperative's balancing plant alleged that there is no adequate basis of merit for the provision.

Another exception suggested that in the short production season, because of increased supplemental needs by bottling plants, a balancing plant might not have milk available for maufacturing.

If there is no manufacturing required during the month because the cooperative's milk is needed for fluid use, it is apparent that either the plant could reasonably qualify for pooling as a supply plant or there in fact is no need for pooling status because there is no milk to be pooled through the plant. There does remain, however, the possibility that without some quantitative measure the intent of the modification of the pooling provisions could be voided by token processing, in a hand churn for example. To avoid this "result, the standards for pooling a cooperative "balancing plant" should be further modified to provide that the quantity of fluid milk products used during the month in manufacture at such plant shall not be less than one percent of the total producer milk of members of such cooperative for the month. Under the conditions existing in this market, it is not reasonable to expect that a cooperative manufacturing plant would operate during the month on any lesser volume.

(e) *Deletion of the pool plant provision applicable only to Ohio State University.* The provision that allows a distributing plant with route disposition only on the campus of the Ohio State University at Columbus, Ohio, to qualify as a pool plant for the months other than January, February, October, and November, without meeting the total route disposition percentage requirement, should be removed from the order.

A proposal to delete the provision, which no longer has any application in the Ohio Valley market, was submitted by a federation of cooperatives and was not opposed. There is not, at this time, any plant operating under the limited disposition requirement specified in the provision.

Deletion of the provision will not adversely affect any handler now regulated. Moreover, it is not considered likely that any operation such as that covered by the provision will be established in the foreseeable future.

2. *Diversion of producer milk.* The present diversion privileges which limit the amount of an individual producer's milk that may be diverted to nonpool plants during the months of September through February should be modified to provide an alternative percentage standard applicable to both cooperative and nonmember milk. In any month of September-February a cooperative should be permitted to divert to nonpool plants a quantity of milk not exceeding 40 percent of the aggregate amount of producer milk it caused to be delivered to pool plants. Similarly, a proprietary pool handler should be permitted to divert to nonpool plants up to 40 percent of producer milk (exclusive of that received from producers whose milk a cooperative is diverting on a percentage basis) physically received at his pool plant during such month. The diversion privilege, now applicable only to milk associated with pool distributing plants, should be extended to include milk associated with pool supply plants.

The present provision limiting a producer's production that may be diverted to nonpool plants during the months of September through February to not more than his production physically received at pool plants should be continued as an alternative to the percentage limitation adopted above. In March-August, diversion of a producer's milk to a nonpool plant is limited only by the two days' production that must be delivered to a pool plant in any month to qualify the remainder of his production for diversion.

The modifications of the existing diversion provisions adopted herein were proposed by handlers who claimed that under present order provisions they are often forced into uneconomic handling, especially when the plants cannot accommodate the milk of all producers regularly supplying such plants. They held that adoption of their proposals would implement handling efficiency by eliminating the unnecessary receipt and transfer of reserve milk disposed of for manufacturing uses.

Most, if not all, supply plants currently pooled under the Ohio Valley order maintain manufacturing operations, which are used in handling the market's reserve milk. However, when production of such a plant's regular producers exceeds its processing capacity, the excess production can be pooled only by first receiving it into the plant and subsequently transferring it to another plant for manufacture. Under such conditions, particularly during periods of seasonally high production, supply plants may have no less need for diversion privileges to nonpool plants than do pool distributing plants. Such need is appropriately met by providing for diversion of producer milk from supply plants to nonpool plants.

Diversion provisions are intended to implement the efficient handling of that producer milk not needed in the market for Class I uses, such as on weekends, holidays, and during periods of seasonally high production. Such milk can be most economically handled by direct shipment from the farm to nearby manufacturing plants. The greatest efficiency in this regard is achieved by diverting milk from farms of producers nearest the manufacturing plants. This can be accomplished most practicably if the diversion is in terms of a percentage of the aggregate quantity of milk delivered to pool plants.

Under the present diversion provisions, which limit the amount of individual producers' milk that may be diverted in the months of September-February, handlers cannot always divert milk of producers in the most efficient manner. The adoption of alternative percent diversion standards will implement continued diversion of that milk less favorably situated with respect to the central market and to that end will enhance marketing efficiency while at the same time maintaining the integrity of the pooling provisions. In the aggregate, the percentage diversion limit herein adopted will not increase the amount of milk which may be diverted in September-February. In fact, a greater quantity of milk could be diverted under the present 50 percent limitation on individual producers' milk in these months.

An exception to allowing a supply plant to divert producer milk to nonpool plants stated "There is no need for diversion from a supply plant and there was no showing of need." This is contrary to the unrefuted record evidence of a supply plant operator that there are times when his supply plant cannot handle the production of all producers normally associated with the plant. At such times, according to proponent, diversion to another plant is the most feasible and economical means of marketing the reserve supplies of milk of a supply plant's producers.

3. *Classification provisions*—(a) *Eggnog.* The product "eggnog" should be added to the list of named products for which a Class II classification applies. Eggnog is presently accounted for as a Class I disposition.

A producer proposal to remove eggnog from Class I was unopposed at the hearing and was strongly supported by handlers.

Eggnog is a small-volume seasonal item that is produced and sold almost entirely in November and December. In 1973, when more than 99 percent of eggnog sales for the year were in these two months, their aggregate sales accounted for less than 0.2 percent of total Class I fluid milk product sales in the market. Thus, its removal from Class I will have a minimal effect on producer returns.

Proponents initially proposed a Class III classification for eggnog. However, they testified at the hearing that its inclusion in Class II might be more appropriate since eggnog is in Class II in most Federal orders.

With eggnog in Class I, Ohio Valley order handlers are at a competitive disadvantage with competing handlers regulated under other nearby Federal orders. Under the present provision a major handler in the market has found it economically feasible to package eggnog at his regulated plants under the Indiana and Southern Michigan orders, respectively, (where eggnog is Class II) for distribution in the Ohio Valley market. Other competing handlers in the market do not have the same flexibility of operation and accordingly are disadvantaged because of their higher product cost.

Removing eggnog from the "fluid milk product" definition and designating it as a Class II item, as provided in this decision, will allow Order 33 handlers to compete for eggnog sales on a more equitable basis with each other and with handlers regulated under adjacent orders.

(b) *Milk shake mixes.* The classification of skim milk and butterfat in milk shake mixes should be determined on the basis of total solids content of the product. A Class I classification should apply to milk shake mixes containing less than 20 percent total solids. Conversely, milk shake mixes with 20 percent or more total solids should be Class III.

Milk shake mixes containing less than 15 percent total milk solids are now Class I and those with 15 percent or more total milk solids are Class III.

The federation of cooperatives proposing the change from "15 percent total milk solids" to "20 percent total solids" indicated a need to provide a more appropriate standard for determining classification of milk shake mixes. (The 20 percent total solids standard now applies for determining classification of milk shake mixes in most Federal orders.) They contended that total solids content of milk shake mixes can readily be established through a simple laboratory analysis whereas the determination of total milk solids content requires extensive testing procedures to separate the milk and nonmilk solids components. Proprietary handlers concurred and there was no opposition to the proposal.

Handlers testified that the present 15 percent or more total milk solids basis for determining a Class III classification of milk shake mixes requires use of a mix formula utilizing more costly ingredients than needed to meet the 20 percent total solids standard. Competitors regulated under surrounding orders which provide standards different from the 15 percent milk solids standard are able to use a less costly mix formulation, thereby gaining an advantage in competing for sales of milk shake mixes in the Ohio Valley marketing area.

Under the Indiana and Southern Michigan orders milk shake mixes containing less than 20 percent total solids are Class I. Handlers regulated under these and other orders compete with Ohio Valley handlers for milk shake mix sales.

Adoption herein of 20 percent total solids as a minimum requirement for Class III classification of milk shake mixes in the Ohio Valley order will provide a more equitable basis for Ohio Valley handlers to compete for milk shake mix sales with handlers regulated under other orders.

(c) *Direct allocation of nonfluid other source milk to Class II utilization.* The order should permit the direct allocation to Class II of other source milk received in a form other than a fluid milk product (e.g., nonfat dry milk and condensed milk or skim milk) or bulk cream and used to produce, or added to, Class II products.

A handler who proposed the change contended there is no basis for protecting the local dairy farmer against the use of nonfat dry milk solids and condensed milk or skim milk in Class II products since such products are more costly than producer milk. Proponent stated that handlers rely principally on producers for their Class II needs and obtain supplies from other sources only when producer milk is not available for Class II uses.

The major use of other source milk in Class II products is the addition of nonfat dry milk to cream products and to skim milk used for cottage cheese manufacture. When supplies of producer milk are short, handlers also may reconstitute nonfat dry milk for cottage cheese production. Condensed milk or condensed skim milk may be similarly used.

Nonfat dry milk has certain processing advantages for handlers. It can be added readily to milk or milk products to increase the nonfat milk solids content. Its storability enables handlers to have a concentrated form of nonfat milk solids on hand at all times for emergency use.

Since handlers can generally expect to pay more for nonfluid milk products than the cost of produced milk for Class II uses, there is no likelihood that they will restrict their use of producer milk for making cottage cheese when such milk is available. Allowing the direct allocation of nonfluid other source milk to Class II, as adopted herein, is compatible with the procedure followed in Federal orders generally and will tend to promote greater equity in competition with handlers in adjacent markets.

An exception alleged that direct allocation of nonfluid milk to Class II utilization provides an incentive for handlers to substitute nonfat solids for producer milk in Class II uses.

There is no need to reserve Class II uses for local producers. The establishment of such use class merely recognized that some additional value attaches to producer milk used by regulated handlers in such class. Pricing this milk at a level above the Class III price serves to reduce the burden on the Class I price of attracting a supplying of producer milk for the Class I market. It is not intended, however, that producer returns be enhanced for the purpose of also attracting a full supply of producer milk for handlers' Class II uses.

As long as the Class II price for producer milk remains in proper relationship with the cost of alternative supplies, there is no cost advantage to handlers in using other source milk in preference to producer milk. In this regard, the record substantiates that handlers do in fact prefer to have producer milk for Class II uses and that it is generally to their economic advantages to use it.

(d) *Classification of packaged fluid milk products in end-of-month inventory.* Packaged fluid milk products on hand at the end of the month should be Class III. Such products in ending inventory are now Class I while ending inventories of bulk fluid milk products are Class III.

The handler who proposed the change claimed that it would simplify application of the order without essentially affecting actual returns to producers. He stated further that, since the milk would be priced in the month when it is actually disposed of as Class I, a more appropriate treatment of packaged fluid milk products in ending inventory is achieved. There was no opposition to the proposal.

Whenever the Class I milk price changes from month-to-month, it is now necessary to adjust the Class I price value of the preceding month's ending inventory of packaged fluid milk products to reflect the current month's Class I price in computing each handler's pool obligation. Proponent testified that this procedure, which he contended is unnecessarily involved and tends to cause confusion, would be eliminated if his proposal were adopted.

As proposed, and adopted herein, ending inventory of packaged fluid milk products would be classified as Class III and would be allocated at the same time as inventory of bulk fluid milk products to the lowest available use class in the following month. Any milk so assigned to Class I would be subject to an appropriate charge to the handler to reflect the changed classification.

Adopting the proposal will eliminate the necessity of making adjustments to reflect month-to-month Class I price differences when computing handlers' pool obligations and will provide the same classification of month-end inventories of packaged fluid milk products now provided in most Federal orders.

For the first month that this provision is effective, beginning inventories of packaged fluid milk products should be allocated to Class III to the extent possible. Since such inventories will have been priced at the previous month's Class I price, handlers should receive a credit on such packaged inventories equal to the difference between the preceding month's Class I and Class III prices. If a higher classification results through the allocation procedure, the appropriate reclassification charge would apply.

(e) *Definition of fluid cream product.* A proposed "fluid cream product" definition offered during the hearing should not be adopted.

The fluid cream product definition proposed is identical to that incorporated in most Federal milk orders when the classification amendments were adopted in 1974.

Although proponent handler indicated it would be desirable to change the classification provisions of the order incidental to incorporating a fluid cream product definition in the order, his testimony in support of the proposal related essentially only to simplifying order references to cream items.

Producers opposed adoption of the proposed definition. They contended that the proponent handler was attempting to change the classification provisions of the order without submitting for inclusion in the hearing notice a specific proposal to that effect.

Testimony presented at the hearing provided no basis for the associated changes that would be required in classification provisions through adoption of the proposed fluid cream product definition. Accordingly, no amendatory action in this regard would be appropriate on the basis of this record.

4. *Adoption of a single butterfat differential.* A single butterfat differential, 11.5 percent of the Chicago butter price for the current month, should be used to adjust the class prices and the uniform price.

Presently, the order provides for three different butterfat differentials. That for Class I is 12 percent of the Chicago butter price for the preceding month; for Class II and Class III, it is 11.5 percent of the Chicago butter price for the current month. The butterfat differential used in adjusting the uniform price is the average of the butterfat differentials for the three classes, weighted by the proportion of producer milk in each class.

A federation of cooperatives proposed that the Class I butterfat differential be reduced from 12 percent of the butter price for the preceding month to 11.5 percent of the butter price for the current month. In proposing a lower Class I butterfat differential, the cooperatives contended that the values now assigned to butterfat and skim milk in Class I products do not reflect the current market values of these components of milk.

Handler opposition to the proposal was limited to the slight increase in Class I milk costs that could result from lowering the Class I butterfat differential.

Indicative of the declining proportion of butterfat in Class I sales is the continuous decline in the average test of fluid milk products sold in the Federal order marketing areas. In 1966, the average butterfat test in 66 Federal order markets for such sales was 3.53 percent.[1] This percentage declined yearly, and in 1973, the latest full year for which data are available, the comparable average butterfat test for 57 markets was 3.11 percent. On a percentage basis, the average butterfat content in these fluid milk products declined 12 percent from 1966 to 1973. It can reasonably be expected that the decline at a comparable rate will continue in the several years immediately ahead.

The declining average butterfat content of packaged fluid milk product sales in the Ohio Valley order has been similar to the national trend. In 1966, the average butterfat content of Class I sales in the five markets that were merged in 1970 to form the Ohio Valley marketing area was 3.45 percent.[2] The comparable average test for 1973 was 3.14 percent, a decline of 9 percent. The increasing demand for Class I products of lower butterfat content can be expected to result in a continuing decline in the average butterfat content of Class I sales under the order. Adopting the same butterfat differential for Class I milk as for other classes, as provided in this decision, gives recognition to a lower market value of butterfat in the fluid milk products in Class I.

While the butterfat content in producer milk is relatively close to the average butterfat content of whole milk sold as Class I, it is now running substantially above the average test of all Class I milk. This is because fluid skim milk and lowfat milk items have become an increasing proportion of Class I sales at the expense of whole milk.

During 1973, when the butterfat in Class I packaged fluid milk product sales averaged 3.01 percent, producer milk deliveries averaged 3.71 percent butterfat.

The order price for Class I milk of 3.01 percent butterfat sold by handlers during 1973 averaged $7.218. This is computed by subtracting 41.2 cents (4.9 points of butterfat at 8.4 cents per point) from the average 1973 Class I price of $7.63 for 3.5 percent milk. At the lower butterfat differential adopted in this decision, the adjustment in butterfat for such period would have been 39.2 cents (4.9 points of butterfat at 8.0 cents per point). This would have resulted in an average price of $7.238 for such milk sold in Class I, 2.0 cents more than the actual Class I price ($7.218) under the order for milk of 3.01 percent butterfat sold in Class I in 1973.

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[1] Official notice is taken of the January 1972 Summary of Federal Milk Order Statistics (issued by the Dairy Division, AMS, USDA).

[2] Official notice is taken of the Annual Summary for 1967, Federal Order Statistics, Statistical Bulletin No. 426 (issued by the Dairy Division, C&MS, USDA).

As indicated above, only the Class I butterfat differential is based on the butter price for the preceding month. That quotation no longer would be used for pricing under the order in the current month. The differential adopted in this decision would be based on the butter price for the current month, which is now used for computing the Class II and Class III butterfat differentials.

Because there is little change from month to month in the Chicago butter price, it is unnecessary to provide for average monthly butter quotations for both the current month and the preceding month for computing butterfat differentials applicable in the same month. Providing for the use of one average monthly butterfat quotation, that for the current month, as proposed at the hearing and here adopted, will simplify application of the order's provisions.

Since a single butterfat differential will apply to all classes of milk, such differential will determine the value of all butterfat in producer milk. If the differential is the same for each class, as proposed herein, the provisions for weighting the values of butterfat by classes become unnecessary and the same butterfat differential will be used for adjusting the producer's uniform price.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Ohio Valley marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

April 1975 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Ohio Valley marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 30, 1975.

Richard L. Feltner,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Ohio Valley marketing area.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Findings and Determinations

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

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

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Ohio Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 27, 1975, and published in the Federal Register on April 2, 1975 (40 FR 14769) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, subject to the following modifications in §§ 1033.12, 1033.57, and 1033.71.

1. Section 1033.7 is revised as follows:

§ 1033.7 Fluid milk product.

"Fluid milk product" means the following products or mixtures in either fluid or frozen form, including such prod-

ucts or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated, or reconstituted: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, milk shake mixes containing less than 20 percent total solids, and mixtures of cream and milk or skim milk containing less than 10.5 percent butterfat. The term "fluid milk product" shall not include eggnog, yogurt, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing 6 percent or more nonmilk fat (or oil).

2. In § 1033.12, paragraph (a)(2)(iii) is deleted and paragraph (a)(2) (i) and (ii) and paragraphs (b) and (c) are revised as follows:

§ 1033.12 Pool plant.

* * * * *

(a) * * *

(2) * * *

(i) Both such route disposition and receipts shall be exclusive of filled milk and of packaged fluid milk products received from other plants if priced as Class I milk under this or any other Federal order; and

(ii) A distributing plant that does not meet such percentage requirement in the current month shall not be disqualified under this subparagraph as a pool plant if such percentage was met in each of the three immediately preceding months.

(b) A supply plant that receives milk approved for fluid consumption by a duly constituted health authority and from which during the month 50 percent or more of the receipts at such plant from dairy farmers (including producer milk diverted from the plant but excluding milk received as diverted mik) and from handlers described in § 1033.16(c) is transferred as fluid milk products, except filled milk, to a pool distributing plant(s) meeting the percentage disposition requirements specified in paragraph (a)(2) of this section with respect to such distributing plant's total receipts of fluid milk products that are approved by a duly constituted health authority for fluid consumption (including milk diverted from such distributing plant by the plant operator or a cooperative association but excluding bulk fluid milk products received by transfer or diversion from pool distributing plants as Class II or Class III milk) or is disposed of from the supply plant as route disposition in the marketing area, subject to the following conditions:

(1) A plant that qualified as a pool plant under this paragraph in each of the immediately preceding three months shall not lose such status for the month if the pool distributing plant(s) to which it transferred fluid milk products during the month failed to meet the percentage disposition requirements specified in paragraph (a)(2) of this section with respect to such distributing plant's total receipts of fluid milk products that are approved by a duly constituted health authority for fluid consumption (including milk diverted from such distributing plant by the plant operator or a cooperative association but excluding bulk fluid milk products received by transfer or diversion from pool distributing plants as Class II or Class III milk); and

(2) A plant that qualified as a pool plant under this paragraph during each of the preceding months of September through February on the basis of its transfers of fluid milk products to pool distributing plants shall continue to be a pool plant for each of the months of March through August, unless:

(i) The milk received at the plant is not approved by a duly constituted health authority for fluid consumption; or

(ii) The plant operator files with the market administrator prior to any such month a written request that the plant be designated a nonpool plant. Such nonpool status shall be effective, beginning with the first month following such notice, until the plant qualifies as a pool plant under this paragraph on the basis of its transfers to a pool distributing plant(s).

(c) A dairy product manufacturing plant operated by a cooperative association at which fluid milk products approved by a duly constituted health authority for fluid consumption are used to produce a manufactured dairy product(s), subject to the following conditions:

(1) During the month 50 percent or more of the producer milk of members of the cooperative association is delivered directly from their farms to pool distributing plants or is transferred to such plants as bulk fluid milk products from the plant of the cooperative association;

(2) The quantity of fluid milk products used to produce a manufactured dairy product in such plant during the month is one percent or more of the producer milk of members of the cooperative association; and

(3) If the cooperative association files with the market administrator prior to any month a written request for nonpool status for such plant, it shall be a nonpool plant for such month and for each of the following 11 months in which it does not qualify as a pool plant under paragraph (b) of this section on the basis of its transfers to a pool distributing plant(s).

3. In § 1033.15, paragraphs (a)(3), (b), and (d) are revised as follows:

§ 1033.15 Producer milk.

* * * * *

(a) * * *

(3) Diverted for the handler's account from a pool distributing plant to another pool plant, or from a pool distributing plant or a pool supply plant to a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section; and

(b) With respect to a handler described in § 1033.16(b), diverted for such handler's account from the pool distributing plant of another handler to a pool plant, or from the pool distributing plant or a pool supply plant of another handler to a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section; and

* * * * *

(d) The following conditions shall apply to milk of a producer diverted from a distributing pool plant to another pool plant, or from a pool distributing plant or a pool supply plant to a nonpool plant that is not a producer-handler plant:

(1) Not less than two days' production of the producer must be physically received during the month at such pool plant;

(2) In any month of September through February, the quantity of milk diverted to a nonpool plant shall be limited to the amounts specified in paragraph (d)(2) (i) and (ii) of this section:

(i) The operator of a pool plant may divert the milk of any producer (except a producer for whom a cooperative association is diverting milk under the percentage limit of paragraph (d)(2)(ii) of this section) for not more days of production than it was physically received at the diverting pool plant from such producer or he may divert an aggregate quantity of milk not exceeding 40 percent of the milk of all such producers that was physically received at the diverting pool plant during the month; and

(ii) A cooperative association may divert the milk of any producer (that it caused to be delivered to pool plants during the month) for not more days of production than it was physically received at pool plants or it may divert an aggregate quantity not exceeding 40 percent of the milk of all such producers that it caused to be delivered to pool plants during the month:

(3) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production, only that milk which was received at a pool plant or which was diverted to a nonpool plant for not more days of production that it was physically received at a pool plant shall be producer milk;

(4) When milk is diverted in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk would be forfeited on a quantity of milk equal to such excess. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler;

(5) Diverted milk shall be priced at the location of the plant to which the milk is diverted; and

(6) Milk diverted to another order plant would be producer milk only if a Class II or Class III classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act, and such milk is not

subject to the pricing and pooling provisions of the other order.

4. In § 1033.16, paragraph (b) is revised as follows:

§ 1033.16 Handler.

* * * * *

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool distributing plant of another person to a pool plant, or from a pool distributing plant or a pool supply plant of another person to a nonpool plant that is not a producer-handler plant;

* * * * *

5. In § 1033.27, paragraph (k) is revised as follows:

§ 1033.27 Duties.

* * * * *

(k) Publicly announce on or before:

(1) The 5th day of each month;

(i) The Class I price for the following month;

(ii) The Class II and Class III prices for the preceding month; and

(iii) The butterfat differential for the preceding month; and

(2) The 12th day of each month, the uniform price for the preceding month;

* * * * *

6. In § 1033.41, paragraphs (a), (b) (1) and (c) (1) and (3) are revised as follows:

§ 1033.41 Class of utilization.

* * * * *

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) and (c) of this section. Any fluid milk product that is modified by the addition of nonfat milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II or Class III milk.

(b) * * *

(1) Disposed of as fluid cream (including aerated cream and sterilized cream), eggnog, or as mixtures of cream and milk or skim milk containing 10.5 percent or more butterfat;

* * * * *

(c) * * *

(1) Skim milk and butterfat used to produce butter, nonfat dry milk, dry whole milk, dry whey, dry buttermilk, casein, cheese (except cottage cheese and cottage cheese curd), frozen cream, milk shake mixes containing 20 percent or more total solids, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing six percent or more nonmilk fat (or oil);

* * * * *

(3) Skim milk and butterfat in inventory of fluid milk products and bulk cream at the end of the month;

* * * * *

7. In § 1033.46, paragraph (a) (4) is deleted, paragraph (a) (5) is renumbered (a) (4), a new paragraph (a) (5) is added to read as follows, and paragraphs (a) (6) (i) and (a) (9) are revised as follows:

§ 1033.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a product described ing § 1033.41(b)(1)) that is used to produce, or added to, any product specified in § 1033.41(b), but not in excess of the pounds of skim milk remaining in Class II;

(6) * * *

(i) Other source milk in a form other than that of a fluid milk product or bulk cream that was not subtracted pursuant to paragraph (a) (5) of this section;

* * * * *

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products and bulk cream at the beginning of the month;

* * * * *

8. In § 1033.51, the introductory paragraph is revised as follows:

§ 1033.51 Class prices.

Subject to the provisions of § 1033.53, the class prices per hundredweight for the month shall be as follows:

* * * * *

§ 1033.52 [Revoked]

9. Section 1033.52 is revoked.

10. In § 1033.57, paragraph (a) (2) (i) is revised as follows:

§ 1033.57 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(2) * * *

(i) The gross payments made by such handler for bottling grade milk (adjusted to a 3.5 percent butterfat basis pursuant to § 1033.73) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

* * * * *

11. In § 1033.60, paragraph (d) is revoked, and paragraphs (b) and (e) are revised as follows:

§ 1033.60 Computation of the net pool obligation of each handler.

* * * * *

(b) Add the amounts obtained from multiplying the pounds of overage deducted from each class pursuant to § 1033.46(a)(14) and the corresponding step of § 1033.46(b) by the applicable class price, as adjusted by the butterfat differential specified in § 1033.73;

* * * * *

(e) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the applicable Class I and Class III prices for the preceding month by the hundredweight of skim milk and butterfat in any fluid milk product that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

* * * * *

§ 1033.61 [Amended]

12. In § 1033.61, paragraph (b) is revoked.

13. In § 1033.71, the introductory text in paragraph (b) is revised as follows:

§ 1033.71 Payments to the producer-settlement fund.

* * * * *

(b) On or before the 14th day after the end of the month, each handler shall pay to the market administrator the value of such handler's milk pursuant to § 1033.60(a) adjusted by the butterfat differential specified in § 1033.73 plus the amounts computed pursuant to § 1033.60 (b) through (g), less:

* * * * *

14. Section 1033.73 is revised as follows:

§ 1033.73 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at a rate determined by multiplying the Chicago butter price for the month by 0.115.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURE MARKETING SERVICE

MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE OHIO VALLEY MARKETING AREA

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§ 1033.1 to 1033.77, all inclusive, of the order regulating the handling of milk in the Ohio Valley marketing area which is annexed hereto; and

II. The following provisions:

§ 1033.78 *Record of milk handled and authorization to correct typographical errors.*

(a) *Record of milk handled.* The undersigned certifies that he handled during the month of April 1975, _____ hundredweight of milk covered by this marketing agreement.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Director, or Acting Director, Dairy Division, Consumer and Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§ 1033.79 *Effective date.* This marketing agreement shall become effective upon the execution of a counterpart hereof by the Secretary in accordance with § 900.14(a) of the aforesaid rules of practice and procedure.

In witness whereof, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

(Signature)

[SEAL] By ---
(Name) (Title)

(Address)

Attest---
Date---

[FR Doc.75-14729 Filed 6-4-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 112, 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 112 and Part 113 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

A review of data developed from the use of Wart Vaccine in cattle shows it to be effective only as a prophylactic. Recommendation for use as a treatment is not supported by data available at this time.

These amendments would limit the label recommendations to the use of this vaccine as a prophylactic. Since all experiments have been conducted in cattle, these amendments would also limit its use to these animals.

The reference in § 113.126(d)(2) to the label requirements in § 112.7 has been reworded for clarification. Each word in the heading of § 113.126 is to be capitalized.

The Department proposes that label changes necessitated by these amendments should be made by all licensees at their next printing of labels to which these changes would apply following the effective date of these proposed amendments, but in all cases not later than January 1, 1976.

This will allow a reasonable time to use any existing supply of labels, and compliance with these amendments will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date thereof.

1. § 112.7(i) is revised to read:

§ 112.7 Special additional requirements.

* * * * *

(i) In the case of wart vaccine, recommendations shall be limited to use in cattle for prophylactic vaccination. Indications for use shall be for prophylactic use only, as an aid in the control of viral papillomas (warts) in cattle. All labels shall include a dosage recommendation of at least 10 ml to be given subcutaneously and the dose repeated in 3 to 5 weeks.

2. § 113.126(d)(2) is revised to read:

§ 113.126 Wart Vaccine, Killed Virus.

* * * * *

(d) * * *

(2) The vaccine shall be limited to use in the prevention of warts in cattle. Labeling recommendations shall be in accordance with § 112.7(i).

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before July 8, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business. (7 CFR 1.27 (b)).

Done at Washington, D.C., this 30th day of May, 1975.

M. A. MIXSON,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-14731 Filed 6-4-75;8:45 am]

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Potency Tests

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products, in Part 113 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

On October 22, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (36 FR 37504) proposing to amend Part 113 by adding Standard Requirements for evaluating biological products. The potency tests proposed in §§ 113.105 and 113.106 were new to the industry and were withheld when the proposals were published in final form.

Additional development work has been conducted on the potency tests initially proposed and these tests in a revised form are included in these proposed amendments. It is intended that the Department will not make these proposals final for at least 90 days during which time each licensee affected can become proficient in conducting the tests.

Each word in the headings of §§ 113.105 and 113.106 are to be capitalized.

1. Section 113.105(c) is amended by revising the introductory portion and adding paragraphs (c)(1) through (9) to read:

§§ 113.105 Salmonella Typhimurium Bacterin.

* * * * *

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be 1/20 of the least dose recommended on the label for other animals which shall not be less than 2 ml.

(1) *Vaccinates.* Inject intraperitoneally each of 20 mice weighing 16 to 20 grams, with one mouse dose of bacterin. A second mouse dose shall be injected intraperitoneally 14 days after the first injection.

(2) *Positive Controls.* Inject intraperitoneally each of 20 mice weighing 16 to 20 grams, with 0.25 ml of the Positive Control Reference Bacterin available from Veterinary Services upon request. A second 0.25 ml dose shall be injected intraperitoneally 14 days after the first injection.

(3) *Negative Controls.* Inject intraperitoneally each of 20 mice weighing 16 to 20 grams, wtih 0.25 ml of the Negative Control Reference Bacterin available from Veterinary Services upon request. A second 0.25 ml dose shall be injected intraperitoneally 14 days after the first injection.

(4) *Challenge.* Seven to ten days postvaccination, challenge the immunity of each vaccinate and each control by injecting intraperitoneally with 0.25 ml of the same virulent culture of *Salmonella typhimurium* organisms.

(5) *Postchallenge Period.* Observe the vaccinates and controls for 14 days postchallenge and record all deaths.

(6) If 7 or more Positive Control vaccinated mice die, the test may be declared a no-test and repeated.

(7) If 8 or more Negative Control vaccinated mice die, the test is valid and stage one potency results shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative: Survivors for satisfactory serial	Cumulative: Survivors for unsatisfactory serial
1	20	14 or more	12 or less.
2	40	28 or more	27 or less.

(8) The serial shall pass or fail based on the stage one results of the potency test; provided, that if 13 vaccinates survive the first stage, the second stage shall be required.

(9) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage 2 of the table. On the basis of accumulated results, a serial shall either pass or fail the second stage.

2. Section 113,106(c) is amended by revising the introductory portion and adding paragraphs (c) (1) through (19) to read:

§ 113.106 Pasteurella Multocida Bacterin.

* * * * *

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be 1/20 of the least dose recommended on the label for other animals which shall not be less than 2 ml.

(1) *Vaccinates.* Inject intraperitoneally each of 20 mice, weighing 16 to 20 grams, with one mouse dose of the bacterin. A second mouse dose shall be injected intraperitoneally 14 days after the first injection.

(2) *Positive Controls.* Inject intraperitoneally each of 20 mice, weighing 16 to 20 grams, with 0.25 ml of the Positive Control Reference Bacterin available from Veterinary Services upon request. A second 0.25 ml dose shall be injected intraperitoneally 14 days after the first injection.

(3) *Negative Controls.* Inject intraperitoneally each of 20 mice weighing 16 to 20 grams with 0.25 ml of the Negative Control Reference Bacterin available from Veterinary Services upon request. A second 0.25 ml dose shall be injected intraperitoneally 14 days after the first injection.

(4) *Challenge.* Ten to twelve days postvaccination, challenge the immunity of each vaccinate and each control by injecting intraperitoneally with 0.2 ml of a suitable virulent culture of *Pasteurella multocida* organisms.

(5) *Postchallenge Period.* Observe the vaccinates and controls for 10 days postchallenge and record all deaths.

(6) If 7 or more Positive Control vaccinated mice die, the test may be declared a no-test and repeated.

(7) If 8 or more Negative Control vaccinated mice die, the test is valid and stage one potency results shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative: Survivors for satisfactory serial	Cumulative: Survivors for unsatisfactory serial
1	20	14 or more	12 or less.
2	40	28 or more	27 or less.

(8) The serial shall pass or fail based on the stage one results of the potency test; *Provided,* That, if 13 vaccinated survive the first stage, the second stage shall be required.

(9) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage 2 of the table. On the basis of accumulated results, a serial shall either pass or fail the second stage.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before September 3 will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business. (7 CFR 1.27(b).)

Done at Washington, D.C., this 30th day of May, 1975.

J. M. Hejl,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-14556 Filed 6-4-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1831]

[FmHA Instruction 441.1]

OPERATING LOANS

Youth Loan Program

Notice is hereby given that the Farmers Home Administration has under consideration the revision of §§ 1831.4(e), 1831.5(h) and 1831.12(g) of Subpart A of Part 1831, Title 7, Code of Federal Regulations (37 FR 14858; 38 FR 14154–14155). The major proposed changes are as follows:

1. To establish the minimum age for participation in the Operating Youth loan program at 10 years; and
2. To require a cosigner for all Youth loans in excess of $1,000.

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250, on or before July 7, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, §§ 1831.4(e), 1831.5(h), and 1831.12(g) will read as follows:

§ 1831.4 Definition of a family farm.

* * * * *

(e) *Rural youths.* Applicants who have reached the age of 10 years but have not reached the age of 21 and who do not reside in any area in any city or town which has a population in excess of ten thousand inhabitants.

* * * * *

§ 1831.5 Eligibility requirements.

* * * * *

(h) Loans may be made to rural youths without regard to the requirements of paragraph (c) of this section. All youth projects must be recommended by their project advisor. In addition, youths who have not reached their majority, as set forth by State regulations will obtain their parent's or guardian's favorable recommendation for the loan. All recommendations will be in writing and filed with the application in the County Office case file.

* * * * *

§ 1831.12 Security policies.

* * * * *

(g) The security requirements for loans to rural youths will be the same as required for other Operating loans. In addition, all youth loans greater than $1,000 will be cosigned. In exceptional cases the loan approval official may require a cosigner for loans of $1,000 and less if he determines such action is necessary to assure repayment of the loan.

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

Dated: May 30, 1975.

Frank B. Elliott,
Administrator, Farmers Home Administration.

[FR Doc.75-14732 Filed 6-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-22]

TRANSITION AREA

Proposed Designation and Revocation

Correction

In FR Doc. 75-13527 appearing at page 22556 in the issue of Friday, May 23, 1975 the comment date in the tenth line of the second paragraph in the third column of page 22556 now reads "July 23." The correct date is "June 23."

National Highway Traffic Safety Administration

[Docket No. 75-15; Notice 1]

[49 CFR Part 571]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Motor Vehicle Safety Standard

This notice proposes amendments of 49 CFR § 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment,* that would modify requirements for clearance lamps on vehicles of special configuration.

Trailer Manufacturers Association (TMA), an affiliate of the Boating Industry Association, has petitioned for amendments that would affect the applicability of Standard No. 108 to "trailers designed to transport pleasure boats and other equipment." Specifically, it asks that a new paragraph be added to S4.3.1.1 "which would provide that forward clearance lamps on trailers that have no permanent structure more than fifty (50) inches above the road surface are not required to meet the inboard visibility requirements specified in S4.3.1.1." TMA argues that trailer front clearance lamps mounted at low heights are not effective at inboard angles since they are partially hidden by the towing vehicle.

It also asks for an amendment adding a new paragraph "which would provide that where the overall width of a trailer does not occur at the rear and it is necessary to locate the rear clearance lights forward of the rear in order to mark the overall width, the inboard visibility requirements specified in § 4.3.1.1 need not be met to the extent obscured by trailer structure." In support TMA argues that on many boat and horse trailers the fenders are not at the rear of the vehicle. Since this location is the widest part of the vehicle, clearance lamps are placed there to mark the overall width. But this location may also result in an inability to meet the inboard visibility requirements because of the presence of trailer structure such as holding platforms. While in some instances the double-faced clearance lamp permitted by § 4.1.1.9 may be used, in others such a lamp might be subject to damage and could not be used. The amendment proposed by TMA would allow manufacturers to use "two lamps at a location that marks the widest part of the vehicle (if not on the rear)."

TMA's petition has been judged to have merit. In reviewing it, however, the NHTSA did not restrict itself to the two issues raised, but examined the requirements in general for visibility of clearance lamps. Its proposals, therefore, are broader than those requested by TMA.

NHTSA is proposing that the inboard visibility angle of 45 degrees for clearance lamps need not be met on a vehicle where it is necessary to mount the lamps on surfaces other than the extreme front or rear to indicate the overall width or for protection from damage during normal operation of the vehicle. Restricted inboard visibility angles of clearance lamps are encountered on many types of vehicles other than boat trailers and horse trailers. Examples are (1) front clearance lamps that are mounted on a truck body behind the cab and below the top of the cab, and (2) front and rear clearance lamps mounted on the fenders of trucks and trailers such as liquid and bulk commodity vehicles and cement mixer carriers. Taillamps, stop lamps, and turn signal lamps are not included, however, because the visibility angles currently required are necessary for safety in typical operating conditions.

Finally, an interpretation has been requested as to whether requirements for mounting equipment "on the front" or "on the rear" mean mounting items literally at the extremities of a vehicle. The answer is no, provided that the lamps meet all applicable visibility requirements wherever they are mounted.

In consideration of the foregoing it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, be amended as follows:

1. The first sentence of S4.3.1.1 would be revised to read, "Except as provided in S4.3.1.1.1, each lamp and reflective device shall be located so that it meets the visibility requirements specified in any applicable SAE Standard or Recommended Practice."

2. A new paragraph S4.3.1.1.1 would be added to read:

S4.3.1.1.1. Clearance lamps may be mounted at a location other than on the front and rear if necessary to indicate the overall width of a vehicle, or for protection from damage during normal operation of the vehicle, and at such location they need not be visible at 45 degrees inboard.

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

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

Comment closing date: August 4, 1975.

Proposed effective date: Date of publication of final rule in 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.75-14720 Filed 6-4-75;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Insured Student Loans

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to revise § 701.21(g) (12 CFR 701.21(g)) as set forth below.

The purposes of the proposed amendment are (i) to update the section in light of the December 31, 1974, amendment to section 107(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) related to loans made in accordance with section 2(b) of the National Housing Act and section 1819 of Title 38, United States Code, and (ii) to incorporate provisions regarding insured student loans made in accordance with § 701.25 (12 CFR 701.25).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. Comments received on or before June 30, 1975, will be considered before final action is taken on the proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

Dated: May 29, 1975.

HERMAN NICKERSON, Jr.,
Administrator.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789))

In consideration of the above, § 701.21 (g) is revised as follows:

§ 701.21 Payment or amortization of loans.

* * * * *

(g)(1) Secured loans made for periods in excess of 5 years but not exceeding 10 years shall not be made for normal consumer-type purchases and expenditures. Examples of extraordinary purposes for which loans, with maturities in excess of 5 years but not exceeding 10 years, may be granted include home improvements, the purchase of mobile and seasonal homes, vocational and higher education, and other similar large-cost undertakings. In general, the terms, maturities, and conditions of secured loans made by a Federal credit union for longer than 5 years shall be in accord with the prevailing lending practices (with respect to the purpose of the loan) in the area being served by the credit union.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, and to the extent that the board of directors, by resolution, approves, a loan which is insured or guaranteed pursuant to (i) Title IV, Part B, of the Higher Education Act of 1965, as amended (as it relates to insured loans to students and as set forth in § 701.25 of this Part), (ii) section 2(b) of the National Housing Act (as it relates to insured loans for home improvements, mobile homes and related areas under the provisions of FHA-Title 1), or (iii) section 1819 of Title 38, United States Code (as it relates to guaranteed loans to eligible veterans for mobile home purchase and related areas under the provisions of the Veterans Housing Act) may be made to members with maturity limitations as specified in those statutory references and regulations issued thereunder, provided that the credit union has been qualified as a lender under the respective legislative provisions.

(3) Loans granted pursuant to the statutory references cited in paragraph (2) of this subsection must be in full compliance with all applicable provisions of those statutes and regulations issued thereunder, including any requirements to record liens on related collateral. Furthermore, where insurance obtained under the statutory pro-

visions cited in paragraphs (2)(i) and (2)(ii) of this subsection is accepted as security for a loan, the Credit Committee, nonetheless, has the responsibility to ascertain that the interest of the credit union is, in fact, adequately protected and to assure itself of the creditworthiness of the borrower.

[FR Doc.75-14667 Filed 6-4-75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2605]

GUARANTEED BENEFITS

Notice of Proposed Rulemaking

Title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301-1381) (hereinafter referred to as the "Act") established the Pension Benefit Guaranty Corporation (hereinafter referred to as the "PBGC"). Section 4022(a) of the Act requires the PBGC to provide for the guarantee of nonforfeitable, basic benefits provided by an employee pension benefit plan covered by section 4021 of the Act (hereinafter referred to as a "pension plan").

Since the Act does not specifically set forth the types of pension benefits to be so guaranteed, notice is hereby given that the PBGC proposes to amend Chapter XXVI of Title 29, Code of Federal Regulations, to add a new Part 2605, set forth below, which describes those benefits guaranteed under section 4022 of the Act, describes the limitations thereon, and describes the manner in which guaranteed benefits will be paid.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Post Office Box 7119, Washington, D.C. 20044. Each person submitting comments should include his name and address, identify this notice, and give reason for any recommendations. Comments should be submitted before the 30th day after issue date and will be considered before final action is taken on this proposal. Copies of written comments will be available for examination by interested persons in the Office of Communications of the PBGC, Room No. 708, 8701 Georgia Avenue, Silver Spring, Maryland, between the hours of 9 a.m. and 4 p.m. The proposal may be changed in the light of comments received.

As part of its proposal, the PBGC has prepared two alternatives for treating early retirement benefits. These alternatives differ in that one alternative would require that early retirement benefits be actuarially reduced for any participant who could continue his employment with the plan sponsor(s), and either has not elected an early retirement benefit or was not receiving such a benefit before the date plan participants or their representatives were notified of the decision of the plan sponsor(s) to terminate the plan, or that such notice was otherwise publicly given. This alternative treatment is labeled as *"EARLY RETIREMENT ALTERNATIVE"* in this proposal and set off in italics. Under the other alternative any early retirement benefit which is in pay status on the date of plan termination will not be actuarially reduced. Under both alternatives early retirement benefits elected after the date of plan termination will be actuarially reduced. The difference between the two alternatives is the date for determining whether an early retirement benefit is in pay status.

GUARANTEED BENEFITS

At the core of this proposal is the concept that to be guaranteed, a benefit provided under a plan must be (a) payable in periodic installments, (b) designed to substitute for the participant's earnings over the remainder of the life of the participant or the life of a surviving beneficiary or both, and (c) nonforfeitable on the date of the termination of the plan. However, if the surviving beneficiary is a child or spouse of the participant, the periodic installments may be paid to the child or spouse for such reasonable period as is specified in the plan. Thus, the main thrust of the PBGC's proposal for guarantee of pension benefits is the protection and maintenance of nonforfeitable retirement income for plan participants and dependent survivors.

NORMAL RETIREMENT AGE

Normal retirement age varies among plans. Section 2605.2 of the proposed regulation, therefore, defines normal retirement age as the age so specified in a plan, or in absence of such a specification, the age which the PBGC determines is the normal retirement age implicit in the plan.

REQUIREMENTS FOR GUARANTEE OF BENEFITS

In order to qualify for the guarantee provided by the PBGC, it is proposed that a benefit must meet two tests. First, it must be nonforfeitable on the date the plan terminates. Section 2605.6 of the proposed regulation describes a nonforfeitable benefit as one to which the participant is entitled because he has satisfied the conditions specified in a plan to establish his entitlement to the benefit; however, in accordance with section 4022(a) of the Act, a benefit which becomes nonforfeitable solely because a plan terminates is not considered nonforfeitable for purposes of the plan termination insurance guarantee. In contrast, a benefit which is forfeited only because a plan provision provides for forfeiture of that benefit upon termination of the plan, but would otherwise be nonforfeitable under the provisions of proposed § 2605.6, will still be considered nonforfeitable.

The second general test a benefit must meet to be guaranteed is that it provide income to the participant upon his retirement or provide income to a surviving beneficiary. Therefore, such benefits as premiums payable to a third party to continue life or health insurance would not be guaranteed.

Even though most pension plans provide that the benefit payable upon retirement at normal retirement age is an annuity for life, some plans provide other options such as payment in a single installment or in a specified number of installments. In order to cover these contingencies, the term "pension benefit" has been defined in § 2605.2 as "the right of a participant who permanently leaves or has permanently left covered employment, or his surviving beneficiary, to an annuity, or one or more payments related thereto, which * * * provides a level income to the recipient."

ENTITLEMENT TO A BENEFIT

It is necessary to determine the circumstances under which that right is created. Section 2605.5 of the proposed regulation describes each circumstance under which a participant or his surviving beneficiary has a right to a benefit provided by a plan as follows:

(1) The benefit was in pay status under the provisions of the plan when the plan terminated;

(2) The participant made an election of the benefit pursuant to the provisions of the plan before the plan terminated;

(3) The participant was entitled to the benefit upon application under the provisions of the plan before the plan terminated; or

(4) The benefit would be payable to the participant, absent an election by him of an alternative benefit in the plan, upon retirement.

EARLY RETIREMENT ALTERNATIVE. Proposed § 2605.5(b) is redesignated § 2605.5(c) and a different proposed § 2605.5(b) is added which limits the right of a participant to an early retirement benefit if the benefit is not in pay status or the participant did not elect early retirement prior to the date notice of intent to terminate is given to the participants, their representatives or otherwise made public. In any such case the participant would only have a right to that portion of the early retirement benefit which is actuarially equivalent to the benefit accrued for normal retirement age.

GENERAL LIMITATIONS

In the majority of pension plans, retirement benefits are based on the benefit payable upon retirement at the normal retirement age. The benefit payable upon retirement at normal retirement age usually is paid in equal periodic installments for the life of the retiree and is referred to as a life annuity. Many plans, however, offer alternative options to the life annuity such as joint and survivor annuities or term certain and life annuities. In addition, a number of pension plans also provide disability retirement benefits. The amount of each of these varying benefits is in most instances based on the amount of the benefit a participant has accrued for his retirement at normal retirement age.

Section 2605.4(a)(1) of the proposed regulation provides that the guarantee will not extend to that portion of an installment payable under a plan which exceeds the level installments which

would have been payable to the participant as a straight life annuity at normal retirement age based on the benefits accrued under the plan by the participant up to the date he actually retired.

Thus, if an early retirement benefit pays monthly installments of $500 until age 65 and $300 thereafter, and under the plan the participant would have been entitled to a life annuity at normal retirement age of $300 based on his credited service to the date he actually retired, the guarantee will be limited to $300 per month (unless actuarially reduced under one of the Early Retirement Alternatives). The same principle is applied to elected options to the benefit otherwise payable under a plan at normal retirement age.

Section 2605.4(a)(2), however, provides that this limitation does not apply in the following three instances:

(1) Where the benefit is payable under proposed § 2605.7 which covers disability retirement benefits;

(2) Where the benefit is payable as an annuity to a participant's survivor on account of the participant's death occurring before the plan terminates and prior to his retirement; or

(3) Where the benefit provides for higher payments during the early years of retirement in order to provide a level income in conjunction with Social Security, Railroad Retirement, or workman's compensation benefits, and the projected income stream over the life of the participant is actuarially equivalent to the benefit payable as a straight life annuity accrued for retirement at the normal retirement age.

Title IV of the Act provides that the PBGC may not guarantee that part of any benefit which exceeds the limits on coverage established in section 4022(b) of the Act. Accordingly, section 2605.4 (b) of the proposed regulations incorporates the limitations of section 4022(b) of the Act. Two of the most important limitations of section 4022(b) are contained in sections 4022(b)(3) and 4022 (b)(8) of the Act. Section 4022(b) (3) of the Act provides, in substance, that the PBGC may not pay any part of an otherwise guaranteed benefit which exceeds the actuarial value of a monthly benefit, payable for life, beginning at age 65, calculated on the basis of the lesser of:

(1) The average monthly gross income of the participant from his employer for that consecutive five-year period yielding the highest gross income; or

(2) $750 per month, adjusted for any increase in the Social Security Act benefit and contribution base. (The adjusted monthly limitation is currently $801.14.)

Section 4022(b)(8) of the Act provides, in substance, that new benefits and increases in benefits do not become guaranteed immediately, but rather become guaranteed over a five-year period at the rate of 20 percent or $20 per year, whichever is greater, so that it takes five years from the later of their effective date or adoption for benefits of $100 or more to become fully guaranteed.

Normal Form Retirement Benefits

A pension benefit is generally described in terms of an amount, a form of payment, and an age at which payments may commence. Usually, normal retirement benefits are payable in level monthly installments for the life of the participant, commencing at normal retirement age. The dollar amount of the monthly benefit is, in most cases, equivalent to the benefit accrued for normal retirement age. When such benefits are nonforfeitable on the date of termination, they would be guaranteed. Thus, the level lifetime monthly payments to a normal retiree who is in pay status on the date of a plan termination would be guaranteed by the PBGC up to the limits specified by the Act. Similarly, active or terminated employees with nonforfeitable rights (on the date of plan termination) to a level lifetime monthly benefit payable when they reach normal retirement age would have these rights protected by the PBGC within those limits.

Some pension plans have adopted so-called "normal forms" other than the common single life annuity form described above for the payment of their normal retirement benefits, such as a joint and survivor annuity form. Under many joint and survivor provisions, the dollar amount of monthly benefits accrued for normal age retirement is converted to a somewhat smaller monthly benefit payable to the participant for as long as the participant lives, and to an even smaller monthly benefit payable to his survivor. As does the single life annuity form, the joint and survivor annuity form satisfies the fundamental requirements for guarantee. Hence, a nonforfeitable right of a participant or beneficiary on the date of termination to retirement benefits payable as a joint and survivor annuity would qualify for the guarantee. In this case, the pension benefit would need not involve the same level monthly installments since the monthly payments to the survivor might be less than the payments to the participant in recognition of the generally lower income requirements of the survivor.

Non-level monthly payments might also arise when the normal form of retirement benefits is integrated with Railroad Retirement or Social Security benefits. In particular, certain types of integrated plans with normal retirement ages earlier than 65 may have higher levels of monthly benefits prior to age 65, than after age 65, at which time Social Security benefits normally commence. This "front-loading" of monthly benefits from the plan is designed to produce a substantially level benefit for the life of the participant when considered in conjunction with Social Security. Here, too, the benefit satisfies the fundamental requirements of the Act for guarantee and therefore, the nonforfeitable right of a participant to such a benefit would be guaranteed. Also, cost of living increases provided by a pension plan which went into effect prior to the plan's termination will be considered part of the benefit provided by the plan, and, do not render the plan benefits non-level when viewed as of the date of plan termination.

A few plans have adopted lump-sum distributions as the "normal form" of their retirement benefit. Pension benefits normally payable in lump-sum form do not conform to the fundamental concept of a guaranteeable benefit in that no assurance of an ongoing income for the life of the participant is provided. However, to treat such benefits as not qualified because the plan sponsor chose to provide a lump-sum form would, in most instances, be unfair to plan participants who may have had little voice in the matter. Accordingly, in such a case the proposal provides that the PBGC guarantee the life annuity alternative provided in the plan.

Optional Form Retirement Benefits

Many pension plans provide optional forms under which a participant may receive his pension benefits. Usually, the benefits provided under an optional form are calculated to be actuarial equivalents (or nearly so) of the benefits provided under the normal form on either an individual participant or aggregate plan basis. However, in some cases, optional forms are intentionally subsidized by the plan sponsor. For example, an optional joint and survivor annuity form may be subsidized relative to the normal form single life annuity because the plan sponsor wishes to provide a somewhat higher level of benefits to the survivor. Even where actuarial equivalence is intended, fluctuation in actuarial factors may result in nonactuarially equivalent options. Accordingly, it is proposed that, except in the case of lump-sum options, an option which has been elected under the provisions of the plan in lieu of an otherwise normal form retirement benefit, and which is nonforfeitable on the date of termination, be guaranteed up to the insurance limits of proposed § 2605.4. In the case of an option providing for a lump-sum payment to the participant, the PBGC would guarantee the alternative life annuity provided in the plan.

Disability Benefits

Section 2605.7 of the proposed regulation would guarantee disability retirement benefits payable in periodic installments under the terms of a plan which are in pay status on the date of plan termination where the disability is total and permanent. However, it also provides that, in any case in which the PBGC finds that the standards for disability benefits are unreasonably low or were lowered in anticipation of plan termination, disability retirement benefits would not be guaranteed for a participant who retired under such standards unless he was eligible for Social Security disability benefits on the date of termination. Finally, provision is made for the PBGC to require submission, in any case, of proof of continued total and permanent disability. To the extent a participant is found to be recovered, the payment of his benefit could be suspended, modified, or discontinued, but the existence of a pro-

vision in a plan that a disability benefit will cease upon recovery does not make that benefit forfeitable.

EARLY RETIREMENT

In some plans, early retirement provisions allow a participant to retire prior to normal retirement age at an immediate monthly benefit level, equal to the benefit amount accrued for normal age retirement, actuarially reduced to the earlier age at which the participant retires. Such early retirement benefits satisfy the requirements of proposed § 2605.3 and hence, would be guaranteed by the PBGC up to the limits prescribed in proposed § 2605.4. Sometimes early retirees receive benefits with an actuarial value which exceeds the value of the benefit accrued for normal age retirement. For example, some plans provide lifetime early retirement benefits at a monthly level which is equal to the benefit amount accrued for normal age retirement, *i.e.* a nonreduced benefit, to those participants whose age and service satisfies some specified eligibility criteria. The intent of such subsidized or special early retirement benefits is to reward long-service employees.

Under this proposal, if early retirement benefits were in pay status on the date of plan termination, they would be guaranteed to the extent that the amount of such monthly benefits does not exceed the amount accrued for normal retirement age, and to the extent that the amount of such monthly benefits does not exceed the insurance limits of section 4022(b) of the Act. If the participant is not in pay status on the date of plan termination, only the actuarial equivalent of the benefit accrued for retirement at the normal retirement age will be guaranteed, as provided in § 2605.4(e) of the proposed regulation.

The participant, however, would not be required to take advantage of the benefit at the date of termination; he could defer applying for the early retirement benefit to a later date.

Thus, for example, assume a plan allows unreduced early retirement for any participant who is 55 years old and who has been a participant for 20 years. If, on the date that plan terminates a participant is 56 with 25 years of service, his early retirement benefit is guaranteed up to the level of the benefit accrued to that date for retirement at the normal retirement age actuarially reduced to reflect commencement of payments before the normal retirement age. However, if on the date the plan terminates, a participant is only 54 with 20 years of service, the PBGC would not guarantee his early retirement benefit even though he continues to be employed by the same employer and, had the pension plan continued, he would become eligible for early retirement after the date of termination. In this case the participant had not satisfied the conditions under the plan necessary to establish entitlement to the benefit as of the date of termination. Therefore, the benefit was forfeitable on the plan termination date and thus the benefit failed to meet the nonforfeitability requirement.

EARLY RETIREMENT ALTERNATIVE. For the purpose of determining when the portion of an early retirement benefit that exceeds the actuarial equivalent of the accrued benefit payable at normal retirement age is guaranteed because it is in "pay status", the criteria set forth below apply.

Any early retirement benefit is in pay status if (a) the employee became retired, or filed formal application for early retirement to be effective on or prior to the date of plan termination, and (b) such application was filed, or the employee retired prior to the date that notice was given to the employees or their representatives or otherwise made public by the plan sponsor of its decision to terminate the plan. If the employee applies for early retirement on or after the date that notice was given of the decision to terminate the plan, but before the actual termination of the plan, unreduced early retirement benefits described above will be guaranteed only if the employee could not continue his employment, i.e., the employee's "retirement" is involuntary. If the employee could continue his employment with the employer, but elects to retire early in contemplation of the plan's termination, he shall be guaranteed his accrued benefit, actuarially reduced to provide an equivalent immediate annuity. In this circumstance, the employee has a choice between a reduced immediate annuity and continuing his employment.

If early retirement occurs after the termination of the plan, the employee's annuity will be guaranteed at the level of the normal retirement benefit with an actuarial reduction.

If a plan provides that unreduced early retirement benefits are available at the sole option of the employer, these unreduced benefits are not guaranteed if the employer attempts to take advantage of the guarantee system by unilaterally terminating employees in contemplation of the termination of the plan.

Thus, for example, assume that on March 30, 1976, the management of XYZ Corp. learns of the decision of their Board of Directors to terminate the pension plan for its employees on May 1, 1976, and on that date the management calls Local 123 which represents the employees covered by the plan and informs the union officials of this decision.

Employee Jones who is eligible for early retirement had applied for unreduced early retirement benefits on completing his 30th year of service on March 15, 1976 to take effect on April 7, 1976. This employee's unreduced benefit would be guaranteed.

Employee Smith who has been eligible for unreduced early retirement benefits for one year, but who has continued work learns of the termination decision on March 31, 1976 and applies for an immediate unreduced annuity effective April 15, 1976. The managers inform Employee Smith that the termination of the plan will have no effect on the continuation of his job and he has a choice between a reduced immediate annuity or continuing his employment. Such reduced immediate annuity would be guaranteed by PBGC. If, however, the managers had informed the employees that the employer planned to complete the shutting down of the plant by October 1, 1976, the benefits of Employee Smith and of all other employees eligible for early retirement on the date the plan terminates would be guaranteed at the unreduced level since early retirement would not be voluntary.

Assume that the XYZ Corp. continues to employ all employees eligible for early retirement and the plan is terminated on May 1, 1976. Employee Johnson, reaching age 60 on October 15, 1977, decides to retire. Employee Johnson would be guaranteed the benefit accrued as of May 1, 1976, i.e., the normal retirement benefit, actuarially reduced to age 60.

BENEFITS PAYABLE UPON A PARTICIPANT'S DEATH

An increasing number of pension plans have adopted as the so-called "normal form of benefit" an annuity form that combines a single life annuity for the participant with a related death benefit. One such form of benefit is the joint and survivor annuity, discussed above. Another annuity form available under many plans that involves a life annuity and related death benefit is the life annuity with a guaranteed term certain. Under this form, if the participant dies before the end of the guaranteed term, payments for the remainder of such term are paid to a beneficiary. Also, many plans which allow or require contributions from participants provide that upon the participant's death any unpaid contributions will be paid to a surviving beneficiary. In each of the preceding cases, the survivor's benefit is derived from the participant's pension benefit, and, accordingly, such benefits are guaranteed by the PBGC because they are *related* to the participant's pension benefit within the meaning of the definition of "pension benefit" contained in § 2605.2 of the proposed regulation.

To the extent that optional forms of benefit involve the types of annuity forms discussed above, *i.e.*, a life annuity with a related death benefit, such related payments on death will be considered to fall within the definition of a "pension benefit."

A plan may also provide an optional form of payment which allows a participant to elect to have a benefit paid in a single installment to a named beneficiary upon his death in return for an actuarially equivalent reduction in his pension benefit. To the extent that any such death benefit represents an actuarial conversion of a pension benefit, the value of such death benefit will be included within the definition of a "pension benefit," because it has been derived from the participant's pension within the meaning of proposed § 2605.4(c).

In some cases a plan may simply provide an annuity payable to a retired participant's surviving beneficiary upon the participant's death. Such a benefit is a "pension benefit" within the definition of proposed § 2605.2 and would be guaranteed up to the limitations of § 2605.4 of the proposed regulation. The guarantee applies to all such benefits which arise from any retired participant's death even when death occurs after the date the plan terminates.

Some plans provide that if a participant dies prior to retirement his survivor is entitled to a spouse's or child's pension. This pension, like the pension provided for disability retirement, is designed to provide a substitute for the participant's earnings. Accordingly, the annuity payable to a survivor for pre-retirement death is related to the participant's pension, within the meaning of the definition of "pension benefit" in proposed § 2605.2, and will be guaranteed. Also, like the annuity payable for disability retirement, the death benefit annuity is not subject to the limitation of proposed § 2605.4(a)(1). However, only pre-retirement death benefit annuities which are in pay status on the date of a plan termination are nonforfeitable within the meaning of proposed § 2605.6, and, therefore, only such benefits which are in pay status on the date of plan termination are guaranteed.

In consideration of the foregoing, it is proposed to amend Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2605 to read as follows:

PART 2605—GUARANTEED BENEFITS

Sec.
2605.1 Purpose and scope.
2605.2 Definitions.
2605.3 Guaranteed benefits.
2605.4 Limitations.
2605.5 Entitlement to a benefit.
2605.6 Determination of nonforfeitable benefits.
2605.7 Annuity payable for total disability.
2605.8 Benefits payable in a single installment.

AUTHORITY: Sec. 4002(b)(3), 4022, Pub. L. 93-406, 88 Stat. 1004, 1016-17.

§ 2605.1 Purpose and scope.

(a) The purpose of this part is to describe those benefits guaranteed under section 4022(a) of the Act and to provide for the method of payment of such benefits.

(b) This part applies to each plan for which benefits are guaranteed under Title IV of the Act.

(c) This part applies to each plan termination occurring on or after September 2, 1974, and to each plan termination which is subject to section 4082(b) of the Act.

§ 2605.2 Definitions.

For the purposes of this part (unless otherwise required by the context):

"Act" means Title IV of the Employee Retiremement Income Security Act of 1974 (29 U.S.C. 1301-1381).

"Annuity" means a series of level, periodic payments for the life of a participant, or, with respect to a spouse or dependent, for a fixed or contingent period.

"Covered employment" means employment with respect to which benefits accrue under a plan.

"Normal retirement age" means the age so characterized by the terms of a plan or, if no such age is specified in the plan, the age which the PBGC determines on the basis of all the facts and circumstances is the normal retirement age implicit in the plan.

"Pension benefit" means the right of a participant who permanently leaves or has permanently left covered employment, or his surviving beneficiary, to an annuity, or one or more payments related thereto, which, by itself or in combination with Social Security, Railroad Retirement, or workman's compensation provides a level income to the recipient.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan" means a plan providing benefits which are guaranteed under the Act upon termination of that plan.

§ 2605.3 Guaranteed benefits.

Except as otherwise provided in this part, the PBGC will guarantee the amount, as of the date of the plan termination, of a benefit provided under a plan to the extent that the benefit does not exceed the limitations in the Act and in § 2605.4, if—

(a) The benefit is nonforfeitable under § 2605.6; and

(b) The benefit qualifies as a pension benefit as defined in § 2605.2.

§ 2605.4 Limitations.

(a)(1) Notwithstanding any other section of this part, and subject to paragraphs (b), (c), (d) and (e) of this section, the PBGC will not guarantee that part of an installment payment that exceeds the dollar amount payable as a life annuity at normal retirement age to which a participant would have been entitled under a plan on the basis of his credited service to the date of termination of the plan.

(2) The limitation of paragraph (a)(1) of this section shall not apply to:

(i) A survivor's benefit payable as an annuity on account of the death of a participant which occurs before the plan terminates and before the participant retires;

(ii) A disability pension described in § 2605.7 of this part; or

(iii) Installments which exceed the limitation of paragraph (a)(1) of this section payable under a benefit which provides non-level installments as a result of combination with Social Security, Railroad Retirement, or workman's compensation, if the projected income over the expected life of the recipient is actuarially equivalent to the value of the limitation of paragraph (a)(1) of this section.

(b) Notwithstanding any other provision of this part, the PBGC will not guarantee the payment of that part of any benefit which exceeds the limitations in section 4022(b) of the Act.

(c) Notwithstanding any other provision of this part, the PBGC will not guarantee a benefit payable in a single installment (or substantially so) upon the death of a participant or his surviving beneficiary unless that benefit was actuarially derived from the pension benefit payable to the participant or surviving beneficiary.

(d) Notwithstanding any other provision of this part, the PBGC will not guarantee a benefit payable to other than a living human being.

(e) If an early retirement benefit otherwise guaranteed by the provisions of this part is not in pay status on the date of plan termination, the PBGC will guarantee only that portion of the benefit which is equal to the dollar amount payable as a life annuity to which a participant would have been entitled under the plan at normal retirement age on the basis of his credited service to the date of plan termination, actuarially reduced to the age of the participant on the date he retires.

EARLY RETIREMENT ALTERNATIVE. (e) If an early retirement benefit otherwise guaranteed by the provisions of this part is not in pay status on the date of notification of plan termination, the PBGC will guarantee only that portion of the benefit which is equal to the dollar amount payable as a life annuity to which a participant would have been entitled under the plan at normal retirement age on the basis of his credited service to the date of plan termination, actuarially reduced to the age of the participant on the date he retires. This paragraph shall apply only to an employee who could continue working for an employer which maintained the plan.

§ 2605.5 Entitlement to a benefit.

(a) A participant or his surviving beneficiary has a right to a benefit if under the provisions of a plan:

(1) The benefit was in pay status on the date of the termination of the plan.

(2) The participant elected the benefit before the date of termination of the plan.

(3) Before the date of plan termination the participant was entitled to the benefit upon application.

(4) Absent an election by the participant, the benefit would be payable upon retirement.

(b) If none of the conditions set forth in paragraph (a) of this section is met, the PBGC will determine whether the participant is entitled to a benefit on the basis of the provisions of the plan and the circumstances of the case.

EARLY RETIREMENT ALTERNATIVE. Change § 2605.5(b) to § 2605.5(c) and insert a new § 2605.5(b) to read as follows:

(b) A participant does not have a right to the subsidized portion of an early retirement benefit where the employee could continue his employment with the plan sponsor subsequent to plan termination if such benefit was not in pay status, or elected prior to the date

participants of the plan or their representatives were notified of the decision of the plan sponsor(s) to terminate the plan or such decision was otherwise made public.

§ 2605.6 Determination of nonforfeitable benefits.

(a) For the purposes of this part, a benefit payable with respect to a participant is considered to be nonforfeitable, if on the date of termination of the plan, the participant has satisfied all of the conditions required of him under the provisions of the plan to establish entitlement to the benefit.

(b) For the purposes of this part, benefits that become nonforfeitable solely as a result of the termination of a plan will not be considered as nonforfeitable.

(c) A guaranteed benefit payable to a spouse is not considered to be forfeitable solely because the plan provides that the benefit will cease upon the remarriage of the spouse or his attaining a specified age. However, the PBGC will observe the provisions of the plan relating to the effect of such remarriage or attainment of such specified age on the spouse's eligibility to continue to receive benefit payments.

(d) Any other provision in a plan that the right to a benefit in pay status will cease or be suspended upon the occurrence of any specified condition does not automatically make that benefit forfeitable. In each such case the PBGC will determine whether the benefits were forfeitable.

(e) A benefit guaranteed under § 2605.7 shall not be considered forfeitable solely because the plan provides that upon recovery of the participant the benefit will cease.

§ 2605.7 Annuity payable for total disability.

(a) Except as provided in paragraph (b) of this section, an annuity which is payable under the terms of a plan on account of the total and permanent disability of a participant that is expected to last for the life of the participant is considered to be a pension benefit.

(b) In any case in which the PBGC determines that the standards for determining such total and permanent disability under a plan were unreasonable, or were modified in anticipation of termination of the plan, the disability benefits under the plan will not be guaranteed to a participant unless he meets the standards of the Social Security Act (42 U.S.C. 421) and the regulations thereunder for determining total and permanent disability.

(c) For the purpose of this section, a participant may be required, upon the request of the PBGC, to submit to an examination or to submit proof of continued total and permanent disability. If the PBGC finds that a participant has recovered, it may suspend, modify, or discontinue the payment of a benefit under this part.

§ 2605.8 Benefits payable in a single installment.

(a) If a benefit which is otherwise guaranteed under this part, is payable under the terms of the plan, or an option elected under the plan by the participant, in a single installment (or substantially so), the PBGC will guarantee an alternative benefit, if any, in that plan which provides for the payment of equal periodic installments for the life of the recipient.

(b) Notwithstanding paragraph (a) of this section, in any case in which the value of a guaranteed benefit is $1,750 or less, or in any case in which the PBGC has issued a notice of sufficiency pursuant to section 4041 of the Act, the total value of a benefit may be paid in a single payment.

(c) Notwithstanding paragraph (a) of this section, a benefit payable solely in a single installment on account of the death of a participant which is otherwise guaranteed by the provisions of this part, shall be paid by the PBGC as an annuity which has the same value as the single installment. The PBGC will in each case determine the duration of the annuity based on all the facts and circumstances.

Issued in Washington, D.C. on this 30th day of May, 1975.

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

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these proposed regulations and authorizing its Chairman to issue same.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.75-14872 Filed 6-4-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Certain Definitions

The rapid acceleration of inflation during the past several years has added emphasis to the fact that many of the Small Business Administration size standards expressed in terms of dollars ("annual receipts," "average annual receipts," "assets," "net worth," "average net income") have become distorted. Over the past decade, the pace of price increases rose by more than double the rate of increase during the preceding 10-year period. While some of the size standards which were adopted 20 years ago are still in effect, the general price level rose by almost 90 percent; thus, many concerns that, during the inflationary period have had no increase in business in terms of unit sales, may have lost their eligibility for assistance under the Small Business Act simply because of changes in the value of the dollar.

In view of the above, the Small Business Administration proposes to adjust upward those definitions of small business expressed in terms of dollars in order to account for the effects of inflation during the years that such standards have been in effect. It is to be noted that the standard changes herein proposed are only to adjust standards to correct obsolescence caused by inflation. The Small Business Administration will continue to conduct economic reviews of particular industries and take appropriate action on petitions for increases or reduction of particular standards.

In determining what new standards to propose in order to account for the adverse effects of inflation, we have utilized the yearly GNP Implicit Price Deflator promulgated by the Department of Commerce. The GNP Deflator is the broadest single measure of inflation. It measures price changes in the total national output of goods and services in terms of the expenditures by which those goods are acquired. These expenditures cover personal consumption, business investment, and government purchases.

The GNP Price Deflators for each of the past 22 years and the percent increase in the GNP Deflator from each such year to date are as follows:

Year	Gross national product price deflator [1]	Percent increase from year to present [2]
1953	88.33	62.7
1954	89.63	89.9
1955	90.86	87.3
1956	93.99	81.1
1957	97.49	74.6
1958	100.00	70.2
1959	101.66	67.4
1960	103.29	64.8
1961	104.62	62.7
1962	105.78	60.9
1963	107.17	58.8
1964	108.85	56.3
1965	110.80	53.5
1966	113.94	49.4
1967	117.59	44.7
1968	122.30	39.1
1969	128.20	32.7
1970	135.24	25.8
1971	141.35	20.4
1972	146.2	16.5
1973	154.31	10.3
1974	[3] 170.18	

[1] Source: Economic Report of the President, Feb. 1975, p. 254. (Based on data from the Department of Commerce, Bureau of Economic Analysis.)
[2] Source: Survey of Current Business, Mar. 1975, p. S-2.
[3] Present, 1974.

The methodology utilized in determining what new standard to propose is as follows:

1. Determine the year in which each "dollar" standard was adopted.

2. Determine the GNP Deflator for that year.

3. Determine the percent of increase in the GNP Deflator from that year to date.

4. Increase the size standard by the determined percentage rounded off up to the nearest $500,000 for administrative purposes.

Utilizing the above methodology, the Small Business Administration proposes to adjust the "dollar" size standards as follows:

Industry	Current Standard	Year Adopted	% Increase in GNP Price Deflator From Such year to Date	Proposed Standard
FINANCIAL ASSISTANCE STANDARDS				
Retail				
Retail, Not Elsewhere Defined	$1.0 mil.	1954	89.9	$ 2.0 mil.
SIC 5271, Mobile Homes	3.0 mil.	1973	10.3	3.5 mil.
5311, Dept. Stores	5.0 mil.	1967	44.7	7.5 mil.
5331, Variety Stores	2.0 mil.	1967	44.7	3.0 mil.
5411, Grocery Stores	5.0 mil.	1967	44.7	7.5 mil.
5423(a), Meat Markets	5.0 mil.	1967	44.7	7.5 mil.
5511, Motor Vehicles (New and Used)	5.0 mil.	1970	25.9	6.5 mil.
5521, Motor Vehicles (Used Only)	5.0 mil.	1970	25.9	6.5 mil.

Industry	Current Standard	Year Adopted	% Increase in GNP Price Deflator From Such Year to Date	Proposed Standard
SIC 5599(a), Aircraft	$3.0 mil.	1964	56.3	$ 5.0 mil.
5611, Mens & Boys Clothing and Furnishings	1.5 mil.	1967	44.7	2.5 mil.
5621, Womens Ready to Wear	1.5 mil.	1967	44.7	2.5 mil.
5651, Family Clothing Stores	1.5 mil.	1967	44.7	2.5 mil.
5661, Shoe Stores	1.5 mil.	1967	44.7	2.5 mil.
5722, Household Appliance Stores	1.5 mil.	1967	44.7	2.5 mil.
5732, Radio and Television Stores	1.5 mil.	1967	44.7	2.5 mil.
5961, Mail-Order Houses	5.0 mil.	1967	44.7	7.5 mil.
Wholesale				
Wholesale, Not Elsewhere Defined	5.0 mil.	1954	89.9	9.5 mil.
SIC 5012, Automobile and Motor Vehicles	15.0 mil.	1967	44.7	22.0 mil.
5014, Tires and Tubes	15.0 mil.	1967	44.7	22.0 mil.
5023(a), Home Furnishings, Floor Coverings	10.0 mil.	1967	44.7	14.5 mil.
5039, Construction Materials, n.e.c.	10.0 mil.	1967	44.7	14.5 mil.

Industry	Current Standard	Year Adopted	% Increase in GNP Price Deflator From Such Year to Date	Proposed Standard
SIC 5041, Sporting and Recreational Goods and Supplies	$10.0 mil.	1967	44.7	$14.5 mil.
5042, Toys and Hobby Goods and Supplies	10.0 mil.	1967	44.7	14.5 mil.
5051(a), Metal Service Centers	10.0 mil.	1967	44.7	14.5 mil.
5051(b), Metal Sales Offices	15.0 mil.	1967	44.7	22.0 mil.
5052(a), Coal	10.0 mil.	1967	44.7	14.5 mil.
5063, Electrical Apparatus and Equipment, Wiring Supplies and Construction Materials	15.0 mil.	1967	44.7	22.0 mil.
5064, Electrical Appliances, Television, and Radio Sets	10.0 mil.	1967	44.7	14.5 mil.
5081, Commercial Machines and Equipment	15.0 mil.	1967	44.7	22.0 mil.
5082, Construction and Mining Machinery and Equipment	10.0 mil.	1967	44.7	14.5 mil.
5083, Farm and Garden Machinery and Equipment	15.0 mil.	1967	44.7	22.0 mil.
5084, Industrial Machinery and Equipment	10.0 mil.	1967	44.7	14.5 mil.
SIC 5085, Industrial Supplies	$10.0 mil.	1967	44.7	$14.5 mil.
5111, Printing and Writing Paper	10.0 mil.	1967	44.7	14.5 mil.
5113, Industrial and Personal Service Paper	15.0 mil.	1967	44.7	22.0 mil.
5122, Drugs, Drug Proprietaries, and Drug Sundries	10.0 mil.	1967	44.7	14.5 mil.
5133, Piece Goods (Woven Fabrics)	10.0 mil.	1967	44.7	14.5 mil.
5134, Notions and Other Dry Goods	10.0 mil.	1967	44.7	14.5 mil.
5139, Footwear	10.0 mil.	1967	44.7	14.5 mil.
5141, Groceries, Gen. Line	15.0 mil.	1967	44.7	22.0 mil.
5142, Frozen Foods	15.0 mil.	1967	44.7	22.0 mil.
5143, Dairy Products	10.0 mil.	1967	44.7	14.5 mil.
5147, Meats and Meat Products	10.0 mil.	1967	44.7	14.5 mil.
5149, Groceries and Related Products, n.e.c.	10.0 mil.	1967	44.7	14.5 mil.
5152, Cotton	15.0 mil.	1967	44.7	22.0 mil.
5153, Grain	10.0 mil.	1967	44.7	14.5 mil.
5154, Livestock	10.0 mil.	1967	44.7	14.5 mil.
5161, Chemicals and Other Products	15.0 mil.	1967	44.7	22.0 mil.

Industry	Current Standard	Year Adopted	% Increase in GNP Price Deflator From Such Year to Date	Proposed Standard
SIC 5171, Petroleum Bulk Stations and Terminals	$15.0 mil.	1967	44.7	$22.0 mil.
5172, Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals	15.0 mil.	1967	44.7	22.0 mil.
5182, Wines and Distilled Alcoholic Beverages	15.0 mil.	1967	44.7	22.0 mil.
5194, Tobacco and Tobacco Products	10.0 mil.	1967	44.7	14.5 mil.
5198, Paints, Varnishes, and Supplies	15.0 mil.	1967	44.7	22.0 mil.
Construction				
General Construction, Including Dredging	5.0 mil.	1954	89.9	9.5 mil.
Special Trades, Except	1.0 mil.	1974	10.3[4]	
SIC 1711, Plumbing, Heating, and Air Conditioning	2.0 mil.	1974	10.3[4]	
1731, Elec. Work	2.0 mil.	1974	10.3[4]	
1791, Struc. Steel Erection	2.0 mil.	1974	10.3[4]	

[4] Since we currently are considering a separate proposal to increase the size standards for the special trade industries, we are not proposing an inflation adjustment for such industries at this time.

Industry	Current Standard	Year Adopted	% Increase in GNP Price Deflator From Such Year to Date	Proposed Standard
Services				
Services Not Elsewhere Defined	$ 1.0 mil.	1954	89.9	$ 2.0 mil.
Hotel and Motel Industry	2.0 mil.	1961	62.7	3.0 mil.
Power Laundry Industry	2.0 mil.	1961	62.7	3.0 mil.
Trailer Courts and Parks	1.0 mil.	1968	39.1	1.5 mil.
Convalescent or Nursing Homes	1.0 mil.	1961	62.7	1.5 mil.
Medical and Dental Laboratories	1.0 mil.	1961	62.7	1.5 mil.
Motion Picture Production	5.0 mil.	1964	56.3	8.0 mil.
Motion Picture Services	5.0 mil.	1964	56.3	8.0 mil.
Engineering Services	2.5 mil.	1967	44.7	3.5 mil.
Cable TV Services	2.5 mil.	1974	10.3[5]	3.0 mil.
Shopping Centers				
Assets	5.0 mil.	1960	64.8	8.0 mil.
Net Worth	2.5 mil.	1960	64.8	4.0 mil.
Average Net Income	250,000	1960	64.8	400,000
Passenger and Freight Transportation and Warehousing, n.e.c.	1.0 mil.	1962	60.9	1.5 mil.
Storage of Grain	1.0 mil.	1963	58.8	1.5 mil.

[5] The deflator for 1975 is not yet available. Although it is estimated that the percent increase from 1974 to date will be less than the 10.3 increase from 1973 to date, we applied a 10.3 percent increase.

Industry	Current Standard	Year Adopted	% Increase in GNP Price Deflator From Such Year to Date	Proposed Standard
Trucking (Local and Long Distance), Warehousing, Packing and Crating, or Freight Forwarding	$ 5.0 mil.	1969	32.7	$ 6.5 mil.
Agriculture Production (Crops)	250,000	1974	10.3[5]	275,000
Agriculture Production (livestock)	250,000	1974	10.3[5]	275,000
SIZE STANDARDS FOR ASSISTANCE FROM SMALL BUSINESS INVESTMENT COMPANIES OR DEVELOPMENT COMPANIES				
Assets	$ 7.5 mil.	1971	20.4	$ 9.0 mil.
Net Worth	2.5 mil.	1960	64.8	4.0 mil.
Average Net Income	250,000	1960	64.8	400,000
SIZE STANDARDS FOR SALES OF GOVERNMENT PROPERTY OTHER THAN TIMBER				
Nonmanufacturers	$ 1.0 mil.	1972	16.5	$ 1.0 mil.
Stockpile Purchasers	25.0 mil.	1959	67.4	42.0 mil.
PROCUREMENT STANDARDS				
Construction				
General Construction	$ 7.5 mil.	1962	60.9	$12.0 mil.
Special Trades, Except	1.0 mil.	1974	10.3[4]	
SIC 1711, Plumbing, Heating, and Air Conditioning	2.0 mil.	1974	10.3[4]	
SIC 1731, Elec. Work	$ 2.0 mil.	1974	10.3[4]	
1791, Struc. Steel Erection	2.0 mil.	1974	10.3[4]	
Dredging	5.0 mil.	1954	89.9	9.5 mil.
Services				
Service Not Elsewhere Defined	1.0 mil.	1953	92.7	2.0 mil.
Engineering Services Other Than Marine Engineering Services	5.0 mil.	1966	49.4	7.5 mil.
Motion Picture Production or Motion Picture Services	5.0 mil.	1964	56.3	8.0 mil.
Janitorial and Custodial Services	3.0 mil.	1966	49.4	4.5 mil.
Base Maintenance	5.0 mil.	1966	49.4	7.5 mil.
Marine Cargo Handling	5.0 mil.	1966	49.4	7.5 mil.
Naval Architectural and Marine Eng. Services	6.0 mil.	1966	49.4	9.0 mil.
Food Services	4.0 mil.	1969	32.7	5.5 mil.
Laundry Services Including Linen Supply, Diaper Services, and Industrial Laundering	3.0 mil.	1969	32.7	4.0 mil.
Cleaning and Dyeing Including Rug Cleaning	1.0 mil.	1969	32.7	1.5 mil.

Industry	Current Standard	Year Adopted	% Increase in GNP Price Deflator From Such Year to Date	Proposed Standard
Computer Programming Services	$ 3.0 mil.	1968	39.1	$ 4.0 mil.
Flight Training Services	5.0 mil.	1968	39.1	7.0 mil.
Motorcar Rental and Leasing Services Including Truck Rental and Leasing Services	5.0 mil.	1968	39.1	7.0 mil.
Tire Recapping Services	3.0 mil.	1968	39.1	4.0 mil.
Data Processing Services	3.0 mil.	1968	39.1	4.0 mil.
Computer Maintenance Services	5.0 mil.	1968	39.1	7.0 mil.
Services Requiring Use of Helicopter or Fixed Wing Aircraft	3.0 mil.	1974	10.3[5]	3.5 mil.
Trucking (Local or Long Distance), Warehousing, Packing and Crating, or Freight Forwarding	5.0 mil.	1969	32.7	7.0 mil.

Interested parties may file with the Small Business Administration, on or before July 7, 1975, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

WILLIAM L. PELLINGTON,
Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001–59.018)

THOMAS S. KLEPPE,
Administrator.

Dated: May 23, 1975.

[FR Doc.75-14482 Filed 6-4-75;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 570]

EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

Work Experience and Career Exploration Programs

It is proposed to continue indefinitely on a permanent basis the Work Experience and Career Exploration Programs which have been conducted on an experimental basis since 1969. This proposal varies some provisions of the Child Labor Regulations for the employment of minors between 14 and 16 years of age enrolled in and employed pursuant to school-supervised and school-administered work experience and career exploration programs.

A 3-year experimental work experience and career exploration program was initiated in 1969 under the administration of the Department of Labor in conjunction with the State education agencies in 13 states. While an evaluation of the program during the initial period indicated that it was beneficial in character, there was no hard information as to whether participants in some cases displaced a regular employee of a participating establishment and no data to show what proportion of program participants remained in school. The program was extended in January 1974 for an additional study period ending June 30, 1975 in order to obtain additional data for a considered final determination as to whether the program would be continued in the same or in a modified form or discontinued. During the period since January 1974 a comprehensive study of the WECEP experimental program was conducted under the auspices of the Department of Labor. The study focused on, among other things, school retention, educational benefits and displacement of regular workers by participants in the program.

The findings of the study show that limited labor market experience in a controlled school setting can improve the educational performance of 14- and 15-year-old students who are dropout prone or who otherwise suffer educational disabilities. The evaluation further indicated that the program has no negative effects but many positive impacts on students' scholastic performance and attendance records. The marked reduction in absence and tardiness for program participants is a valid indication of improved potential for retention of students in school.

The experimental program also established that on the average the optimum hours, the point at which students attain the greatest educational benefits, are somewhat fewer than the maximum hours of employment of 4 per school day and 28 per week used in the initial experiment. Since January 1974 the permissible hours of employment under the extended experimental program have been 3 hours on a school day and 23 hours during weeks when school is in session. The proposed permanent program would continue this schedule of maximum hours.

Another conclusion of the study indicates that under the WECEP program there is no displacement effect without a subminimum wage. Further, the study shows that with a subminimum wage rate authorized for WECEP enrollees there is some slight displacement effect with respect to 16 to 19 year-old workers and even less displacement with respect to adult workers.

In 1972 in order to prevent curtailment of employment opportunities for WECEP program participants provision was made for the employment of WECEP participants at subminimum wage rates. During fiscal year 1973, approximately 22% of the students in the program were employed at subminimum wage rates under special student-learner certificates. Many of these students had their wages increased to the statutory minimum wage or higher before the end of the year. During fiscal year 1975 such certificates were issued for approximately 12% of the students employed in the program. The decrease in the utilization of the certificates at the same time the statutory minimum wage rate was increased effective May 1, 1974 indicates that a special minimum wage rate is not necessary to prevent the curtailment of opportunities for employment in this program. Accordingly, § 520.12, which authorized the issuance of certificates for program participants, will not be reinstated upon its expiration on June 30, 1975.

The proposed regulation provides for the State Educational Agency to obtain approval of a State program which meets certain criteria that are indicative of a program that does not interfere with the schooling or health and well-being of the minors involved. Programs would be approved for a period of 2 years, at the end of which period a new application would have to be filed. The State Educational Agency would be responsible for keeping certain records and making them available for inspection or transcription to representatives of the Wage and Hour Division.

The regulation proposes to permit employment in any occupation permitted for 14- and 15-year-old youths as well as any occupation (other than manufacturing, mining or one declared hazardous by the Secretary of Labor) for which approval has been granted by the Administrator of the Wage and Hour Division. Program enrollees would be permitted employment for as many as 23 hours a week when school is in session and as many as 3 hours on a school day, any portion of which could be during school hours.

Interested persons may submit written comments, suggestions, data or arguments concerning the following proposal to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, on or before July 7, 1975.

Section 570.35a of Title 29 of the Code of Federal Regulations is proposed to be revised to read as follows:

§ 570.35a Work experience and career exploration programs.

(a) This section varies some provisions of this subpart for the employment of minors between 14 and 16 years of age who are enrolled in and employed pursuant to a school-supervised and school-administered work-experience and career exploration program which meets the requirements of paragraph (b) of this section, in the occupations permitted under paragraph (c) of this section, and for the periods and under the conditions specified in paragraph (d) of this section. With these safeguards, such employment is found not to interfere with the schooling of the minors or with their health and well-being and therefore is not deemed to be oppressive child labor.

(b) (1) A school-supervised and school-administered work-experience and career exploration program shall meet the educational standards established and approved by the State Educational Agency in the respective State.

(2) The State Educational Agency shall file with the Administrator of the Wage and Hour Division a letter of application for approval of a State program as one not interfering with schooling or with the health and well-being of the minors involved and therefore not constituting oppressive child labor. The application must include information concerning the criteria listed in subparagraph (3) of this paragraph. The Administrator of the Wage and Hour Division shall approve the application, or give prompt notice of any denial and the reasons therefor.

(3) The criteria to be used in consideration of applications are the following:

(i) *Eligibility.* Any student aged 14 or 15 years who authoritative local school personnel identify as being able to benefit from the program shall be eligible to participate.

(ii) *Credits.* Students shall receive school credits for both in-school related instruction and on-the-job experience.

(iii) *Size.* Each program unit shall be a reasonable size. A unit of 12 to 25 students to one teacher-coordinator would be generally considered reasonable. Whether other sizes are reasonable would depend upon the individual facts and circumstances involved.

(iv) *Instructional schedule.* There shall be (*a*) allotted time for the required classroom instruction in those subjects necessary for graduation under the State's standards and (*b*) regularly scheduled classroom periods of instruction devoted to job-related and to employability skill instruction.

(v) *Teacher-coordinator.* Each program unit shall be under the supervision of a school official to be designated for the purpose of the program as a teacher-coordinator, who shall generally supervise the program and coordinate the work and education aspects of the program and make regularly scheduled visits to the work stations.

(vi) *Written training agreement.* No student shall participate in the program until there has been made a written training agreement signed by the teacher-coordinator, the employer, and the student. The agreement shall also be signed or otherwise consented to by the student's parent or guardian.

(vii) *Other provisions.* Any other provisions of the program providing safeguards ensuring that the employment permitted under this section will not interfere with the schooling of the minors or with their health and well-being may also be submitted for use in consideration of the application.

(4) Every State Educational Agency having students in a program approved pursuant to the requirements of this section shall comply with the following:

(i) *Permissible occupations.* No student shall be assigned to work in any occupation other than one permitted under paragraph (c) of this section.

(ii) *Records and reports.* The names and addresses of each school enrolling work experience and career exploration program students and the number of enrollees in each unit shall be kept at the State Educational Agency office. A copy of the written training agreement for each student participating in the program shall be kept in the State Educational Agency office or in the local educational office. The records required for this paragraph shall be kept for a period of 3 years from the date of enrollment in the program and shall be made available for inspection or transcription to the representatives of the Administrator of the Wage and Hour Division.

(c) Employment of minors enrolled in a program approved pursuant to the requirements of this section shall be permitted in all occupations except the following:

(1) Manufacturing and mining.

(2) Occupations declared to be hazardous for the employment of minors between 16 and 18 years of age in Subpart E of this part, and occupations in agriculture declared to be hazardous for employment of minors below the age of 16 in Subpart E–1 of this part.

(3) Occupations other than those permitted under §§ 570.33 and 570.34, except upon arrival of a variation in individual cases or classes of cases by the Administrator of the Wage and Hour Division after notice to interested persons and opportunity to be heard. Any such variation of general application shall be published as an amendment to this subpart. Applications for such approval may be included with the application for approval of the program; or filed specifically under § 570.38. Such applications shall be processed under § 570.38.

(d) Employment of minors enrolled in a program approved pursuant to the requirement of this section shall be confined to not more than 23 hours in any 1 week when school is in session and not more than 3 hours in any day when school is in session, any portion of which may be during school hours. Insofar as these provisions are inconsistent with the provisions of § 570.35, this section shall be controlling.

(e) Programs shall be in force and effect for a period of (2) school years from the date of their approval by the Administrator of the Wage and Hour Division. A new application for approval must be filed at the end of that period. Failure to meet the requirements of this section may result in withdrawal of approval.

Signed at Washington, D.C., this 2nd day of June 1975.

BERNARD E. DELURY,
Assistant Secretary of Labor.

[FR Doc.75-14748 Filed 6-4-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposal To Except Librax and Menrium From Schedule IV

On September 8, 1971, Hoffman-La Roche, Inc., Nutley, New Jersey, submitted petitions to the Bureau of Narcotics and Dangerous Drugs (BNDD), predecessor agency of the Drug Enforcement Administration, requesting BNDD to except its prescription products, Librax and Menrium, from any Schedule in which chlordiazepoxide would be placed. Chlordiazepoxide is a component in the Librax and Menrium formulations. The petitions were submitted in relation to earlier control proceedings regarding chlordiazepoxide, and have been reevaluated with respect to the present control proceeding.

The Administrator, after considering the above petitions of Hoffman-La Roche, Inc. concerning Librax and Menrium, and supporting data and materials, has determined and hereby find that Librax and Menrium are preparations which contain chlordiazepoxide, a depressant listed in 21 CFR 1308.14(b), as amended, and other ingredients in such combinations, quantity, preparation or concentration so as to vitiate the potential for abuse of chlordiazepoxide.

By virtue thereof, and in accordance with and pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821, 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (See 38 FR 18380, July 2,

1973), the Administrator hereby proposes that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

Section 1308.32(b) is amended by adding, in appropriate alphabetical order, the following excepted prescription drugs:

§ 1308.32 Excepted compounds.

* * * * *

(b) * * *

Excepted prescription drugs

Trade name or other designation	Composition	Manufacturer or suppliers
* *	* * *	* *
Librax	Capsule: Chlordiazepoxide hydrochloride 5 mg, and clidinium bromide 2.5 mg.	Roche Laboratories.
* *	* * *	* *
Menrium 5-2	Tablet: Chlordiazepoxide 5 mg, and water-soluble esterified estrogens 0.2 mg.	Do.
Menrium 5-4	Tablet: Chlordiazepoxide 5 mg, and water-soluble esterified estrogens 0.4 mg.	Do.
Menrium 10-4	Tablet: Chlordiazepoxide 10 mg, and water-soluble esterified estrogens 0.4 mg.	Do.
* *	* * *	* *

All interested persons are invited to submit their comments of objections in writing regarding this proposal to amend 21 CFR 1308.32. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Department of Justice, Room 1130, 1405 Eye Street, NW, Washington, D.C. 20537, and must be received no later than July 15, 1975.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail that a hearing on these objections will be held as soon as the matter may be heard at the Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may, without a hearing, and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: May 29, 1975.

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

[FR Doc.75-14633 Filed 6-4-75;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-5/58]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea (SOLAS) will hold an open meeting on Thursday, June 26, 1975, at 10 a.m. in Room 8240 of the Department of Transportation, 400 Seventh Street, SW, Washington, D.C.

The purpose of this meeting is to discuss the agenda for the 14th session of the Intergovernmental Maritime Consultative Organization (IMCO) Ship Design and Equipment Subcommittee scheduled to meet September 8-12, 1975 in London. The principal items on that agenda are:

1. Safety measures for special purpose ships, including offshore drilling units, training and research vessels and offshore supply vessels,
2. Shipborne barges and barge carriers,
3. Draft requirements for segregated ballast tankers under 150 meters in length, and
4. Basic requirements for machinery installations.

Requests for further information on the meeting should be directed to Captain D. J. Linde, Chairman, of the working group on ship design and equipment, United States Coast Guard (G-MMT/82), Washington, D.C. 20590. He may be reached by telephone on (area code 202) 426-2170.

Members of the public may submit written comments to the Chairman prior to June 19. The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: June 2, 1975.

JOHN P. STEINMETZ,
Acting Director,
Office of Maritime Affairs.

[FR Doc. 75-14738 Filed 6-4-75;8:45 am]

Agency for International Development

KHMER REPUBLIC AND REPUBLIC OF VIETNAM

Notice of Vesting of Title Under A.I.D. Regulation 1

Pursuant to the authority delegated to me by the Administrator of the Agency for International Development, and in accordance with section 605 of the Foreign Assistance Act of 1961, as amended, and the provisions of A.I.D. Regulation 1, § 201.44, I have taken the necessary action to vest title to all A.I.D.-financed commodities subject to the provisions of A.I.D. Regulation 1 in transit to the Khmer Republic and the Republic of Vietnam. With respect to the Khmer Republic, vesting action was taken April 12, 1975. With respect to the Republic of Vietnam, vesting action was taken on April 30, 1975.

Dated: May 22, 1975.

WILLIAM C. SCHMEISSER, Jr.,
Director, Office of
Commodity Management.

[FR Doc.75-14739 Filed 6-4-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

NON-POWERED MECHANICS' TOOLS FROM JAPAN

Withholding of Appraisement and Notice of Tentative Discontinuance of Antidumping Investigation

Information was received on August 5, 1974, that non-powered hand tools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 5, 1974, on page 32159. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury or likelihood of injury to or prevention of establishment of an industry in the United States.

For purposes of this notice, the term "non-powered mechanics' tools" means chisels, punches, hammers and sledges (with or without handles), vises, C-clamps, battery service tools, micrometers, vernier calipers, and dial indicators. Battery service tools include battery terminal lifters, battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals).

It has been determined that one category of tools encompassed within the investigation, precision measuring hand tools, consisting of vernier calipers, micrometers and dial indicators, is dissimilar as to quality, manufacture, and use from the other tools investigated. Accordingly, it is deemed appropriate to sever the investigation of the precision tools from the investigation of the other hand tools which are the subject of this notice.

Withholding of Appraisement. Pursuant to section 201(b) of the Act (19 U.S.C. 160 (b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of chisels, hammers and sledges (with or without handles), vises, c-clamps, punches, and battery service tools from Japan is less, or is likely to be less, than the foreign market value or constructed value (sections 205 and 206 of the Act; 19 U.S.C. 164 and 165) of such or similar merchandise.

Statement Of Reasons On Which This Withholding Of Appraisement Is Based. The information currently before the U.S. Customs Service tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price of the merchandise and its adjusted home market price, adjusted third country price, or constructed value, as applicable to individual manufacturers.

Preliminary analysis suggests that purchase price will probably be based on a c.i.f. or f.o.b. price, as appropriate, with probable deductions for inland freight, Customs clearance charges, and a commission, as applicable.

The adjusted home market price will probably be based on the weighted-average delivered price with probable deductions for inland freight, interest, advertising, catalogs, direct selling expenses, and discounts, as appropriate. Adjustments will probably be made for differences in packing and differences in merchandise, as appropriate.

The adjusted third country price will probably be calculated on the basis of the f.o.b. or c.i.f. price with probable deductions for inland freight, ocean freight, shipping charges and insurance, as appropriate. An adjustment will probably be made for differences in packing, where appropriate.

The constructed value will probably be calculated on the basis of the cost of materials and labor, the statutory minimum or actual general expenses and profit, and the cost of packing, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that the purchase price will be lower than the adjusted home market price, the adjusted third country price, or the constructed value, as appropriate.

Customs officers are being directed to withhold appraisement, subject to the exceptions indicated below, of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps and battery service tools from Japan in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

Hammers from Imoto Hamono Co., Ltd., Kyoto Tool Co., Ltd., and Hirota Tekko K.K., and battery post and terminal cleaning brushes, from Japan Export Brush Co., Ltd., are excluded from this withholding of appraisement since 100 percent or virtually 100 percent of their export sales of these articles during the period under consideration were examined and the home market price, third country price, or constructed value, as appropriate, was found to be lower than the purchase price of identical merchandise in every instance.

Tentative Discontinuance Of Antidumping Investigation. I hereby announce a tentative discontinuance of the antidumping investigation concerning non-powered precision measuring hand tools from Japan.

Statement Of Reasons On Which This Notice Of Tentative Discontinuance Of Antidumping Investigation Is Based. An analysis of information from all sources reveals that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price and the adjusted home market price of such or similar merchandise.

The purchase price was based on a c.i.f. or f.o.b. price as appropriate, with deductions for inland freight, brokerage, ocean freight, insurance and an export bank charge.

The exporter's sales price was based on the resale price to unrelated purchasers in the United States with deductions for discounts, ocean freight, insurance, inland freight in the home market and in the United States, shipping charges, duty, brokerage, selling expenses, warranty costs, and interest.

The adjusted home market price was based on the weighted-average delivered price with deductions for inland freight, interest, inland insurance, advertising, a commission, and direct selling expenses. Indirect selling expenses were deducted as an offset for similar costs incurred in the United States, and adjustments were made for differences in the merchandise and packing, as appropriate.

Comparisons between purchase price or exporter's sales price and the applicable adjusted home market price revealed some instances where purchase price or exporter's sales price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the Japanese manufacturers who accounted for substantially all of the exportations of non-powered measuring tools to the United States during the period of investigation, that they would make no future sales at less than fair value within the meaning of the Act.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than June 16, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

This notice of withholding of appraisement and tentative negative determination and the statements of reasons therefor are published pursuant to §§ 153.33 and 153.34(a), Customs Regulations (19 CFR 153.33 and 153.43(a)). This notice of withholding of appraisement shall become effective on June 5, 1975 and shall cease to be effective December 5, 1975, unless previously revoked.

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

JUNE 2, 1975.

[FR Doc.75-14789 Filed 6-4-75;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board, in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Tuesday, June 24, 1975, starting at 8:30 a.m., in the Regional Office of the Federal Bureau of Prisons Conference Room, KCI Bank Building, 8800 N.W., 112th Street, Kansas City, Missouri.

The Board will discuss and establish short and long term plans and budget for the Institute.

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

NORMAN A. CARLSON,
Director.

[FR Doc.75-14745 Filed 6-4-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHIRICAHUA APACHE INDIANS

Plans for Use and Distribution of Judgment Funds

MAY 23, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973, Pub. L. 93-134, 87 Stat. 466, requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of awards made to the Chiricahua Apache Indians in Indian Claims Commission consolidated Dockets 30 and 48, and 30-A and 48-A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated September 10, 1974, and was received (as recorded in the *Congressional Record*) by the House of Representatives on September 16, 1974, and by the Senate on September 18, 1974. By letter dated December 19, 1974, the Secretary of the Interior requested that certain amendments be made to the portion of the use and distribution plan that affects the Mescalero Apache Tribe. This letter was received (as recorded in the *Congressional Record*) by the House of Representatives on December 20, 1974, and by the Senate on January 15, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan, as amended, became effective on March 16, 1975, as provided by Section 5 of the 1973 Act, *supra*.

The Plan as amended reads as follows:

The funds appropriated by the Act of January 3, 1974 (87 Stat. 1071), in satisfaction of awards granted to the Chiricahua Apache Indians in Dockets 30 and 48, and 30-A and 48-A, before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall divide the judgment funds in Dockets 30 and 48, and 30-A and 48-A, sixty-nine (69) percent to the Mescalero Apache Tribe of New Mexico, and thirty-one (31) percent to the Fort Sill Apache Tribe of Oklahoma.

PLAN FOR THE FORT SILL APACHE TRIBE OF OKLAHOMA

After the division of the judgment funds in Dockets 30 and 48, and 30-A and 48-A, between the Mescalero Apache Tribe and the Fort Sill Apache Tribe, the Secretary shall cause the sum of $58,721.82, together with appropriate interest thereon for the period of one day, to be taken from the share of the Fort Sill Apache Tribe of Oklahoma and added to the share of the Mescalero Apache Tribe.

The Secretary shall prepare a payment roll of (a) all persons of Fort Sill Apache blood living on the approval date of this plan who remained in Oklahoma after being released as prisoners of war in 1913, and received land pursuant to the Acts of August 24, 1912, June 30, 1913, or January 22, 1923; and (b) all persons who were born on or prior to and are living on the approval date of this plan who possess at least one-eighth (⅛th) degree Fort Sill Apache blood and are lineal descendants of persons of Fort Sill Apache blood who remained in Oklahoma after being released as prisoners of war in 1913 and received land pursuant to one of the Acts designated in (a) above, regardless of whether such ancestor is living or deceased; except that no person who is entitled to benefit from the share of the judgment funds due the Mescalero Apache tribe by virtue of their membership in that tribe shall be entitled to share in the portion of the

judgment funds that are due the Fort Sill Apache Tribe.

The Secretary shall make a per capita distribution of all but $170,000, together with any interest earned thereon, of the Fort Sill Apache Tribe's judgment funds in a sum as equal as possible to the persons whose names appear on the aforementioned roll as approved by the Secretary. Applications for enrollment shall be filed with the Area Director, Anadarko Area Office, Bureau of Indian Affairs, Anadarko, Oklahoma, in the manner and within the time limits to be prescribed for that purpose.

The portion per capita belonging to minors, legal incompetents, and deceased persons will continue to be invested and administered as Individual Indian Money until a suitable trust is developed and approved by the Secretary, or is disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200–4.297), whichever is applicable.

The programing aspects of the plan for the Fort Sill Apache Tribe of Oklahoma consist of utilizing $170,000, together with any investment income on the respective portions thereof, as follows:

1. $70,000 for the establishment of a Tribal Burial Fund, the benefits of which shall be available for any person who is deceased after the approval date of this plan and who meets the following qualifications:

(a) They possessed Fort Sill Apache blood, remained in Oklahoma after being released as prisoners of war in 1913, and received land pursuant to the Acts of August 24, 1912, June 30, 1913, or January 22, 1923; or

(b) They possessed at least one-eighth (⅛th) degree Fort Sill Apache blood and were lineal descendants of a person of Fort Sill Apache blood who remained in Oklahoma after being released as a prisoner of war in 1913, and received land pursuant to one of the Acts designated in (a) above, regardless of whether such ancestor is living or deceased.

Burial benefits, not to exceed $1,000.00 for a decedent, shall provide for any or all direct costs of a burial, including a marker or monument. Written applications for burial benefits shall be submitted to the Tribal Business Committee and shall be accompanied by (a) a certificate or other satisfactory evidence of death; (b) information to verify the decedent's eligibility for benefits; and (c) bills and invoices showing the amounts of burial expenses, and the names and addresses of vendors to whom payment is to be made. The Tribal Business Committee shall direct the appropriate office of the Bureau of Indian Affairs to make the payments.

The principal sum of $70,000, together with earnings thereon, and any funds reverting to the Tribal Burial Fund, shall be invested by the Bureau of Indian Affairs in a tribal Individual Indian Money account. If at any time the total amount accumulated in the Tribal Burial Fund exceeds $80,000, the funds in excess of that amount may be withdrawn and used for any purposes that are authorized by the tribal governing body and approved by the Secretary. Except for any sums excessive to $80,000, the money set aside for the Tribal Burial Fund shall not be used for any other purpose.

2. $50,000 to pay for the services of expert witnesses and related assistance in connection with Chiricahua Apache claims pending in the Indian Claims Commission. Interest earned through investment, and any sum remaining from the principal amount after a final disposition is made of the pending claims shall be transferred to the Tribal Burial Fund.

3. $50,000 to cover the fees and expenses of the tribe's general counsel under a contract approved on July 16, 1971, and assigned No. B00C–14–20–2779. Any sums, together with interest thereon, remaining in this account after payment of all fees and expenses due under and pursuant to said contract, or under any extension or modification thereof, and in the event the tribal governing body determines that the tribe will have no further need for such legal services, shall be transferred to the Tribal Burial Fund.

PLAN FOR THE MESCALERO APACHE TRIBE

The funds accruing to the Mescalero Apache Tribe from the judgments in Dockets 30 and 48, and 30–A and 48–A, shall be utilized in the following manner:

1. Scholarship Trust Fund—$1,400,000.00 shall be added to an existing tribal Scholarship Trust Fund of $600,000.00, and invested in the same manner as the initial trust. The income therefrom shall be appropriated from time to time by the Tribal Council to implement the financial requirements of the scholarship ordinances of the Mescalero Apache Tribe. Unused income from this trust shall be added to the corpus of the trust, but shall be available for appropriation in later years for requirements of the tribal scholarship ordinances.

2. *Human and Physical Resource Inventory*—$150,000.00 shall be used to cover the costs of equipment, supplies and program expertise to develop programs and collect raw data necessary to the maintenance and further development of a Human Resource Inventory developed for the tribe by agreement with the Albuquerque Technical and Vocational Institute, and now to include and be combined with a Physical Resource Inventory. Continued maintenance of the program and data subsequent to development shall be provided for annually through appropriation of funds by the Mescalero Apache Tribal Council.

3. *Resource Protection Fund*—$500,000.00 shall be used to establish a Resource Protection Fund to provide research, legal defense, and other use as required to protect the resources and rights of the Mescalero Apache Tribe and its members. These funds shall be invested until needed. The income from the investment shall be added to the income from an investment trust.

4. *Retirement and Health Plan*—$500,000.00 shall be used to cover the initial implementation of a retirement and health plan for Mescalero Apache Tribal Council members, officers, and employees of the Mescalero Apache Tribe. The benefits of this Plan shall be similar to those provided to employees of the Federal Government and shall be payable under similar eligibility criteria.

5. *Investment Trust Fund* $7,689,728.00, and the income therefrom, shall be used to establish an Investment Trust fund, which shall be placed in nonspeculative portfolio and administered by a professional investment counselor at the discretion of the Mescalero Apache Tribal Council. The principal of this investment fund shall be maintained intact in perpetuity to produce an annual income which may be appropriated from time to time by the Mescalero Apache Tribal Council for the social and economic benefit of present and future tribal members.

Any portion of the income from the Investment Trust Fund herein provided for that may be payable to minors or legal incompetents shall be handled in the following manner:

(a). The per capita shares of legal incompetents shall be placed in individual Indian money accounts (IIM) and handled under 25 CFR 104.5.

(b) The per capita shares of minors shall be invested and administered by the Secretary of the Interior until he determines whether the minors' funds shall be deposited either in separate IIM accounts or placed in a trust as developed and approved by the Secretary. During this interim period, minors who will have reached the age of 18 years within six months from the date the dividend payment is approved by the Commissioner of Indian Affairs shall have their shares, including the principal and any interest earned, withdrawn from the minors' fund account, and placed in separate IIM accounts for them. In order to accomplish this administratively, the Secretary shall determine and prepare a list of such minors. This same procedure shall continue for each succeeding six-month period, until such time as the method of handling the minors' funds is determined. The expenditure of funds in any separate IIM accounts established for minors shall be subject to 25 CFR 104.4. Upon a minor's reaching the age of 18 years, both principal and investment income accruing to the per capita share may be paid out unless the former minor is a legal incompetent, in which case the funds shall be handled under 25 CFR 104.5. Expenditure of funds from any trust for minors which may be established shall be made pursuant to the provisions of such trust.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75–14660 Filed 6–4–75;8:45 am]

COUSHATTA INDIAN TRIBE OF LOUISIANA

Establishment of Reservation

MAY 27, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that under the authority of section 7 of the Act of June 18, 1934 (48 Stat. 984), which was delegated by the Secretary to the Commissioner in 230 DM 1, the hereinafter described tract of land, located in Allen Parish, Louisiana, and acquired by donation under the provisions of section 5 of said act, is proclaimed to be an Indian reservation, effective March 14, 1975, for the use and benefit of the Coushatta Indian Tribe of Louisiana.

The South Half of the South Half of the Northwest Quarter of the Southwest Quarter (S½ of S½ of NW¼ of SW¼) and the West Half of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (W½ of SW¼ of NE¼ of SW¼), all of which is in Section 10, Township 6 South, Range 3 West, La. Mer., containing fifteen (15) acres, more or less, together with all improvements thereon situated.

Establishment of this land as a reservation enables the Coushatta Indian Tribe of Louisiana to formally organize under section 16 of said act and to receive the full benefits of the act.

The reservation is under the administrative jurisdiction of the Area Director, Eastern Area Office, 1951 Constitution Avenue, NW, Washington, D.C. 20245. The official custody of the land records of the reservation is with the Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, and that office is the office of record for the recording and maintenance of these records.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75–14661 Filed 6–4–75;8:45 am]

Bureau of Land Management

[Serial No. A 8985]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture has filed an application, Serial Number A 8985, for the withdrawal of the lands described below from location and entry under the general mining laws, but not the mineral leasing laws, subject to existing valid rights.

The Forest Service designated these lands as a Research Natural Area on February 26, 1931 to preserve for scientific study several rare species of Southern Arizona Pine; principally Apache Pine, Arizona Pine and Chihuahua Pine. Mining activity would adversely affect the area's usefulness for scientific purposes.

On or before July 7, 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, 3022 Federal Building, Phoenix, Arizona 85025.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands 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 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.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

CORONADO NATIONAL FOREST

POLE BRIDGE CANYON RESEARCH NATURAL AREA

Beginning at a point which is located S. 19°55' E., and 2075.00 feet from the corner common to secs. 13 and 24, T. 18 S., R. 29 E., and secs. 13 and 24, T. 18 S., R. 29½ E., thence S. 34°38' E., 1446.25 feet; thence S. 26°30' W., 2317.80 feet; thence S. 8°0' E., 1338.27 feet; thence S. 34°50' E., 1246.83 feet; thence S. 37°15' W., 1232.10 feet; thence S. 80°23' W., 642.33 feet; thence N. 40°14' W., 1251.48 feet; thence N. 83°45' W., 842.30 feet; thence S. 88°33' W., 643.18 feet; thence N. 22°5' W., 1407.86 feet; thence N. 4°0' W., 858.05 feet; thence N. 21°54' W., 553.11 feet; thence N. 19°45' E., 2000.81 feet; thence N. 82°5' E., 1112.70 feet; thence N. 53°24' E., 1673.60 feet; thence S. 66°42' E., 656.26 feet; to the point of beginning.

A portion of the tract is surveyed in T. 18 S., R. 29 E., and is situated in the SE¼NE¼, E½SW¼, SE¼ sec. 24 and the NE¼, NE¼NW¼, NE¼SE¼ sec. 25. A portion of the tract is unsurveyed in T. 18 S., R. 29½ E., and when surveyed will probably be located in the W½ sec. 24 and W½ sec. 25.

The area as described contains approximately 460.94 acres in Cochise County, Arizona.

Dated: May 28, 1975.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.75-14663 Filed 6-4-75;8:45 am]

[Group 536]

ARIZONA

Filing of Plat of Survey

MAY 28, 1975.

1. Plat of survey of lands described below, accepted on March 27, 1975, will be officially filed in the Arizona State Office effective 10 a.m., on July 21, 1975.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 40 N., R. 2 W.

A survey of a portion of the subdivision lines.

Sec. 1, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 2, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 3, lots 1, 2, 3, and 4, S½N½, and S½;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 and 35.

The area aggregates 10,905.60 acres of land.

The elevation ranges from about 4,683 feet near the northwest corner of section 3 to about 5,340 feet above sea level near the southeast corner of the township. The land is mostly gently rolling to rolling with several deep gulches. The drainage is generally to the west. The soil is a shallow rocky clay loam in the southern portion and a sandy and gravelly clay loam in the northern portion of this surveyed area. Vegetation consists primarily of sagebrush with scattered yellow top sage and grass.

2. All rights of the State of Arizona to section 2 have been conveyed to the United States.

3. The lands are classified for multiple use management and segregated from appropriation under the agriculture land laws (43 U.S.C. parts 7 and 9; 25 U.S.C. 334), from sale under section 2455 of the Revised Statutes (43 U.S.C., 315g(b)). The lands have been and still are open to the operation of the mining and mineral leasing laws.

4. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

CHARLES G. BAZAN, Jr.,
Chief, Branch of Records and Data Management.

[FR Doc.75-14664 Filed 6-4-75;8:45 am]

[Wyoming 50886]

WYOMING

Application

MAY 29, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Oil and Gas Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 98 W.,
Sec. 6, lots 9, 10, 11, and S½NE¼.

The pipeline will convey natural gas from the applicant's well 42-6-19-98 in the NE¼, sec. 6, T. 19 N., R. 98 W. to an existing pipeline in the NE¼, sec. 1, T. 19 N., R. 99 W., all in Sweetwater County, Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-14665 Filed 6-4-75;8:45 am]

[NM 25704, 25705, 25706]

NEW MEXICO

Applications

MAY 29, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for three 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 28, SW¼NE¼ and W½SE¼.
T. 20 S., R. 29 E.,
Sec. 17, SW¼NW¼;
Sec. 18, SE¼NE¼.

These pipelines will convey natural gas across .89 mile of national resource lands in Eddy County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-14742 Filed 6-4-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During March 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of March. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in accordance with 40 CFR, part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER Notice of June 20, 1974 (39 FR 3216G).

Actual M-44 use for March 1975 is as follows:

M-44 emergency use—Mar. 1975

State	Number of counties	Number of ranches	Number of cattle, sheep, and goats protected	Number of M-44's used
Arizona	3	19	1,507	256
California	1	3	1,150	28
Idaho	2	2	569	32
Montana	22	35	26,934	875
New Mexico	10	21	10,572	625
Oklahoma	11	24	2,179	291
Oregon	9	31	3,477	287
Texas	30	203	82,267	2,023
Utah	4	6	2,555	96
Wyoming	5	25	25,943	496
Totals	97	368	127,153	5,009

One or more coyotes were taken with this device on 149 of the 368 emergency areas, but losses were not necessarily halted in each case. During this month, 393 coyotes were taken by this device. Other species taken with the device during this period include 58 foxes, 10 feral dogs, 11 racoon, 49 skunks, 43 opossums, and 2 ringtail cats.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the Procedure for Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

Dated: May 23, 1975.

F. V. SCHMIDT,
Acting Director, Fish and Wildlife Service.

[FR Doc.75-14577 Filed 6-4-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

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

Applicant: National Audubon, Society Post Office Box 28191, Atlanta, Georgia 30328, Mr. W. Carlyle Blakeney, Jr.

NATIONAL AUDUBON SOCIETY,
Atlanta, Ga., May 7, 1975.

MR. LYNN A. GREENWALT,
Director, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

DEAR MR. GREENWALT: In compliance with the Endangered Species Act of 1973 (Pub. L. 93-205) and under the provisions of section 10 of the Act (Pub. L. 93-205) and 50 CFR Sections 13.12 and 17.23, I am submitting an application on behalf of the National Audubon Society for the period of July 1, 1975 through August 30, 1975, to capture, transport, and release not more than 500 American alligators (*Alligator mississipiensis*).

Under my direction, employees of the National Audubon Society, in cooperation with the Louisiana Wild Life and Fisheries Commission, will capture not more than 500 of these reptiles at the state of Louisiana's Marsh Island Refuge, Iberia Parish, and Rockefeller Refuge, Cameron Parish, Louisiana. The reptiles are to be approximately three (3) to six (6) feet in length.

All of the reptiles are to be relocated to suitable habitat located generally in south central Arkansas. Transportation for the reptiles from the state of Louisiana to the state of Arkansas will be provided by officials of the Arkansas Game and Fish Commission. Release of the reptiles in suitable habitat in the state of Arkansas will be handled by personnel of the Arkansas Game and Fish Commission. The procedures utilized for capture as well as the method of transportation and other aspects of this endeavor will be generally the same as those described and authorized in 1974 by the Department of the Interior under permit *PRT-6-I-X-75X*, issued July 1, 1974, and expiring August 30, 1974.

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 of Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

W. CARLYLE BLAKENEY, Jr.

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, DC.

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 7, 1975, will be considered.

Dated: May 30, 1975.

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

[FR Doc.75-14733 Filed 6-4-75;8:45 am]

Office of the Secretary

[INT FES 75-52]

QUINAULT NATIONAL FISH HATCHERY, WASHINGTON

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 Quinault National Fish Hatchery in Grays Harbor County, Washington.

The project includes the construction and operation of a large modern hatchery for propagating chinook, coho, and chum salmon, and steelhead trout. The fish produced will restore and enhance depleted salmon and steelhead runs in waters on the Quinault Indian Reservation and adjacent National Forest Service lands. Copies of the final statement are available for inspection at the following locations:

Quinault National Fish Hatchery
P.O. Box 80
Neilton, Washington 98566

U.S. Fish and Wildlife Service
730 N.E. Pacific Street
Portland, Oregon 97208

U.S. Fish and Wildlife Service
Branch of Environmental Coordination
Department of the Interior
18th and C Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Branch of Environmental Coordination, Division of Ecological Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Branch of Environmental Coordination, Division of Ecological

Services. Please refer to the statement number above.

Dated: May 30, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.75-14666 Filed 6-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Order 905]

SHIPPERS ADVISORY COMMITTEE ON HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on June 24, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: June 2, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-14757 Filed 6-4-75;8:45 am]

Forest Service

CASCADE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cascade Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-22.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Cascade Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate the 136,466 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on May 29, 1975.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and 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
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

District Forest Ranger
Cascade Ranger District
Cascade, Idaho 83611

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

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

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by July 28, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: May 29, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-14741 Filed 6-4-75;8:45 am]

RIO GRANDE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Rio Grande National Forest Grazing Advisory Board will meet at 1 p.m. on June 27, 1975. The meeting will be held in the Forest Supervisor's Office, Monte Vista, Colorado.

The purpose of this meeting is to elect officers; and organize the board for conducting the ensuing two-year program of activities; to discuss any grazing matters of concern that the members may present; to discuss issuance of term grazing permits in 1976 and inform members of current land use planning and other Forest activities.

The meeting will be open to the public and written statements may be filed with the board before or after the meeting. Persons who wish to attend should contact Forest Supervisor James R. Mathers, telephone 303-852-5941. Participation by the public during the meeting will be permitted only at the invitation of the chairman.

JAMES R. MATHERS,
Forest Supervisor.

MAY 28, 1975.

[FR Doc.75-14655 Filed 6-4-75;8:45 am]

Soil Conservation Service

CROSS CREEK WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

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

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 South Broadway, P.O. Box 600, Salina, Kansas 67501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 10 floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
760 South Broadway
P.O. Box 600
Salina, Kansas 67401

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

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

Dated: May 29, 1975.

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

[FR Doc.75-14656 Filed 6-4-75;8:45 am]

IRISH CREEK WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

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

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 South Broadway, P.O. Box 600, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 6 floodwater retarding structures and 3 grade stabilization structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
760 South Broadway
P.O. Box 600
Salina, Kansas 67401

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until June 20, 1975.

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

Dated: May 29, 1975.

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

[FR Doc.75-14658 Filed 6-4-75;8:45 am]

SOUTH FORK RIVER SUBWATERSHED PROJECT, WEST VIRGINIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for work remaining to be done in the South Fork River Subwatershed Project, Pendleton and Hardy Counties, West Virginia and Highland County, Virginia.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James S. Bennett, State Conservationist, Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plant for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by two single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Federal Building
High Street
Morgantown, West Virginia 26505

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

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

Dated: May 29, 1975.

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

[FR Doc.75-14657 Filed 6-4-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHILDREN'S HOSPITAL

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, DC 20230.

Docket Number: 75-00377-33-46070. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02108. Article: Electron Microscope, Model JEM 100C/SEG and accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for studies of animal (including human) calcifying tissues: Cells and subcellular components as well as extracellular matrix and matrix components will be investigated. The work will include studies of the following: (1) changes in cell structure and subcellular components of the different types of bone cells under the influence of hormones and drugs, (2) structure of bone cells, subcellular components in bone diseases, (3) changes in cellular and subcellular structure and matrix components of articular cartilage in experimental models and in arthritis, (4) the nature of the initial mineral deposits in bone matrix and their subsequent maturation, and (5) the relationship between these mineral deposits and cellular components. In addition, the article will be used in advanced training in research at the level of postdoctoral fellows and residents in orthopaedic surgery.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received the application (February 11, 1975). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument available at the time the application was received was the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5Å. Resolving capability bears an inverse relationship to its numerical rating in Å, i.e., the lower the rating, the better the resolving capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 15, 1975 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that domestic instruments did not provide resolution equivalent to that of the foreign article at the time the application was filed with Customs. We, therefore, find that the EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time Customs received the application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time Customs received the application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-14735 Filed 6-4-75;8:45 am]

SAN DIEGO STATE UNIVERSITY FOUNDATION ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 25, 1975.

Amended regulations issued under cited Act, as published in the March 18, 1975 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, DC 20230.

Docket Number: 75-00511-75-77030. Applicant: San Diego State University Foundation, San Diego, California 92182. Article: CPS-2 Coherent NMR Pulse Spectrometer. Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of article: The article is intended to be used for investigation of self-diffusion in plastic crystals and proton exchange in water. The article will also be used in connection with Physics 198A, "Senior Research", and Physics 199, Special Study on the undergraduate level to introduce senior students to the techniques of research work and the problems often encountered in independent study and Physics 297, "Research" on the graduate level to train M.S. candidates in the research techniques. Application received by Commissioner of Customs: May 14, 1975.

Docket Number: 75-00512-33-90000. Applicant: Parkview Memorial Hospital, 220 Randalia Drive, Ft. Wayne, Indiana 46805. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to investigate and diagnose a large variety of neurologic disorders the most common of which are cerebral vascular accident (stroke) and brain tumors. Patients with suspected brain abnormalities will be studied and the findings will be correlated with those of the standard neuroradiologic and isotopic diagnostic techniques. The technique will be of educational value in teaching the anatomical details of the normal and abnormal brains in the transaxial tomographic mode. Research will be limited to nonformal clinical research, particular, studies to determine whether or not and to what degree the article will render other studies redundant. Application received by Commisisoner of Customs: May 14, 1975.

Docket Number: 75-00513-33-46040. Applicant: U.S. Dept. of Agriculture, ARS, Plum Island Animal Disease Center, P.O. Box 848, Greenport, L.I., New York 11944. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for true visualization of highly purified viruses, entry of viruses into cells and the maturation of virus in the cell as part of ongoing research on exotic animal disease viruses including the developmental stages and reactions with cells. The article will also be used as an adjunct to the diagnosis and identification of viruses in samples sent from all over the world. In addition, the article is to be used in the techniques of immunocytochemistry including ferritin tagging, peroxidase and other enzyme labeling and autoradiography at the electron microscope level. Application received by Commissioner of Customs: May 14, 1975.

Docket Number: 75-00514-74-41700. Applicant: University of Michigan, 2272 G. G. Brown Laboratory, Ann Arbor, Michigan 48105. Article: Model TEA-601A CO_2 Laser with Front and Rear Optics. Manufacturer: Lumonics Research, Canada. Intended use of article: The article is intended to be used in research to study the interaction of 10.6 micron laser light with a dense plasma provided by an exploded lithium wire. The mechanisms to be studied are of current interest in the understanding of the coupling of electromagnetic radiation with plasmas and are directly related to the production of useful energy from fusion by so-called "laser-fusion" method. Application received by Commissioner of Customs: May 14, 1975.

Docket Number: 75-00515-33-90000. Applicant: The University of Kansas Medical Center College of Health Sciences and Hospital, Department of Diagnostic Radiology, 39th & Rainbow Blvd., Kansas City, Kansas 66103. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in research on head trauma with the following objectives: (1) to identify and verify the distinctive patterns of subdural hematomas, cerebral contusions, etc. on CT scans, (2) to establish the efficiency of CT scan in distinguishing the nature and extent of multifocal cerebral lesions of diverse pathogenicity, (3) to test the prognostic capability of CT scans as regards the late sequelae of closed head injury and to demonstrate the pathogenesis of potentially reversible secondary cerebral complications. The article will also be used for research in the areas of ischemic cerebral vascular disease. In addition, the article is intended to oe used to train and teach diagnostic radiologists and technologists to use this tool and the techniques correctly. Application received by commissioner of customs: May 14, 1975.

Docket Number: 75-00516-96-11700. Applicant: University of Kentucky, Tobacco and Health Research Institute, 109 Kinkead Hall, Lexington, Kentucky 40506. Article: Smoking Machines (4) and Circumference Gauge. Manufacturer: Heinr. Borgwaldt, West Germany. Intended use of article: The article is intended to be used to study the smoke delivery of different types of smoking materials under various scientifically controlled smoking conditions. This work must involve comparisons of free and restricted smoking, changing puff sharps and volumes, and puff intervals and durations. Smoke deliveries from cigaretts will be studied with the article. Application received by Commissioner of Customs: May 14, 1975.

(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.75-14736 Filed 6-4-75;8:45 am]

UNIVERSITY OF ILLINOIS, ET AL.

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: 75-00382-33-46040. Applicant: University of Illinois at Urbana-Champaign, Office of Business Affairs, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. Article: Electron Microscope, Model Elmiskop 102 and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for morphological investigations of the Organ of Corti of the mammalian inner ear in experimental animal tissue (chinchilla and monkey), as well as in human autopsy tissue. The overall objectives of these investigations are to establish some of the mechanisms of hearing loss from noise exposure and aging. Application received by Commissioner of

Customs: February 19, 1975. Advice submitted by the Department of Health, Education, and Welfare on: May 15, 1975. Article ordered: January 28, 1975.

Docket Number: 75-00395-33-46040. Applicant: City of Hope National Medical Center, Department of Pathology, 1500 East Duarte Road, Duarte, California 91010. Article: Electron Microscope, Model EM 301 with Anticontamination System. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for (1) ultrastructural identification of intramitochondrial virus-like particles in human mammary carcinoma, (2) continued studies into the determination of possible diagnostic criteria for a wide variety of soft tissue sarcomas and other solid malignant tumors and associated morphologic characterization and localization of virus-like particles, (3) elucidation of ultrastructural characteristics of Reed-Sternberg cells in Hodgkin's Disease and so-called Reed-Sternberg-like cells which have been described in non-neoplastic disorders, with a careful search for E.B. viral particles in cases of Hodgkin's disease, (4) combined study of their ultrastructure, histochemistry and membrane receptor sites, with special emphasis on "histiocytic" lymphoma, and (5) a combined study of the transmission and scanning electron microscopy with ultrahistochemistry of Hodgkin's disease and non-Hodgkin's lymphomas and studies of membrane receptor sites. The objectives pursued in the course of these investigations is to determine the morphologic diagnostic criteria for a wide variety of pathologic malignant disorders and to determine the morphologic characterization and location of associated virus particles. The article will also be used in teaching postdoctorate fellows in Pathology and Surgical Pathology residents the basic information in reference to techniques in tissue preparation, sectioning, and basic electron microscopy operation via rotation through the electron microscopy laboratory. Application received by Commissioner of Customs: March 4, 1975. Advice submitted by the Department of Health, Education, and Welfare on: May 15, 1975. Article ordered: January 29, 1975.

Docket Number: 75-00396-33-46040. Applicant: Columbia University, College of Physicians and Surgeons, Dept. of Physiology, 630 West 168th Street, New York, New York 10032. Article: Electron Microscope, Model EM 301 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following studies: (1) The ultrastructure of identified synapses in Aplysia nervous system. (2) The study of axoplasmic transport in single identified neurons of Aplysia. (3) The morphology of individual macromolecular protein complexes. Application received by Commissioner of Customs: March 4, 1975. Advice submitted by the Department of Health, Education, and Welfare on: May 15, 1975. Article Ordered: December 17, 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 which is currently supplied by Adam David Company. 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 (HEW) 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. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-14737 Filed 6-4-75;8:45 am]

Maritime Administration

ACHILLES MARINE CO. ET AL.

Filing of Applications for Construction-Differential Subsidy for Construction of Three 51,000 DWT Tankers

Notice is hereby given that Achilles Marine Company, Oregon Shipping, Inc., and United Shipping, Inc. on May 16, 1975, filed, pursuant to Title V of the Merchant Marine Act, 1936, as amended, applications for construction-differential subsidy to aid in the construction of three new diesel-powered tankers (one per each company) of approximately 51,000 deadweight tons for use in the foreign commerce of the United States.

Any person may inspect the non-confidential portions of these applications in the Office of the Secretary, Room 3099-B, Maritime Administration, Department of Commerce, 14th and E Streets, N.W., Washington, D.C. 20230.

Dated: May 30, 1975.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-14772 Filed 6-4-75;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. B-522]

ALFRED J. SCHEIBENPFLUG

Application for Transfer of Fishery

Correction

In FR Doc. 75-13618 appearing on page 22567 in the issue of Friday, May 23, 1975, the signature on page 22568 at the end of the document should read "Joseph W. Slavin, Acting Director."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

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 announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Subcommittee on Nuclear Medicine of the Medical Radiation Advisory Committee.	June 18, 2 p.m., Hilton of Philadelphia, 34th and Civic Center Blvd., Room 401, Philadelphia, Pa.	Open—Peter Parns, Ph. D. (HFX-300), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2473.

Purpose. Advises and consults with the Nuclear Medicine, Bureau of Radiologi- opment related to the application of
Agenda. Discussion of application of medicine, quality control training, and Division of Radioactive Materials and cal Health on program policy and devel- radionuclides in the healing arts. short-lived radionuclides in nuclear program development.

Committee name	Date, time, place	Type of meeting and contact person
2. Ad Hoc Committee on Reserpine and Breast Cancer.	June 25, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 to 10 a.m., closed after 10 a.m., John Jennings, M.D. (HFM-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4124.

Purpose. Reviews and evaluates available information on reserpine and advises the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs regarding possible carcinogenic properties, the risk of cancer of the breast and other cancer associated with the use of reserpine, considering such factors as dose, duration of treatment, age, predisposition, other drug treatment, and other diseases; further studies required to determine the possible association between reserpine and cancer.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Formulation of recommendations and preparation of report.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: May 29, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-14546 Filed 6-4-75;8:45 am]

[DESI 11145; Docket No. FDC-D-322: NDA 11-145 etc.]

CERTAIN THIAZIDES

Drugs for Human Use: Drug Efficacy Study Implementation Follow-up Notice and Notice of Opportunity for Hearing

Correction

In FR Doc. 75-13028 appearing at page 21751 in the issue of Monday, May 19, 1975, in the second column of page 21751 the first sentence of the third paragraph under item 15 is incorrect and republished correctly as follows:

In addition to the holders of the new drug applications specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6.

Office of Education

TITLE I AUDIT APPEAL AND RELATED OTHER AUDIT APPEALS

Approval of Application for Hearing

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing (37 FR 23002, October 27, 1972), an application for a review of audit findings has been received from the State of Florida and approved.

The State of Florida Department of Education established a Special Project Fund to which it transferred certain Federal monies. The HEW Audit Agency subsequently conducted an audit of the Fund to determine the purpose of the expenditure of Federal monies from this Fund.

In Fiscal Year 1971, $150,000 of Federal Title I Migrant program monies were transferred into the Fund by the Florida Department of Education to pay a portion of the costs of a reading research contract.

In the course of its audit the HEW Audit Agency made the finding that the Federal monies transferred to the Special Project Fund from the Title I Migrant program had not been expended for a purpose or purposes intended by the relevant legislation. Further, with respect to Vocational Education and Adult Basic Education, the Audit Agency determined that, in the process of transferring funds from those programs to the Special Project Fund, those monies, in the amounts of $357,773 in fiscal years 1967 and 1968 (Vocational Education) and $96,633 in fiscal years 1967, 1968, and 1970 (Adult Basic Education) lost their distinct identity. Thus there was no assurance that those monies were in fact expended for the specific purposes for which they were granted.

The State of Florida has requested a hearing before the Title I Audit Hearing Board to appeal final determinations stemming from the audit in question, ACN: 04–40100. Because the transfer of Federal funds into this Florida Department of Education Special Project Fund was the common factual ingredient which gave rise to the audit exceptions under all three aforementioned programs, the U.S. Commissioner of Education has determined that the Title I Audit Hearing Board may and should assume jurisdiction in this matter while recognizing the fact that monies in addition to those appropriated under Title I are involved.

The Board will render an initial written decision for each of the three programs involved in the transfer of funds. The initial decisions of the Board shall become the final decisions of the Commissioner unless, within 25 days after the expiration of time for receipt of written comments, the Commissioner signifies his determination to review such decisions.

Section 7(c) of the Notice setting up the Board provides:

(c) *Intervention by third parties.* (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this Notice. Such application must indicate to the satisfaction of the Board Chairman that the intervenor has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

Note should be taken of the fact that this Notice does not refer to the Florida application for a hearing on Audit ACN: 04–10141, for which a separate hearing is being scheduled.

All such applications for intervention will be considered if received on or before June 16, 1975.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89–313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: June 2, 1975.

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

[FR Doc.75–14723 Filed 6–4–75;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Review Panel on New Drug Regulation, establish pursuant to Pub. L. 92–463 by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will meet on Tuesday, June 24, 1975, at 3 pm and Wednesday, June 25, 1975, at 8:30 am in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW, Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The Panel will hold discussions with the Commissioner of Food and Drugs, and with a randomly selected sample of Food and Drug Administration employees, consultants, and advisory committee members.

The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, SW, Washington, D.C. 20201, telephone (202) 245–7510.

Date: May 29, 1975.

Lionel M. Bernstein, M.D.,
Executive Secretary,
Review Panel on New Drug Regulation.

[FR Doc.75–14722 Filed 6–4–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D 75–332]

ACTING INSPECTOR GENERAL

Delegation of Authority

During a vacancy in the position of Inspector General, Charles L. Dempsey is designated to serve as Acting Inspector General with all the powers, functions, and duties delegated or assigned to the Inspector General.

(Sec. 7(d), Department of HUD, 42 U.S.C. 3535(d).)

Effective date. This designation shall be effective May 24, 1975.

Carla A. Hills,
Secretary of Housing, and Urban Development.

[FR Doc.75–14726 Filed 6–4–75;8:45 am]

[Docket No. D–75–333]

ASSISTANT SECRETARY FOR ADMINISTRATION AND DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority To Take Final Action With Respect to Certain Positions and Employees

The Assistant Secretary for Administration and the Deputy Assistant Secretary for Administration each is hereby authorized to:

1. Take final action with respect to:

a. All HUD General Schedule positions and employees in grades GS–1 through GS–18; except for the classification authority which is delegated for grades GS–1 through GS–15 only;

b. All HUD wage-board and equivalent positions and employees; and

c. All employees paid by HUD at other rates not in excess of the rate for GS–15, authorized by law to be fixed by the Department, or fixed by law, Executive Order, or Civil Service Commission regulation, applicable under special personnel programs.

2. Redelegate to the Director of Personnel and the Deputy Director of Personnel the authority to:

a. Take final action with respect to:

i. All HUD General Schedule positions and employees in grades GS–1 through GS–18; except for the classification authority which is delegated for grades GS–1 through GS–15;

ii. All HUD wage-board and equivalent positions and employees; and

iii. All employees paid by HUD at other rate not in excess of the rate for GS–15, authorized by law to be fixed by the Department, or fixed by law, Executive Order, or Civil Service Commission regulation, applicable under special personnel programs.

b. Authorize successive redelegations to subordinate employees of any of the authority redelegated except the authority to appoint employees in grades GS–16, 17, and 18.

3. Redelegate to each Regional Administrator and Deputy Regional Administrator the authority to:

a. Take final action with respect to the following positions and employees under the administrative jurisdiction of the Region:

i. All HUD General Schedule positions and employees in grades GS–1 through GS–15;

ii. All HUD wage-board and equivalent positions and employees; and

iii. All employees paid by HUD at other rates not in excess of the rate for GS–15, authorized by law to be fixed by the Department, or fixed by law, Executive Order, or Civil Service Commission regulation, applicable under special personnel programs.

b. Authorize successive redelegations to subordinate employees of any of the authority redelegated.

This delegation of authority supersedes the unpublished delegation effective May 4, 1969.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Effective Date. This delegation of authority shall be effective on publication in the FEDERAL REGISTER, June 5, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-14727 Filed 6-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-20; Notice 1]

BENLEE INDUSTRIAL SALVAGE COMPANY, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

William Wolok, doing business as Benlee Industrial Salvage Company, Inc. of Detroit, Michigan, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause substantial economic hardship.

Benlee produces 20 to 30 trailers a year, though it has manufactured none since January 1, 1975. The vehicles are special-purpose in nature, "used as a conveyance of solid waste material, both rubbish and scrap iron from the city location to scrap years and dumps in the immediate area * * *." The retail price of each trailer is $17,000 and Benlee estimates that conformance to Standard No. 121 would increase this price by $10,000. This increase includes the cost of setting up "proper testing facilities to certify." Benlee has contacted Fruehauf Corporation for cost and delivery estimates of conforming parts, but has received no promise of delivery. It is "not aware of any test facilities in the Detroit area that would certify our compliance" with Standard No. 121. The company's net income in 1972, 1973, and 1974 was, respectively, $2,910, $5,635, and $25,683. If the petition is denied the company "would have to discontinue manufacture of this unit." The precise economic effect of a discontinuance is presently unclear and Benlee has been asked to supplement its petition on this point.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

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

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date: June 16, 1975.

(Sec. 3, Pub. L. 92-548, 85 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 3, 1975.

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

[FR Doc.75-14873 Filed 6-4-75;9:23 am]

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Cancellation of Public Meeting

The June 10 meeting of the National Motor Vehicle Safety Advisory Council's Awards Committee and Congress Committee has been cancelled. Notice of this meeting was published May 27 in the FEDERAL REGISTER.

However the June 11 and 12 meetings of the National Motor Vehicle Safety Advisory Council, published on May 23 in the FEDERAL REGISTER will take place as scheduled.

Issued on: May 30, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-14719 Filed 6-4-75;8:45 am]

PUBLIC HEARING

Construction of I–66 Between Capital Beltway (I–495) and Rosslyn, Virginia

As the Secretary of Transportation, I am required to determine whether Interstate Highway 66 between the Capital Beltway (Interstate Highway 495) and Rosslyn, Virginia, should be constructed. This highly controversial issue has been the subject of extensive consideration for many years, during which a large record has been compiled and numerous recommendations made.

During the past few weeks, when it became known the issue was ripe for my determination, I have had numerous requests for private meetings by persons representing various interests in this matter. I have refused all such requests. I realize, however, in view of the length of time involved to complete the process of environmental considerations and the Federal Highway Administration design plans, that there may be views which have not yet been expressed and persons with interests who have not availed themselves of the opportunity to present them.

In these circumstances, I shall afford an opportunity to interested elected public officials and representatives of civic organizations to express their views at a public hearing. The hearing shall be informal and informational, conducted in a manner comparable to a Congressional hearing, and will be held Saturday, June 21, 1975, at the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW, Washington, D.C. The agenda will be:

9:30 a.m.–10:30 a.m., Elected public officials favoring construction.

10:30 a.m.–11:30 a.m., Elected public officials opposed to construction.

1 p.m.–2 p.m., Representatives of civic groups favoring construction.

2 p.m.–3 p.m., Representatives of civic groups opposed to construction.

Participants will be permitted a maximum of 10 minutes for each presentation. Those of the same point of view are urged to combine their presentations. Written copies of presentations will be helpful, but are not required. Additionally, written presentations by any interested persons, including those who may not have sufficient time to express their full views at the hearing, may be submitted directly to me (address Secretary of Transportation, Washington, DC 20590, and indicate "I–66 presentation" on envelope) before June 28, 1975.

Any elected public official or representative of a civic association desiring to participate at the hearing should write directly to me at the above address before June 14, 1975, giving the following information:

1. Name.
2. Address.
3. Phone number during normal working hours.
4. Capacity in which presentation will be made (i.e., public official or civic organization representative).
5. Position, pro or con.
6. Time (maximum 10 minutes) desired for presentation.

A schedule will be prepared listing the participants and the order in which their presentations will be made. If more requests to testify are made than the time alloted will permit, I will allow testimony up to the one hour allotted through drawing the names by lot.

The public and the press are invited to attend the hearing. The hearing will be

transcribed electronically. The transcription and all written submissions will become a part of the record in this proceeding.

The holding of this hearing is not a precedent for the way in which I will handle similar matters in the future, as this procedure is experimental.

Issued in Washington, DC, May 30, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.75-14721 Filed 6-4-75;8:45 am]

AD HOC ADVISORY GROUP ON PUERTO RICO

COMPACT OF PERMANENT UNION BETWEEN PUERTO RICO AND UNITED STATES

Meeting

The Ad Hoc Advisory Group on Puerto Rico will hold a public meeting at 9:30 am to 12 noon and from 1:30 pm to 4 pm as follows, Thursday, Friday and Saturday, July 10, 11 and 12, 1975 in Room 2010 of the New Executive Office Building, 725 17th Street, NW., Washington, D.C. Additional meeting dates are hereby set for July 17, 18 and 19, 1975; July 24, 25, and 26, 1975 and July 31, August 1 and 2, 1975. Locations of the latter meetings will be determined by the Co-Chairmen and notice given herein at the earliest possible date. Any further questions concerning meeting dates and locations should be directed to the undersigned at 1016 16th Street, NW, Room 400, Washington, D.C. 20036, (202) 382-1771.

The purpose of the meeting(s) will be to jointly review and discuss the draft "Compact of Permanent Union between Puerto Rico and the United States" as presented by the Puerto Rican delegation to the Advisory Group.

PETER J. GALLAGHER,
Executive Director.

[FR Doc.75-14713 Filed 6-4-75;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

REPORTS ON THE CLOSED MEETING ACTIVITIES OF THE GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Public Availability

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972) and OMB Circular A-63 (Rev.) of March 27, 1974, a report on the activities of the General Advisory Committee on Arms Control and Disarmament covering closed meetings held in 1974 has been prepared and is available for public inspection as follows:

Library of Congress
Microform Reading Room
Room MB-140B, Main Building
10 First Street, S.E.
Washington, D.C.

U.S. Arms Control & Disarmament Agency
ACDA Library, Room 804
State Annex 6
1700 North Lynn Street
Rosslyn, Virginia

SIDNEY D. ANDERSON,
ACDA Advisory Committee Management Officer.

[FR Doc.75-14668 Filed 6-4-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27608]

COMPAGNIE NATIONALE AIR FRANCE

Notice of Hearing

In the matter of Compagnie Nationale Air France, Foreign permit amendment (Cancun, Mexico).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 5, 1975, at 10 a.m. in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 7, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 2, 1975.

[SEAL] WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.75-14753 Filed 6-4-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

JUNE 2, 1975.

On May 5, 1975, there was published in the FEDERAL REGISTER (40 FR 19524), a letter dated April 29, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Mexico, and exported to the United States during the twelve-month period beginning on May 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico.

On May 12, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Mexico concluded a new comprehensive bilateral agreement concerning exports of cotton, wool, and man-made fiber textiles from Mexico to the United States over a period of three years beginning on May 1, 1975 and extending through April 30, 1977. Among the provisions of the new agreement are those establishing an aggregate limit for cotton textiles and cotton textile products in Categories 1-64; wool textile products in Categories 101-126, 128, 131-132; and man-made fiber textile products in Categories 200-243. Group limits have been established within the aggregate for Categories 1-4, 101-102, and 200-205; Categories 5-27, 104, 105, and 206-213; and Categories 28-64, 106-132, and 214-243. Within the aggregate and applicable group limits, specific limits have been established for Categories 9/10, 22/23, 26/27, 219, 224, 225, 229, 235, and 238, and consultation levels have been established for all other categories.

Accordingly, there is published below a letter of June 2, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the letter of April 29, 1975 and directing that for the twelve-month period beginning on May 1, 1975 and extending through April 30, 1976 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 22/23, 26/27, and 39; and man-made fiber textile products in Categories 219, 224, 225, 229, 235 and 238 be limited to the designated levels.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: June 9, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 2, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on April 29, 1975 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico and exported to the United States during the twelve-month period beginning on May 1, 1975, in excess of the designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, be-

tween the Governments of the United States and Mexico, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on June 9, 1975, and for the twelve-month period beginning on May 1, 1975 and extending through April 30, 1976, entry into the United States for consumption of cotton textile products in Categories 9/10, 22/23, 26/27, and 39, and man-made fiber textile products in Categories 219, 224, 225, 229, 235, and 238, in excess of the following levels of restraint:

Category	12-month level of restraint[1]
9/10	15,245,000 yd.[2]
22/23	20,000,000 yd.[2]
26/27	12,800,000 yd.[2] (of which not more than 7,814,000 yd.[2] shall be in duck fabric[3]).
39	567,054 doz. pairs.
219	608,497 doz.
224	1,883,708 lbs.
225	1,781,263 doz.
229	174,182 doz.
235	317,702 doz.
238	928,315 doz.

[1] The levels of restraint have not been adjusted to reflect any entries made after April 30, 1975.

[2] In Category 26 the T.S.U.S.A. Numbers for duck fabric are:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textile products in Categories 9/10, 22/23, 26/27, and 39 produced or manufactured in Mexico and exported to the United States prior to May 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1974 through April 30, 1975. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

Man-made fiber textile products in Categories 219, 224, 225, 229, 235, and 238, produced or manufactured in Mexico and exported to the United States before May 1, 1975, shall not be subject to this directive.

Man-made fiber textile products in Categories 219, 224, 225, 229, 235, and 238 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 12, 1975 between the Governments of the United States and Mexico which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 5-27, 104, 105, and 206-213 may be exceeded by ten percent, and within Categories 28-64, 106-132, and 214-243, by seven percent; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilaeral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton, wool and man-made fiber textiles from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-14754 Filed 6-4-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) will convene at 12 noon and end at 3 p.m. on June 27, 1975, at the YMCA—11th and Washington Streets, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to plan future SAC activities for 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 30, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-14779 Filed 6-4-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 383-3; OPP-50013]

AGRICULTURAL COMMISSIONER OF SANTA CLARA COUNTY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Agricultural Commissioner of Santa Clara County, California. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780) and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit No. 11182-EUP-1 allows the use of 164 pounds of N,N'-[1,4-piperazine diylbis(2, 2,2 - trichloroethylidene)]bis[formamide] on asters. A total of 100 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from May 7, 1975, to May 7, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 30, 1975.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-14777 Filed 6-4-75;8:45 am]

[FRL 384-2]

DISCHARGE OF POLLUTANTS

Notice of Administrative Order

In accordance with section 101(a) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1211(a), which encourages public participation in the enforcement of any plan established by the Administrator, notice is hereby given that an agreement has been reached between Jack E. Ravan, Regional Administrator, Region IV, and Leslie Howard Hall, III, concerning certain property in Mobile County, Alabama. The agreement allows Leslie Howard Hall, III, to:

Place clean, dry trucked-in fill material within such area as was delimited by stakes during a February 4, 1975, meeting with representatives of the United States Environmental Protection Agency, Region IV, the United States Army Corps Engineers, and the United States Fish and Wildlife Service for the purpose of constructing a marine-associated facility. Said area is bordered by an existing canal to the north and east, a roadway to the west, and the aforementioned stakes representing the southern boundary.

The agreement prohibits the development of said property for the purpose of a housing or trailer subdivision, and any discharge into waters of the United States as a result of the filling operation except within the area described above.

The United States Environmental Protection Agency, Region IV, will receive, on or before July 7, 1975, written comments relating to the agreement. Comments should be addressed to Director, Enforcement Division, Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309 and refer to AO No. 75-87(w).

The Order may be examined at the office of the United States Environmental

Protection Agency, Region IV, at the above referenced address in Room 304; Corps of Engineers, United States Army Engineer District, Post Office Box 2288, 109 St. Joseph Street, Mobile, Alabama; and the United States Fish and Wildlife Service, Post Office Box 4277, St. Andrews Station, 1008 Beck Avenue, Panama City, Florida 32401.

A copy of the Order may be obtained in person or by mail from the United States Environmental Protection Agency, Region IV, office.

Dated: June 2, 1975.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc.75-14810 Filed 6-4-75;8:45 am]

[FRL 383-4; OPP-50012]

JOYCE ENVIRONMENTAL CONSULTANTS, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Joyce Environmental Consultants, Inc., Fort Lauderdale, Florida. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780) and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit No. 35944-EUP-1 allows the use of 2,400 pounds of diquat cation (from diquat dibromide) on *Spirodela oligorrhiza* (Asian giant duckweed). A total of 1600 acres are involved; the program is authorized only in the State of Alabama. The experimental use permit is effective from May 16, 1975, to December 31, 1975.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: May 30, 1975.

CHARLES L. ELKINS,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.75-14778 Filed 6-4-75;8:45 am]

[FRL 384-1]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 10 a.m. on June 23, 1975, at the Holiday Inn of Chicago-Des Plaines, Duke/Noble Rooms, Touhy Avenue and U.S. 12, Des Plaines, Illinois (60018), telephone (312) 296-8866.

The purpose of the meeting will be to discuss two reports that will be used to determine new source performance standard (NSPS) priorities which will serve as the basis of a five year new source performance standard program. Prepared by The Research Corporation of New England (TRC), the first study details the assumptions and calculations used to estimate the effect of NSPS on specific sources. These results are incorporated into a screening and evaluation system in the second report, prepared by Argonne National Laboratory (ANL), which analyzes several dozen standard-setting strategies. TRC and ANL personnel will present results of their respective reports and will be available during the discussion periods following each report.

The meeting will be open to the public. Anyone wishing to attend or submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are (919) 688-8146, extension 271.

Dated: June 2, 1975.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.75-14809 Filed 6-4-75;8:45 am]

[FIFRA Docket Nos. 145 etc. (FRL 382-3)]

SHELL CHEMICAL COMPANY, ET AL.

Order of the Administrator on the Status of Existing Stocks of Available Aldrin/Dieldrin Pesticides in 1975

On October 1, 1974, I issued an Opinion and Order suspending the registrations and prohibiting the production for use of all pesticide products containing Aldrin/Dieldrin which were subject to and for which appeals were duly filed from the Aldrin/Dieldrin cancellation order issued June 26, 1972. In that same Order I announced, in accordance with the "Special Rule" provisions of section 15(b)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. Sec. 135, et seq., that the continued sale and use of existing stocks of registered products containing Aldrin or Dieldrin which were formulated prior to August 2, 1974 shall be permitted. I expressly prohibited any stocks of technical grade Aldrin or Dieldrin formulated into products after August 2, 1974, from being placed in commerce, sold or used for any purposes other than those specifically exempted in the June 26, 1972, cancellation order.[1]

In invoking the "Special Rule" provision permitting use of existing stocks, it was my understanding at the time that stocks were minimal due to the fact that the growing season for corn had already been completed and that the manufacturing cycle had not yet begun.

In its brief before the Court of Appeals, Counsel for EPA informed the Court that it had just learned, though without any substantiation, that an estimated 5 percent of the total 1974 amount of Aldrin/Diedrin granules might still be for sale and use in 1975. Accordingly, EPA announced its intention "to initiate an investigation to determine the amount and location of outstanding stocks of Aldrin/Dieldrin and to take appropriate action based upon this invesitgation." (Brief for Respondents at 128). In oral argument before the Court of Appeals on February 7, 1975, the Department of Justice on behalf of EPA informed the Court that such an investigation had already been initiated. A letter had been sent on February 6, 1975 to the Aldrin/Dieldrin registrants who were parties to the suspension proceeding in which the following information was requested:

(1) "The daily average of pounds or units of Aldrin or Dieldrin under [registrant's] control from January 15, 1975 up to and including February 1, 1975, which was formulated prior to August 2, 1974."

(2) The amount of Aldrin/Dieldrin products shipped during this time period. Stock estimates would not include those quantities designated for non-suspended uses.

Responses to that letter were received intermittently through March 27, 1975. Conversions of the various formulations to a poundage basis and tabulation of all the figures were completed on April 5, 1975. Those figures revealed that as of February 1, 1974 the formulators and registrants had on hand approximately 273,200 lbs. of technical grade Aldrin/Dieldrin formulated into various pesticides prior to August 2, 1974. This figure, which included all types of formulations, was substantially lower than the 5 percent total of 1974 Aldrin granules estimated in the memorandum attached as Appendix B to Respondents' brief before the Court of Appeals.

On April 4, 1975, the U.S. Court of Appeals for the District of Columbia entered its Opinion in Environmental Defense Fund, Inc. et al. v. Environmental

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[1] It has been called to my attention that some question as to the validity of the cut-off date, August 2, was raised in a series of letters exchanged over the past several months between counsel for Shell Chemical Co. (Shell), Environmental Defense Fund, Inc. (EDF) and the Environmental Protection Agency (EPA). I do not consider the Shell letters to constitute a valid motion for reconsideration of my order on this issue. The rules of practice specifically provide for such a motion to be filed within 10 days following service of a final order. Shell's informal inquiry was received nearly 3 months after service of the order. Moreover, the issue was never raised in brief or oral argument before the Court of Appeals and, therefore, must be considered to have been finally resolved. I think it necessary for me, as in the instant case, to be able to prohibit sale and use of a suspended product effective from the time of issuance of a notice of intention to suspend if such suspension is finally ordered. Otherwise, stockpiling of rapidly manufactured or formulated products could become a serious abuse and problem.

Protection Agency, et al., 510 F.2d. 1292 (1975) affirming the Agency's suspension order except for the exemption of the sale and use of existing stocks which was remanded to the Agency. The Court called the Agency's investigation into the matter "an ongoing re-evaluation that is entirely appropriate."

On Monday April 7, immediately following the receipt of the Court's Opinion, the Agency staff began telephoning the same Aldrin/Dieldrin registrants and formulators previously contacted by letter in February 1975. The Agency learned that in the intervening time between the reporting of available stocks through February 1, 1975 and our contact by telephone during the week of April 7th the vast majority of the stocks had since been sold or used and that what remained had been designated for immediate sale. The 32 formulators contacted during the week of April 7th had on hand stocks of approximately 39,500 lbs of technical grade Aldrin/Dieldrin formulated into products prior to August 2, 1974. Those formulators with any stocks on hand indicated that the pesticides were to be sold within the next several days. Shell and the EDF have been informed of the results of our investigation. As a practical matter, it can be said that there are virtually no retrievable stocks of Aldrin/Dieldrin pesticides remaining in this country as of this date.

Accordingly, I do not feel that it is necessary nor that any real purpose would be served by reconvening the hearing for purposes of this investigation since the question of use or disposal of existing stocks is now moot.

Dated: May 23, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-14653 Filed 6-4-75;8:45 am]

[OPP—33000/262 & 263 (FRL 382-8)]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

Within sixty days following the date of publication of this notice, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this sixty day period.

Dated: May 28, 1975.

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

APPLICATIONS RECEIVED (OPP-33000/262)

EPA Reg. No. 275-12. Agricultural & Veterinary Products, Div. Abbott Laboratories, N. Chicago IL 60064. 2% LIQUID LIST NO. 5160/CONCENTRATE PRO-GIBB. Active Ingredients: Gibberellic Acid 2%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA Reg. No. 275-13. Agricultural & Veterinary Products, Div. Abbott Laboratories, N. Chicago IL 60064. SOLUBLE POWDER LIST NO. 5161 PRO-GIBB. Active Ingredients: Gibberellic Acid 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA File Symbol 35898-R. Aerosol Fillers Inc., 5485 Ramsay Rd., St. Hubert, Quebec J3Y5S8. PREMIER INSECT SPRAY FOR HOUSE PLANTS. Active Ingredients: Pyrethrins 0.02%; Rotenone 0.13%; Technical Piperonyl Butoxide 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 3125-277. Chemagro Agr. Div. of Baychem, PO Box 4913, Kansas City MO 64120. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethyl-ethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25

EPA Reg. No. 3125-193. Chemagro Agr. Div. of Baychem, PO Box 4913, Kansas City MO 64120. GUTHION 50% WETTABLE POWDER CROP INSECTICIDE. Active Ingredients: O,O-Dimethyl S-[(4-oxo-1,2,3-benzo-triazin-3(4*H*)-yl)methyl] phosphorothioate 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 6853-RA. Bes-Tex Insecticides Co., Inc., PO Box 664, San Angelo TX 76901. BES-TEX LAWN WEED KILLER. Active Ingredients: Iso-octyl ester of 2,4-dichlorophenoxyacetic acid 9.4%; Iso-octyl ester of Silvex (2(2,4,5-trichlorophenoxy) propionic acid) 4.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 36256-R. Dermik Laboratories, Inc., 500 Virginia Dr., Fort Washington PA 19034. GBH SHAMPOO. Active Ingredients: Lindane (gamma benzene hexachloride) 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 464-1. Dow Chemical USA, PO Box 1706, Midland MI 48640. DOW FORMULA 40 HERBICIDE. Active Ingredients: Alkanolamine Salts (of the Ethanol and Isopropanol series) of 2,4-Dichlorophenoxyacetic acid 59.7%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM23

EPA File Symbol 464-LER. Dow Chemical USA, Ag-Organics Dept., PO Box 1706, Midland MI 48640. DOW CHLORPYRIFOS SPECIAL MIXTURE NO. 1. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 61.0%; 2,2-Dichlorovinyl dimethyl phosphate 5.9%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 7295-RN. Gem City Chemicals, Inc., 1287 Air City Ave., Dayton OH 45404. GEMCHLOR. Active Ingredients: Sodium Hypochlorite 13.76%; Sodium Chloride 11.44%; Iron 0.0002%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 334-382. Hysan Corp., 919 W. 38th St., Chicago IL 60609. PS10 RESIDUAL INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.200%; Related compounds 0.015%; Aromatic petroleum hydrocarbons 0.265%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36301-G. J Chem. PO Box 5421, Houston TX 77012. SYNERGIZED PYRETHRINS AREA SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl butoxide technical 10.0%; Petroleum distillate 89.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 35317-R. Kuehne Chemical Co., Inc., PO Box 534 Linden NJ 07036. SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 6836-UA. Lonza Inc., 22-10 Route 108, Fair Lawn NJ 07410. LONZA GLYODIN FRUIT FUNGICIDE. Active Ingredients: Glyodin (2-heptadecylimidazoline acetate) 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 1266-RLI. Malter International Corp., International Headquarters, Box 6099, New Orleans LA 70174. AIRBORNE SPACE SPRAY NO. 11. Active Ingredients: Petroleum Distillates 57.42%; Aromatic Hydrocarbons 16.85%; Essential Oils 3.03%; Technical Piperonyl Butoxide 1.04%; Pyrethrins 0.26%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1021-RGAE. McLaughlin Gormley King Co., 1715 SE 5th St., Minneapolis MN 55414. PYROCIDE CONCENTRATE 7254. Active Ingredients: Pyrethrins 3.20%; Piperonyl butoxide, technical 6.40%; N-octyl bicycloheptene dicarboximide 10.67%; O,O-diethyl O-(3,5,6-trichloro - 2 - pyridyl) phosphorothioate 16.00%; Petroleum distillate 15.29%; Aromatic petroleum derivative 42.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 8123-TI. Frank Miller & Sons., 13831 S. Emerald Ave., Chicago IL 60627. BRUSH AND WEED CONTROLLER. Active Ingredients: Ammonium Sulfamate 47.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 8123-TT. Frank Miller & Sons, 13831 S. Emerald Ave., Chicago IL 60627. AMS WEED AND BRUSH CONTROLLER. Active Ingredients: Ammonium Sulfamate 23.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 8344-RU. Progress Chemical Co., Inc., PO Box 866, 159 Railroad St., Canton GA 30114. P C C 5% SEVIN DUST. Active Ingredients: Carbaryl (1-naphthyl N-methyl-carbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 11611-0. Puma Chemical Co., 3012 S. Main, Fort Worth TX 76110. TERMICIDE 5-15. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid Alkanolamine Salts (of the Ethanol and Isopropanol Series) 5.31%; Monosodium Acid Methanearsonate 8.65%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 36255-R. San Solvent, Inc., Box 31, Evans Mills NY 13637. SAN SOLVENT S-L SEWER LINE ROOT DESTROYER. Active Ingredients: Copper Sulphate, Pentahydrate 99.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 6735-EGA. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE WEED & FEED WITH TREFLAN. Active Ingredients: trifluralin (a,a,a-trifluoro-2, 6-dintro-N. N-dipropyl-p-toluidine) 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 36261-R. Vogel Paint & Wax Co., Inc., Industrial Airpark, Orange City IA 51041. COPPER 8 D-0916 CLEAR DIP. Active Ingredients: Polyurethane Resin 5.4%; 8% Copper Napthenate 4.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

APPLICATIONS RECEIVED (OPP-33000/263)

EPA Reg. No. 275-15. Agricultural & Veterinary Products Div., Abbott Laboratories, N. Chicago IL 60064. 3.91 LIQUID CONCENTRATE PRO-GIBB. Active Ingredients: Gibberellin A3 3.91%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA Reg. No. 275-20. Agricultural & Veterinary Products Div., Abbott Laboratories, N. Chicago IL 60064. PRO-GIBB PLUS. Active Ingredients: Gibberellin A3 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA File Symbol 1029-RGN. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. HEMANEX TOXAPHENE 40% DUST CONCENTRATE. Active Ingredients: Toxaphene (technical chlorinated camphene-67-69% chlorine) 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 5719-AL. Chacon Chemical Corp., 5245 Chakemco St., S. Gate CA 90280. CHACON SYSTEMIC INSECT CONTROL FOR POTTED PLANTS. Active Ingredients: S-(2-(ethylsulfinyl)ethyl) 0,0-dimethyl phosphorothioate 6.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 682-OG. Crop King Chemical, Box 1016, Yakima WA 98907. CAPTAN C 300. Active Ingredients: Captan N-(trichloromethyl) thio - 4 - cyclohexene-1, 2-dicarboximide 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 1471-35. Elanco Products Co., Div. Eli Lilly & Co., PO Box 1750 Indianapolis IN 46206. ELANCO TREFLAN E.C. Active Ingredients: trifluralin (a,a,a-trifluoro - 2, 6 - dinitro - N,N - dipropyl - p - toluidine) 4.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM23

EPA File Symbol 334-UNT. Hysan Corp., 919 W. 38th St., Chicago IL 60609. TOWER ALGAECIDE 20. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Change in method of support from 2(c) to 2(b). PM34

EPA File Symbol 12367-RE. Lich Paper & Chem. Co., 929 5th Ave., McKeesport PA 15132. LICO FORMULATION 314. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl (C8 7%, C10 8%, C12 46% C14 24%, C16 10%, C18 5%) amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11602-A. Molar Enterprises, Inc., 1621 Hennepin Ave. S, Minneapolis MN 55403. MOLAR INSTITUTIONAL "Q". Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 524-285. Monsanto Co., Agricultural Div., 800 N. Lindbergh Ave., St. Louis MO 63166. LASSO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA File Symbol 8503-RR. Products Chemical Co., 3045 E. 87th St., Cleveland OH 44104. PRO CHEM 100 GERMICIDAL CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethyl-enediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10411-EI. Pulvair Corp., 4599 Big Creek Church Rd., Millington TN 38053. PULROX MANUFACTURING CONCENTRATE. Active Ingredients: Monuron Trichloroacetate [3-(p-chlorophenyl)-1, 1-dimethylurea trichloroacetate] 32.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 2155-IT. I. Schneid, Inc., PO Box 93188, Martech Station, Atlanta GA 30318. TOWERCIDE 15. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 675-19. National Laboratories, Lehn & Fink Industrial Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. BULK LYSOL BRAND DISINFECTANT. Active Ingredients: Soap 16.50%; o-Phenylphenol 2.80%; o-Benzyl-p-chlorophenol 2.70%; Ethyl Alcohol 1.80%; Xylenols 1.50%; Isopropyl Alcohol 0.90%; Tetrasodium Ethylene-diamine Tetraacetate 0.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File. Symbol 4959-I. West Chemical Products, Inc., 42-16 West St., Long Island City NY 11101. L S P LIQUID SUPPLEMENT PHENOTHIAZINE. Active Ingredients: Phenothiazine 90%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

[FR Doc.75-14654 Filed 6-4-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ROCKY FLATS SITE

Preparation of Environmental Statement

Notice is hereby given that the U.S. Energy Research and Development Administration (ERDA) has commenced the preparation of an environmental statement on its operations conducted at the Rocky Flats site, Golden, Colorado. The procedures and guidelines which will be followed in preparing the environmental statement will be those established by ERDA's regulations (10 CFR Chapter 3, Part 711) and the Guidelines of the Council on Environmental Quality (40 CFR § 1500).

Copies of documents to be utilized in the preparation of this statement will be available for inspection at ERDA's public document rooms, 1717 H Street, Washington, D.C., San Francisco Operations Office, 1333 Broadway, Oakland, California, and Rocky Flats Area Office, Golden, Colorado.

All persons or organizations desiring to submit comments or suggestions for consideration in connection with the preparation of the draft environmental statement should send them to Mr. W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Washington, D.C. 20545, on or before July 15, 1975. Those desiring a copy of the draft statement when issued should notify Mr. Pennington.

Dated at Germantown, Maryland, this 2nd day of June, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75-14860 Filed 6-4-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

AD HOC ADVISORY COMMITTEE MEETING ON SUBSURFACE GEO-SCIENCE RECORDS AND MATERIALS

Meeting

An Ad Hoc Committee will meet to follow up the Federal Energy Administration's Symposium on Subsurface Geoscience Records and Materials which was held in Dallas, Texas, in April. This Committee will meet in the Federal Energy Administration office, 50 Penn Place, Suite 530, Oklahoma City, Oklahoma on June 11, 1975, at 10 a.m. The meeting will be open to the public.

The Committee is to be comprised of participants and attendees of the aforementioned Symposium, who will represent the ideas and opinions of State and Federal Agencies and of the energy industry.

The Committee will submit its recommendations to FEA's Office of Oil and Gas.

Due to scheduling constraints and the desire to expedite the development of a program to deal with the problems involved with the acquisition, storage and retrieval of information pertaining to our Nation's energy resources, this meeting is being scheduled prior to the elapse of the usual 15 day notice period.

Further information concerning this meeting may be obtained from the Federal Energy Administration, Land and Exploration Branch, Room 3516 Federal Building, 12th and Pennsylvania Avenue, Washington, D.C. 20461, phone (202) 961-6277.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Land and Exploration Branch office, Washington, D.C.

Issued at Washington, D.C. on May 30, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-14641 Filed 5-30-75;5:54 pm]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and vessels*
01084---	The West Hartlepool Steam Navigation Co. Ltd.: *Lindenhall.*
01103---	Poseidon Schiffahrt Gmbh: *Hans Sachs.*
01106---	N. V. Stoomvaart-Maatschappij "Oostzee": *Britsum.*
01232---	Rolf Wigands Rederi A/S: *Team Gerwi.*
01325---	O. H. Meling: *Sun Bird.*
01326---	Sabine Towing and Transportation Co., Inc.: *San Jacinto.*
01383---	Rederiaktiebolaget Gustaf Erikson: *Lindo, Gregerso, Degero, Norro, Tingo, Saggo, Jarso, Kallso, Germundo, Hamno, Styrso, Eckero, Ranno, Herro, Borgo, Basto, Freezer Finn, Evofrio, Fisko.*
01449---	The Cairn Line of Steamships Limited: *Cairntrader.*
02126---	Morania Oil Tanker Corp.: *Morania Abaco.*
02146---	Pittston Marine Transport Corp.: *Richmond.*
02150---	Cook Inlet Tug & Barge Co., Inc.: *Susitna.*
02198---	Peninsular & Oriental Steam Navigation Company: *Pacific Princess, Strathellon, Strathell, Strathlairg, Strathlauder, Strathaven, Strathlomond, Strathloyal.*
02246---	Blue Star Line, Ltd.: *Avila Star.*
02344---	Empresa Lineas Maritimas Argentinas Sia.: *Rio Iguazu.*
02416---	Boland & Cornelius, Inc.: *Sam Laud.*
02492---	Interstate Oil Transport Company: *Ocean States.*
02860---	Taiwan Navigation Co., Ltd.: *Tai Shing.*
02497---	Transworld Drilling Company: *Transworld Rig 62, Transworld Rig 67.*
02874---	West Indies Industries, Inc.: *Inagua Sands.*
02930---	Compania Sud-Americana de Vapores: *Teno.*
03245---	Rederiaktieselskabet Dannebrog: *Weco Offshore I, Weco Supplier III.*
03294---	Companhia De Navegacao Lloyd Brasileiro: *Lloyd Hamburgo, Lloyd Rotterdam.*
03366---	CIA De Navegacion Porto Ronco S.A.: *Paula II.*
03389---	Shell Tankers B.V.: *Lepton.*
03432---	Hinode Kisen K.K.: *Atago Maru.*
03505---	Showa Yusen Kabushiki Kaisha: *Boston Maru.*
03735---	Penrod Drilling Company: *Penrod 60, Penrod 61, Penrod 62.*
03876---	Ingram Materials Inc.: *Martha Denton.*
03878---	Ingram Barge Co.: *Is 1, Is 2.*
03971---	Korea Shipping Corp.: *Korea Pacific, Korea Rainbow.*
04041---	Compania Peruana De Vapores: *Jose Olaya.*
04173---	Foss Launch & Tug Co.: *Umpqua No. 7.*
04240---	Petroleo Brasileiro S.A.: *Braganca, Avare, Anapolis, Araxa, Jose Bonifacio, Cairu, Vidal De Negreiros, Jequitiba, Jundia, Quitauna, Quizada.*
04283---	Gulf of Georgia Towing Co. Ltd.: *G of G 800.*
04289---	Dixie Carriers, Inc.: *TT 7000, TT 7001, TT 7002, TT 7003.*
04358---	Holland Bulk Transport B.V.: *Amstelmeer.*
04404---	Lars Rej Johansen: *Reeferjo.*
04601---	American Tunaboat Association: *Madrugador.*
04770---	Texaco Panama Inc.: *Texaco Nederland.*
05003---	Wisconsin Barge Line Inc.: *Acadian Jane.*
05008---	Star Kist Foods Inc.: *Stacie Antoinette.*
05098---	Esso Tankers, Inc.: *Esso Everett.*
05239---	Zapata Off-Shore Company: *Zapata Trader.*
05251---	Navigation Maritime Bulgare: *Vihren.*
05385---	Val Di Compare Shipping Corp.: *Concordia Glen.*
05471---	Belcher Oil Company: *Belcher No. 27.*
05549---	Polska Zegluga Morska: *General Madalinski, Giewont II, Zawrat.*
06248---	Commercial Corporation "Sovrybflot": *Raduga.*
06496---	Whaling City Dredge & Dock Corporation: *Coen No. 61.*
06934---	Chevron Navigation Corporation: *Chevron Rome.*
07290---	Hollywood Terminals, Inc.: *S1511, S1512, S1513, S1514, Wasson No. 1, Wasson No. 5.*
07357---	United Cruising Company, Ltd.: *Lindblad Explorer.*
07527---	Korea Line Corporation: *Queen Rose.*
07550---	Erato Shipping Inc.: *Eastern Matsu.*
07574---	Georgian Shipping Company: *Izyaslav, Zakhariy Paleashvili.*
07621---	Mr. Heizaburo Matsuo: *Narihira Maru No. 3.*
07669---	Marine Leasing Corp.: *MLC 25, MLC 1420.*
08188---	Caribbean Marine Service Company, Inc.: *Pacific Queen, City of San Diego, Polaris, San Juan, Bold Contender, Cape Cod, Captain Vincent Gann, Cape San Vincent, Bold Venture, Atlantis, Mariner, Sea Treasurer.*
08462---	Whiteline Navigation Co., Ltd.: *Maritime Hibiscus, Pacific Rose, Cherryfield, Orange Field, Transpacific Trader.*
08473---	Tokyo Marine Co., Ltd.: *Fujiyasu Maru.*
08555---	Universal Towing Company-D. J. Marine Service, Inc.: *CAGC No. 2.*
08787---	Smit Inter Zeesleep-En Bergingsbedrijf BV: *Smit Rotterdam.*
08792---	C. Rowbotham & Sons (management) Limited: *Pointsman.*
08833---	General Metals of Tacoma Inc.: *Benner, Walke.*
08897---	Regent Zinnia Shipping Inc.: *Cissus.*
09031---	Union Mechling Corporation: *4908, 4603, 4632, 4633, 4634, Southern.*
09038---	Umpqua River Navigation Company, Division of Bohemia, Inc.: *Umpqua No. 12, Umpqua No. 14.*
09054---	A/S Geir: *Kochi Geir.*
09088---	Dong Won Fisheries Co., Ltd.: *Dong Won No. 602.*
09323---	Cactus Pipe & Supply Co., Inc.: *Cactus Marine No. 1.*
09327---	Grand Wisdom Transport, Inc.: *Grand Wisdom.*
09345---	Hiong Guan Navegacion Co. Ltd.: *Lilia.*
09388---	Front Water Marine Services, Inc.: *Ace Barge 1927.*
09468---	Puerto Rico Maritime Shipping Authority: *Aguadilla, Carolina, Guayama, Humacao, Mayaguez, San Juan.*
09513---	B-R Dredging Co., Inc.: *Barge 545, Barge 604, Barge 605, Barge 606, Barge 609, Barge 610, Barge 612, Barge 613, Rip-101, Spill Barge No. 10, BDCO No. 32, Bill Bauer, Dave Blackburn, C.S.E. Holland, BDCO No. 52, BDCO No. 98, Bauer St-4, ACBL-1615.*
09516---	Filadelfos Cia De Navegaceon S.A.: *Arya Sam.*
09522---	Anders Stokka Rederi A/S, A/S Stokksund: *Stokkfrakt.*

Certificate No.	Owner/operator and vessels
09961	Chieh Sheng Maritime S.A.: *Chieh Hui.*
09811	Cove Tankers Corporation: *Mount Explorer.*
09813	Schiffahrt-Und Assekuranz-Gesellschaft E. Russ & Co.: *Martha Russ.*
09826	Malteza Maritime Company S.A. Panama: *Malteza S.*
09836	Glyfspirit Marine Ltd.: *Glyfada Spirit.*
09906	Ab Borga Sjotransport oy: *David Salman.*
09971	Dong Il Shipping Co., Ltd.: *Shintoku Maru.*
09949	J. Vermaas Scheepvaart Bedrijf B.V.: *Barendsz.*
09997	Robinia Shipping Co., S.A.: *Tokelau.*
10055	Amy Shipping Company S.A. Panama: *Amy.*
10061	Viavella Armadora S.A. (Panama): *Ioannis Colocotronis.*
10073	Inversiones Calmer S.A.: *Ukola.*
10080	Compania Maritima Punta Mala S.A.: *Philippi.*
10103	Bon Vivant Cruises Inc.: *Bon Vivant.*
10110	Marouko Compania Naviera S.A.: *Yannis.*
10122	Symbol Shipping Company Incorporated: *Young Symbol.*
10129	Vesuvius Shipping Co., Ltd.: *Atlantic Princess.*
10134	Eastern Seas Shipping Co.: *Paduke.*
10138	Ocean Marine Co., Ltd.: *Sun Auk.*
10140	Tottori Ken: *Wakatori Maru.*
10142	Kommanditselskapet A/S Aiaco & Co.: *Halla Grieg.*
10143	Compagnie Maritime Zairoise: *Joseph Okito, Maurice Mpolo, President J Kasavubu, Kananga, Lumumba, Bandundu, Mbandaka, Mbujimayi, Kisangani, Bukavu.*
10145	Arghiris Maritime (Lebanon) S.A.: *Alpha Carrier.*
10146	Navegadora Reinante Armadora S.A.: *Arkandros.*
10147	Oy Iskun Tehtaat: *Aino.*
10148	Mano-Maritime & Co.: *Carmela.*
10151	Amulet K/S: *Amulet.*
10153	Johan Reksten Rederi A/S: *Jorek Trader.*
10154	Bergen Fiskeindustri A/S: *Sea Crown.*
10155	Transpacific Tramp Ships, Inc.: *Yamato.*
10156	Kiyomaru Takaoka Gyogyo Kabushiki Kaisha: *Kiyo Maru No. 55.*
10159	Chios Castle Shipping Co. Ltd.: *Castle Glory.*
10161	Costa Rica Navigation Corporation S.A.: *Pygmalion Star.*
10164	Aifanourios Shipping S.A.: *Aifanourios.*
10166	Susy Maritime Company Limited: *Gipsy.*
10167	Montclair Shipping Company, Inc.: *Eastern Poseidon.*
10168	Moonlight Shipping Co., S.A.: *Ethnic.*
10169	Transaegean Marine Limited: *Andros Mentor.*
10170	Seachief Shipping Co., Ltd.: *Atlantic Fury.*
10172	Matsushima Kaiun Kabushiki Kaisha: *Fukushima Maru.*
10173	Tore Torsteinson: *Moruka.*
10174	Third Chandris Shipping Corporation of Monrovia, Liberia: *Genie.*
10175	Sandramari Compania Naviera S.A. Panama: *Akianna.*
10178	Seatraveller Shipping Co. Ltd.: *Elkina.*
10179	Integrity Shipping Co. S.A.: *Good Venture.*
10182	Athione Shipping Company: *World Ajax.*
10183	Conship Compania S.A.: *Loukia.*
10186	Delian Athina Cruises Inc.: *Daphne.*
10187	Peninsular Malaysia Line S.A.: *Malaysia Permai.*
10188	Compania De Navegacion Vasco-Asturiana S.A.: *Aramil.*
10189	Kazuyuki Nishikawa: *Chofuku Maru No. 5.*
10190	Union Gulf Marine Co., S.A.: *Union Tokyo.*
10192	Fifth Chandris Shipping Corporation Monrovia: *Dona Margarita.*
10193	Sixth Chandris Shipping Corporation, Monrovia: *Dona Ourania.*
10195	Luculent Shipping Co. S.A.: *Luculent.*
10198	Fair Lady Navigation S.A.: *Sabaru Maru.*
10204	Henry Coe & Clerici Societa Per Azioni: *Coclerdue.*
10216	Abo Shoten Ltd.: *Fujikaze Maru.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-14751 Filed 6-4-75;8:46 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01087	Dampskibsselskabet Torm A/S: *Torm Helvig.*
01185	Aksjeselskapet Kosmos: *Jabetta.*
01232	Rolf Wigands Rederi A/S: *Gerwi.*
01330	Shell Tankers (U.K.) LTD.: *Hyala, Hemicardium, Hydatina.*
01449	The Cairn Line of Steamships Limited: *Saxon Prince.*
01574	Fearnley & Eger: *Fernmoor.*
01563	I/S Kvartia Marin: *Lidfold.*
01747	Marvirtud Navegacion S.A. Panama: *Ariston.*
01821	Scottish Tanker Co. Ltd.: *Elbe Ore.*
01861	BP Tanker Company, Limited: *British Statesman, British Queen.*
01866	Industria Armamento S.P.A.: *Utilitas.*
01993	Partrederiet for MS Fermland: *Fermland.*
02163	Rederiet "Ocean" A/S, Copenhagen: *Saima Dan, Danwood Ice.*
02198	The Peninsular & Oriental Steam Navigation Co.: *Amra, Aska, Carpentaria, Patonga, Jelunga, Chakdina Teesta, Tatrea.*
02359	A/S Bonheur: *Bruno.*
02390	Libra Compania Naviera S.A. Panama: *N. Georgios.*
02448	Rederiaktiebolaget Nordstjernan: *Guyana, Hood River Valley, Seattle, Lao.*
02458	The China Navigation Co. Ltd.: *Asian Exporter.*
02465	Koch-Ellis Marine Contractors, Inc.: *KE-30.*
02521	Metcalfe Shipping Co., Ltd.: *Industria.*
02551	Ellerman Lines Ltd.: *City of Singapore.*
02636	Seagull Maritime Company: *Dione.*
02682	Ivory Shipping Company Ltd.: *Ivory Star.*
02696	Metropolitan International Transport Corp.: *Metsovon.*
02975	Venture Shipping (managers) Limited: *Fourseas Venture.*
03134	Shipping Company "Atlantic Merchant I" Inc.: *Atlantic Merchant I.*
03314	Gulf Oil Corporation: *Mohican.*
03317	Belgulf Tankers S.A.: *Belgulf Progress, Belgulf Glory.*
03389	Shell Tankers, B.V.: *Vasum.*
03428	Hachiuma Kisen K.K.: *Hozui Maru.*
03432	Hinode Kisen K.K.: *Shoryu Maru, Kasuga Maru, Kumano Maru, Shofuku Maru, Atago Maru.*
03441	Japan Line K.K.: *World Consul.*
03505	Showa Yusen Kabushiki Kaisha: *Miharu Maru, Matsue Maru.*
03513	Tanda Sangyo Kisen Kabushiki Kaisha: *Matsubara Maru.*
03637	P.A. Van ES & Co. N.V.: *Breezand, Breehorn, Breehees, Breewijd, Kittiwake, Breevliet.*
03641	Hendy International Company: *SS Californian.*
03702	Denimar Compania Maritima S.A.: *Athena.*
04128	Skips A/S Westray: *Mambo.*
04161	A & S Transportation Co.: *Judson K. Stickle.*
04163	Cenac Towing Co., Inc.: *CTCO 152.*
04164	Modern Transportation Co.: *Seaway 6.*
04180	Rose Bare Line, Inc.: *Crimson Glory, White Knight, American Beauty, White Dawn.*
04214	Winco Tankers, Inc.: *Helen H, Windsor Victory.*
04276	Rivtow Straits Limited: *Gibraltar Straits.*
33762—Gavin, C. J.—main lino. 6-4-75	
04345	Interocean Freighters Transport Corp.: *Amdros Mariner.*
04351	Oceanic Freight Carriers Corporation: *Andros City, Andros Island.*
04565	Consolidated Navigation Corporation: *Constellation.*
04601	American Tunaboat Association: *Sea Preme, Commodore, Elizabeth C J.*
04674	Pescanova, S.A.: *Vimianzo.*
04803	Brent Towing Company Inc.: *AC-12.*
05256	Crestwave Offshore Services, Inc.: *Topper III.*
05278	Twin City Barge & Towing Company: *CTC 1001, Morning Star.*
05298	Erich Drescher: *Wadai.*
05385	Val Di Compare Shipping Corp.: *Polyzene G.*
05437	The Dow Chemical Company: *UBL-930, UBL-929, NMS-1309, CBC-125.*
05449	General Cargo Corporation: *Spitfire.*
05450	Maimonides Transportation Corp.: *Rambam.*
05494	Moore Terminal & Barge Co., Inc.: *MTB 501.*
05520	Union Carbide Corp.: *JDS-126, CC-210.*
05705	Astro Castellano Navegacion S.A.: *Irini.*

Certificate No.	Owner/operator and vessels
05729	Dominion Lines Ltd.: *Dominion Pine.*
05764	A.E. Sorensen A/S: *A.E.S. Peder Most.*
05762	Consolidated Edison Co. of N.Y. Inc.: *GM–127.*
06042	Luzon Stevedoring Corporation: *Alkene.*
06068	Ikon Corporation: *Loussios.*
06183	Lefka Naviera, S.A.: *Theodohos.*
06201	Litton Systems Inc., for Litton Ship Systems: *Steel Sectioned Launch Pontoon.*
06278	Ianmaris Corporation S.A. Panama: *Dinos M.*
06393	Canadian National Steamship Co., Ltd.: *Prince George.*
06435	Dampskibsaktieselskabet Den Norske Afrikaog Australielinie, Wilhelmsens Damp . . . A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, Tankfart VI: *Themis.*
06441	Damp. Den Norske Afrika Og Aust. Wil. Damp . . . A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI, Skips A/S Tudor, Skips A/S Pegasus: *Theban.*
06487	Naviera Ason, S.A.: *Patricio.*
06578	Van Nievelt, Goudriaan & Co. N.V.: *Asuncion.*
07053	Tidewater - Raymond - Kiewit: *Barge No. 146, T.B.E.C. No. 1, Summerville, Mount Pleasant, Barge F6A, Barge F6B.*
07223	Atlantic Star Navigation Corp.: *Andros Transport.*
07276	Anglo-Pacific Line Limited: *Biak Maru.*
07357	The Shipping Partnership for MS Lindblad Explorer: *Lindblad Explorer.*
07406	Rolle Shipipng & Trading Corporation: *Rolle.*
07550	Erato Shipping Inc.: *Bauhinia.*
07574	Georgian Shipping Company: *Iziaskav.*
07817	Yick Fung Shipping and Enterprises Co., Ltd.: *Celebes Sea, Irish Sea, Mirtoan Sea.*
07822	Stellar Marine Ltd.: *Nancy Michaels.*
07829	Ta Fah Marine Co., S.A.: *Soyokaze.*
07861	Express Marine, Inc.: *Lewis No. 9.*
07886	Sedco International, S.A.: *Sedco 700, Sedco 703, Sedco K, Sedco 702.*
07896	Cypromar Navigation Co. Ltd. Nicosia: *European Persistence.*
07941	Dundee Shipping Incorporated: *Stolt Tiger.*
07968	Traders Navigation Corporation: *Andros Mentor.*
07901	Andros Marine Star Inc. Panama: *Montevideo.*
07992	Philoship Shipping Company S.A. of Panama: *Vrahos.*
08002	Marcona Ocean Industries, Ltd.: *Western Warrior.*
08168	Apollonian Glory Co., S.A.: *Apollonian Glory.*
08208	Midwest Navigation Co., Ltd.: *Eljumbo.*
08485	Coral Shipping Co., Ltd.: *Michael Angelos.*
08486	Seawell Maritime Co., Ltd.: *Seapearl.*
08622	St. Thomas Navigation Corporation: *Sovereign Diamond.*
08774	Chalandri Maritime Company Ltd.: *H. Endurance.*
08777	Jebsens (U.K.) Limited: *Leknes.*
08912	Drummond & Bronneck Inc.: Steve P. Rados Inc. Garrison 8 International Corp.: *ABT–14.*
08825	Diamara Shipping Corporation: *Isabella.*
08826	Herald Navigation Corp.: *Anco Transoceanic.*
09031	Union Mechling Corporation: *Ellis 1302, Ellis 1301.*
09084	Horizon Shipping Co., Ltd.: *Jell.*
09142	Akianna Navigation Company Limited: *Akianna.*
09878	Marama Navegacion S.A.: *Waimea.*
09908	Freight Chartering Co., Ltd.: *Wodan.*
10060	Marardor Naviera S.A., Panama: *Aristolaos.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–14750 Filed 6–4–75;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Midwest Export-Import, Inc., 1344 West Sample Street, South Bend, Indiana 46621. Officers: James L. Cronk, President, Robert H. Weaver, Vice President.

Benedict J. Ramos, 80 Wall Street, New York, New York 10005.

Eudmarco International Corporation, 120 Wall Street, New York, New York 10005. Officers: Eudmar Pereira Penha, Chairman of the Board, Peter Manos, President/Treasurer, Howard Leff, Executive Vice President, Ole Dam, Vice President, Michael Patestides, Secretary.

Jorge Molina Diez, International Airport, Isla Verde, Puerto Rico.

Thomas Arthur Farrelly, 49 Wall Street, Norwalk, Connecticut 06850.

By the Federal Maritime Commission.

Dated: June 2, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–14749 Filed 6–4–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75–80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Granting Interventions

MAY 29, 1975.

On March 25, 1975, the Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. Notice of Alabama-Tennessee's filing was issued by the Commission on March 30, 1975, with protests and petitions to intervene due on or before April 18, 1975.

Timely notices and petitions to intervene were filed by the Tennessee Public Service Commission and the Tennessee Valley Municipal Gas Association.

Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–14686 Filed 6–4–75;8:45 am]

[Docket No. E–9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Order

MAY 30, 1975.

On April 29, 1975, the American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Company), Modification No. 3, dated April 1, 1975, to the July 6, 1951 Interconnection Agreement among Appalachian Power Company (Appalachian Company), Kentucky Power Company (Kentucky Company), Ohio Company, Indiana & Michigan Electric Company (I&M) and AEP, their agent. The filing provides in part for an increase in primary capacity equalization charge for the participating companies. Projections for the period June, 1975 through May, 1976 provided with the filing indicate that the Appalachian and I&M companies will pay increases of $9,330,136 and $26,089,066 respectively.

In addition to the proposed increases in the primary capacity equalization charge, the proposed power pool amendment includes: (a) a provision allowing any party to the 1951 agreement, upon

concurrence of the other parties, to receive capacity credit not only for its owned generating capacity, but also for capacity made available to the party through interconnection arrangements with other systems; (b) the elimination from the 1951 agreement of the System Secondary Capacity and System Secondary Energy classifications; (c) the elimination from the 1951 agreement of what AEP terms "a constraint on equal sharing of savings associated with economy energy transactions among the parties"; and (d) the elimination from the 1951 agreement of a lag in cost recovery.

Notice of AEP's filing (under the heading of "Ohio Power Company") was issued May 8, 1975, with all protests, comments, or petitions to intervene due on or before May 21, 1975. On May 21, 1975 the Ormet Corporation filed a petition to intervene.

Our review of AEP's filing indicates that the proposed amendment has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the effectiveness of the proposed amendment for one day and establish hearing procedures to determine the justness and reasonableness of the proposed change in rates, terms, and conditions contained therein.

The Commission finds: (1) The proposed amendment, tendered by AEP on April 29, 1975, should be accepted for filing as of June 2, 1975, as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a proceeding pursuant to sections 205 and 206 to determine the reasonableness of the proposed amendment filed by AEP and that the proposed changes in rates, terms, and conditions proposed therein be suspended as hereinafter provided.

(3) Good cause exists to grant the Ormet Corporation's petition to intervene.

(4) The disposition of the proceeding ordered herein should be expedited in accordance with the procedure set forth below.

The Commission orders: (A) Pending a hearing and a decision thereon, AEP's proposed amendment, tendered on April 29, 1975, is accepted for filing, hereby suspended for one day, and the use thereof deferred until June 2, 1975, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on October 28, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the AEP's proposed amendment to its power pool agreement.

(C) On or before July 22, 1975, AEP shall serve its prepared testimony and exhibits concerning the proposed amendment. Any prepared testimony and exhibits of the intervening parties shall be served on or before September 16, 1975. Any prepared testimony and exhibits of the Commission Staff shall be served on or before September 30, 1975. Any rebuttal evidence by AEP shall be served on or before October 14, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) The petition to intervene filed by the Ormet Corporation is hereby granted.

(F) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14687 Filed 6-4-75;8:45 am]

[Docket No. G-8812, etc.]

CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES[1]

Applications

MAY 22, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-8812 ..... D5-12-75	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Four Isle Dome Field, Terrebonne Parish, La.	Nonproductive	.....
G-9341 ..... CF 4-16-75	Hunt Oil Co. (Operator), et al. (successor to Amoco Production Co.), 1401 Elm St., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Greenwood Waskom Field, Caddo Parish, La.	[2] 50.0 [2] 51.0	14.73 14.73
G-16388 ..... D 5-12-75	The Superior Oil Co.	United Gas Pipe Line Co., Four Isle Dome Field, Terrebonne Parish, La.	Nonproductive	.....
CI75-655 ..... (G-8818) F 12-30-74	Edwin L. Cox (successor to The California Co., a division of Chevron Oil Co.), 3800 First National Bank Bldg., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Charenton Field, St. Mary Parish, La.	[3] 50.86	15.025
CI75-665 ..... (CI68-1056) B 5-6-75	Forest Oil Corp., 1600 Security Life Bldg., 1616 Glenarm Pl., Denver, Colo. 80202.	El Paso Natural Gas Co., Linterna Field, Pecos County, Tex.	Depleted	.....
CI75-668 ..... (CI61-1011) (G-18628) F 5-12-75	Amoco Production Co. (successor to Coastal States Gas Producing Co. and American Petrofina Co. of Texas), P.O. Box 3092, Houston, Tex. 77001.	South Texas Natural Gas Gathering Co., Cano Field Area, Hidalgo County, Tex.	[4] 61.2108	14.65
CI75-669 ..... A 5-12-75	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Kansas-Nebraska Natural Gas Co., Inc., Gano number 1 Well and Hall number 1 Well, Pawnee County, Kans.	[5] 35.0	14.65

Filing code: A-Initial service.
B-Abandonment.
C-Amendment to add acreage.
D-Amendment to delete acreage.
E-Succession.
F-Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C175-670..... A 5-12-75	do.....	Kansas-Nebraska Natural Gas Co., Inc., Bowman "B" No. 1 Well, Pawnee County, Kans.	[1] 35.0	14.65
C175-671..... A 5-12-75	Perry R. Bass and Bass Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, Poker Lake No. 42 Area, Eddy County, N. Mex.	[1] 70.0	14.65
C175-673..... (C174-382) B 5-12-75	J-W Operating Co., 10303 Northwest Freeway, Suite 542, Houston, Tex. 77018.	Texas Eastman Transmission Corp., Provident City Field, Lavaca County, Tex.	Depleted	
C175-674..... (C160-152) B 5-13-75	Estate of H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	United Gas Pipe Line Co., West Pilgrim Church Field, Allen Parish, La.	Depleted	
C175-675..... (G-17837) B 5-13-75	do.....	El Paso Natural Gas Co., Amacker-Tippett Field, Upton County, Tex.	Depleted	
C175-676..... A 5-13-75	CIG Exploration, Inc., 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Badger Basin Field, Park County, Wyo.	[2] 64.1884	14.65
C175-677..... A 4-30-75	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	[1] 54.1511	14.65
C175-679..... A 5-13-75	Gas Producing Enterprises, Inc., 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Badger Basin Field, Park County, Wyo.	[2] 63.8222 [3] 71.6072	14.65 14.65
C175-680..... A 5-14-75	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	Texas Gas Transmission Corp., Eugene Island Block 342 Field, offshore Louisiana.	[4] [5] $1.15	15.025
C175-681..... A 5-15-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Northern Natural Gas Co., Sugg Ranch Area, Irion County, Tex.	[6] 68.5446	14.65
C175-682..... (G-2526) B 5-16-75	H. L. Hawkins, H. L. Hawkins, Jr., Suite 907, 225 Baronne St., New Orleans, La. 70112.	Southern Natural Gas Co., Epps Field, West Carroll Parish, La.	Depleted	

[1] Subject to upward and downward Btu adjustment.
[2] Rate for sales prior to Jan. 1, 1975.
[3] Rate for sales after Jan. 1, 1975.
[4] Includes 5.9773 cents per Mcf upward Btu adjustment.
[5] Subject to downward Btu adjustment.
[6] Includes 11.8751 cents per Mcf upward Btu adjustment and 1.5903 cents per Mcf tax adjustment.
[7] Rate for sales from the Frontier Sand; includes 1.5903 cents per Mcf tax adjustment and 11.5089 cents per Mcf upward Btu adjustment.
[8] Rate for sales from the Muddy-Dakota Sand; includes 1.5903 cents per Mcf tax adjustment and 19.3359 cents per Mcf upward Btu adjustment.
[9] Applicant is willing to accept a certificate in accordance with Section 2.56a of the Commission's General Policy and Interpretations.
[10] Includes 13.7089 cents per Mcf upward Btu adjustment.

[FR Doc.75-14536 Filed 6-4-75;8:45 am]

[Docket No. E-9448]

CITY OF MARTINSVILLE, VA. v. APPALACHIAN POWER CO.

Filing of Complaint

MAY 29, 1975.

Pursuant to § 2.1(a)(1)(I) of the Commission's regulations, notice is hereby issued of the filing of a complaint by the City of Martinsville, Virginia (Martinsville) in the above captioned docket.

Martinsville alleges that Appalachian Power Company (APCO) is billing it pursuant to two tariffs, requiring Martinsville to pay twice for its initial blocks of capacity, and that APCO is charging more than the actual fuel costs pursuant to the fuel cost adjustment clause in one of its tariffs.

We are forwarding a copy of this complaint to APCO, which shall have 30 days to answer it in writing. Upon receipt of the answer to this complaint, the Commission will take such additional action as may be necessary.

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 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14688 Filed 6-4-75;8:45 am]

[Docket No. E-9407]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Order

MAY 30, 1975.

On April 29, 1975, Columbus and Southern Ohio Electric Company (C&S) tendered for filing a proposed rate schedule which would supersede the provisions of the rate schedule contained in Docket No. E-8650. The changes would increase the rates to the City of Westerville, the City of Jackson, and the Village of Glouster in the amount of $826,425, based on the 12-month period ended December 31, 1974. C&S maintains that the additional revenue is needed to help offset increases in the cost of providing electric service as well as increases in the cost of facilities and capital required to provide such service.

C&S has requested a waiver of the filing requirements contained in § 35.13(b)(4)(i) and section 35(b)(5)(i) to permit it to make its proposed rate schedule effective June 1, 1975.

C&S' April 29, 1975 filing was noticed on May 8, 1975, with all comments, protests or petitions to intervene due on or before May 19, 1975. On May 19, 1975, the City of Westerville (Westerville) filed a petition to intervene and a protest in this proceeding. Westerville argues that the rate schedule will result in increased revenues in excess of $1 million and that C&S is therefore required to file Period II data under § 35.13(b)(4)(iii) of our regulations. Since C&S did not tender any Period II data Westerville argues that the filing should be rejected.

Upon a review of C&S' filing we conclude that the increase in revenues resulting from the proposed rate schedule will not result in an increase in excess of $1 million. The rates presently being charged by C&S to the customers affected by this rate filing are the rates subject to the pending proceeding in Docket No. E-8650. The difference in revenues between the Docket No. E-8650 rates and the rates herein proposed does not exceed $1 million. Our review of Westerville's petition indicates that it improperly compared the revenues resulting from the presently proposed rate schedule to the revenues resulting from the rates in effect prior to the effective date of the rates in Docket No. E-8650. We find therefore that the revenue increase resulting from the proposed rate schedule does not exceed $1 million and accordingly the filing requirements of Period II were voluntary for C&S.[1] We shall therefore deny Westerville's request to reject C&S' April 29, 1975 filing.

C&S' April 29, 1975 filing additionally includes a proposed fuel adjustment clause which C&S states conforms to the Commission's regulations as amended by Order No. 517. Upon a review of the proposed fuel clause, we are unable to determine if wholesale losses are appropriately accounted for in the computation of the adjustment factor.

Upon a review of the entire filing, we find that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the effectiveness of the filing for one day and establish hearing procedures to determine the justness and reasonableness of the filing.

With respect to C&S' request for a waiver of our regulations to give an effective date of June 1, we note that the U.S. Court of Appeals for the D.C. Circuit has held §§ 35.13(b)(4)(i) and 35.13(b)(5)(i) of our regulations to be an unlawful extension of the statutory 30-day waiting period.[2] We therefore need not waive

[1] *See* Order Clarifying Order No. 487, Docket No. R-463, issued October 21, 1974.
[2] *Indiana & Michigan Electric Co.* v. *F.P.C.*, 502 F. 2d 336 (D.C. Cir. 1974), *reh.* 502 F. 2d 343 (1974).

those regulations to permit C&S to place its increased rates into effect prior to the expiration of the 60 days required in those sections. Because we are suspending the effectiveness of C&S' April 29, 1975 filing for one day, we shall permit the rates therein to become effective June 2, 1975, subject to refund.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in C&S' proposed rate schedule filed in this docket and that the tendered rate schedule be suspended as hereinafter provided.

(2) It is desirable and in the public interest to permit Westerville to intervene.

(3) Good cause does not exist to grant Westerville's request to reject C&S' April 29, 1975 filing.

The Commission orders: (A) C&S' proposed rate schedule tendered herein on April 29, 1975, is suspended for one day, the use thereof deferred until June 2, 1975, and made subject to refund.

(B) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a public hearing for the purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in C&S' proposed rate schedule shall be held commencing on October 21, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(C) On or before September 9, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before September 23, 1975. Any rebuttal evidence by C&S shall be served on or before October 7, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(E) Westerville is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Westerville's request to reject C&S' filing is hereby denied.

(G) Nothing contained herein shall be construed as limiting the rights or parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14689 Filed 6-4-75; 8:45 am]

[Docket No. E-9154]

CONNECTICUT LIGHT AND POWER CO.

Filing of Supplemental Data

MAY 29, 1975.

Take notice that on May 8, 1975, Connecticut Light and Power Company (CL&P) tendered supplemental data intended to make complete its original filing of December 5, 1974. This action is in response to a letter of January 3, 1975, according to CL&P, issued by the Secretary of the Federal Power Commission.

This supplemental data includes:

1. Derivation of $71,258 Payment Set Forth in section 5(a).

2. Percentage Amounts Applicable under Carrying Charge Rate Set Forth in section 5(b)(1)-(6).

3. Capitalization and Cost Data Supporting Investment Return.

CL&P stated that it also rendered details of the summary of Investment and Carrying Charges with respect to the Black Pond-Totoket Segment of the 345 KV line.

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 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14690 Filed 6-4-75;8:45 am]

[Docket No. E-9453]

DUKE POWER CO.

Tariff Change

MAY 29, 1975.

Take notice that Duke Power Company (Duke) on May 21, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, Volume Nos. I-VI. Duke states that the proposed changes would increase revenues from jurisdictional sales and services by $23,648,753 based on the twelve-month period ending December 31, 1975. Duke proposes an effective dates of June 30, 1975.

Duke states that the reasons for the proposed changes are as follows. For the twelve months ending December 31, 1974, according to Duke, the Company earned a rate of return on its wholesale business of only 5.20 percent. Duke states that such a rate of return is considered inadequate and will not permit Duke to attract necessary capital on reasonable terms to provide reliable service to its customers. Duke states that the rates proposed in this filing would give Duke the opportunity to earn a rate of return more closely approaching that required to attract the necessary capital.

Duke states that copies of the filing were served upon the public utility's jurisdictional customers, the Southeastern Power Administration, the North Carolina Utilities Commission and the Public Service Commission of South Carolina.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 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.75-14691 Filed 6-4-75;8:45 am]

[Docket No. E-9449]

DUKE POWER CO.

Contract Supplement

MAY 29, 1975.

Take notice that Duke Power Company (Duke), on May 19, 1975, tendered for filing a supplement to Duke's Electric Power Contract with Union Electric Memberhsip Corporation (Union).

Duke states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 141.

Duke states that the only document submitted with this filing is Exhibit A, Delivery Point No. 5, dated May 29, 1973. Duke states that this is a new point of delivery made at request of the customer.

Duke states that the contract with the Rural Electric Cooperatives served by Duke provides for service at all delivery points, plus any new delivery points to be added in the future, in one contract. Duke states that this contract contains an "all requirements" provision, and there is no Contract Demand at any delivery point. Duke states that Exhibit A therefore shows only "designated kilowatts", "location" and other pertinent information. Duke states that when

the character of the service changes at a given Delivery Point, Exhibit A is superseded by A–1, A–2, etc.

Duke states that the date on which this document is to become effective is June 20, 1975.

Duke states that a copy of the Exhibit A has been mailed, and a copy of the transmittal letter will be mailed to Union.

Duke states that agreement between the parties has been obtained as evidenced by their signatures on Exhibit A.

Duke states that Attachment No. 1 is an estimate of sales and revenues for the 12 months immediately succeeding the effective date.

Duke states that to serve this new delivery point under this agreement, Duke proposes to tap the Clear Creek 100 KV transmission line, build approximately 3.2 miles of double-circuit 100 KV tap line and build a 100/44 KV substation where the customer requested a delivery.

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.75–14692 Filed 6–4–75;8:45 am]

[Docket No. CP73–334]

EL PASO NATURAL GAS CO.

Petition To Amend

MAY 29, 1975.

Take notice that on May 19, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP73–334 a petition to amend the Commission's order issued in said docket, pursuant to section 7(c) of the Natural Gas Act, on October 10, 1973 (50 FPC 1036), so as to authorize El Paso to conduct certain limited operational tests of its Rhodes Storage Reservoir and the associated storage facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

El Paso states that by orders issued August 7, 1973, and October 10, 1973 (50 FPC 500, 1036), the Commission issued El Paso a certificate of public convenience and necessity authorizing, inter alia, the construction and operation of certain additional facilities on its interstate system required for the reactivation and the injection into and withdrawal of gas from the Rhodes Reservoir, an underground storage area located in Lea County, New Mexico; and reactivation of the Rhodes Reservoir was thereby initiated for the protection of El Paso's east-of-California Priority 1 and 2 requirements. El Paso states further that the Principal facilities utilized for the Rhodes Reservoir storage operations consist of 35 injection/withdrawal wells, with appurtenances, 6.7 miles of small diameter pipeline, and 4,400 horsepower compressor and dehydration plant facilities.

El Paso states that due to favorable weather conditions, only on one occasion has it been necessary to withdraw 36,000 Mcf to prevent curtailment on east-of-California Priority 2 requirements. El Paso states further that the only other withdrawal was of 10,000 Mcf for the purpose of testing an existing well which had required workover. El Paso proposes to withdraw approximately 1,000,000 Mcf of gas for the test. Working gas in the Rhodes Reservoir is said to be 11,300,000 Mcf.

El Paso requests that the Commission amend its order of October 10, 1975 (50 FPC 1036), to permit utilization of the Rhodes Reservoir storage facilities for a period of approximately seven consecutive days to obtain data on maximum utilization of the facilities and subsequently to inject gas necessary to replace the volume withdrawn. El Paso states that the test will provide information regarding flow pressure, equipment operations, well characteristics, volume and pressure buildup, and reliability of the Rhodes Reservoir. El Paso further states that the gas withdrawn and injected will be utilized by and obtained from east-of-California Priority 5 customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–14693 Filed 6–4–75;8:45 am]

[Docket No. RP75–97]

HAMPSHIRE GAS CO.

Order

MAY 30, 1975.

On April 30, 1975, Hampshire Gas Company (Hampshire) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1.[1] The proposed changes represent an increase of $268,000 for storage service to its parent, Washington Gas Light Company under its cost of service tariff. Hampshire proposes an effective date of May 1, 1975.

Notice of the proposed increase was issued May 8, 1975, with comments, protests, and petitions to intervene due on or before May 22, 1975. To date, no such protests or petitions to intervene have been received.

The increase is based on changes in overall rate of return, from 8 percent to 9.25 percent, and an increase in the depreciation rate, from 3.5 percent to 5 percent. Hampshire also proposes to change the language relating to determining the interest deduction in calculating its Federal Income Tax allowance.

Our review of the filing indicates that the increase has not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. Hampshire has also not complied the notice provisions of the Natural Gas Act and the Commission's regulations, which provide that no rate shall be changed, except on thirty days notice to the Commission and the public. Hampshire has made no showing which would persuade us to grant waiver of this requirement. Accordingly, we shall accept Hampshire's tariff sheets for filing as if it had filed under the 30 day notice provisions, with a requested effective date of May 31, 1975, and suspend the use of the proposed tariff sheets for five months, until October 31, 1975, when they will be permitted to become effective, subject to refund, pending hearing and decision as to the justness and reasonableness of the rates contained therein.

Hampshire has also failed to file Statement P in support of its proposed rate increase, either together with its filing or within 15 days thereafter, as provided by the regulations. Our acceptance of these tariff sheets shall be conditioned on Hampshire's filing Statement P within 15 days of the issuance of this order.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Hampshire's FPC Gas Tariff as proposed to be amended herein.

(2) The revised tariff sheets filed herein should be accepted for filing and suspended for the full statutory period, subject to the condition as hereinafter ordered.

The Commission orders: (A) Hampshire's revised tariff sheets are hereby accepted for filing and suspended for five months, until October 31, 1975, when they shall be permitted to become effective, subject to refund, subject to the condition, however, that Hampshire shall file Statement P in support of its pro-

[1] First Revised Sheet Nos. 4 and 5.

posed increase within 15 days of the issuance of this order.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on September 30, 1975, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates and charges in Hampshire's FPC Gas Tariff as proposed to be amended herein.

(C) On or before September 2, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Company rebuttal evidence shall be filed on or before September 23, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14694 Filed 6-4-75;8:45 am]

[Docket No. RP75-98]

McCULLOCH INTERSTATE GAS CORP.

Order

MAY 30, 1975.

On April 30, 1975, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing a revised tariff sheet[1] to its FPC Gas Tariff, Original Volume No. 1. The proposed rate change would increase McCulloch's rate to Colorado Interstate Gas Company (CIG), McCulloch's sole jurisdictional customer, by 10.43¢ per MMBTU, based on McCulloch's straight volumetric allocation of its cost of service. The proposed effective date of such revised tariff sheet is June 1, 1975.

According to McCulloch, the changes proposed in the instant filing would increase annual revenues by approximately $398,458, based on actual operations for calendar year 1974, as adjusted for known and measurable changes through September 30, 1975. McCulloch states that the proposed increase is needed to cover increases in various components of its cost of service, as well as a "sharp reduction" in its jurisdictional natural gas deliveries. The proposed increase would permit the company to earn an overall rate of return of 9.84 percent, including 12.00 percent return on common equity, according to McCulloch.

[1] Sixth Revised Sheet No. 32.

Public notice of McCulloch's filing was issued on May 8, 1975, with comments, protests or petitions to intervene due on or before May 20, 1975. On May 20, 1975, CIG filed a Petition for Leave to Intervene, alleging that it has a substantial interest in this proceeding which will not be adequately represented by any other party herein. Good cause appearing, CIG's petition shall be granted, as hereinafter ordered.

Based on our review of McCulloch's proposed rate increase, including the documents, information and studies submitted therewith as required by the Commission's regulations, and the aforementioned petition to intervene, we find that the requested increase may be excessive or otherwise unlawful under the Natural Gas Act. Accordingly, the proposed increase shall be accepted for filing, suspended for the full statutory period, and set for hearing.

We note that McCulloch has included in the tariff sheet proposed herein costs associated with gas plant which is not in service at this time. Should these facilities not be certificated and in service by the end of the suspension period ordered herein, we shall require McCulloch to amend its filing to reflect exclusion of these costs.

The Commission finds: (1) Sixth Revised Sheet No. 32, tendered by McCulloch on April 30, 1975, should be accepted for filing and its use suspend for five ditioned.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in McCulloch's FPC Gas Tariff, as proposed to be amended in Docket No. RP75-98.

(3) Participation in this proceeding of Colorado Interstate Gas Company (CIG) may be in the public interest, provided that such participation is limited as hereinafter ordered.

The Commission orders: (A) McCulloch's tariff sheet proffered in Docket No. RP75-98 is accepted for filing and suspended for the full statutory period of five months until November 1, 1975, or until such time as it is made effective in the manner provided by the Natural Gas Act, subject to refund: provided, however, that before November 1, 1975, McCulloch shall file a substitute revised tariff sheet reflecting exclusion of costs associated with facilities which have not been certificated and placed in service as of November 1, 1975.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed in McCulloch's April 30, 1975 filing.

(C) On or before September 16, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before September 30, 1975. Company rebuttal shall be served October 14, 1975. Cross-examination of the evidence shall commence on October 28, 1975, at 10 a.m., prevailing local time, in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(D) Colorado Interstate Gas Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene, and *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14695 Filed 6-4-75;8:45 am]

[Docket No. E-9422]

MISSOURI UTILITIES CO.

Order Rejecting Proposed Rate Increase Filing

MAY 30, 1975.

On May 2, 1975, Missouri Utilities Company (Missouri) tendered for filing proposed changes in its wholesale electric power purchase agreement with the City of California, Missouri (California), which Missouri states would result in increased rates and charges in the amount of $112,372, or 45.34%, for the twelve months ended December 31, 1974. Missouri states that the last rate increase to California was solely the result of passing through a uniform general rate increase to all classes of service as authorized by the Missouri Public Service Commission and no attempt was then made to determine if the increased rate was adequate to recover all costs associated with supplying that service. Missouri further states that subsequent cost studies indicate that the rate presently in effect for California is not sufficient to recover the costs associated with supplying it service. Missouri therefore contends that its present filing is necessary to generate the revenue needed to cover the costs incurred in providing service to California.

In addition to increasing the rates and charges for service to California, Missouri proposed to incorporate in the purchase agreement a fuel adjustment clause. Missouri requests a proposed effective date of June 1, 1975.

Missouri's May 2, 1975 filing was noticed on May 8, 1975, with any comments, protests or petitions to intervene due on or before May 19, 1975. On May 20, 1975, the City of California filed an untimely protest.

Upon review of Missouri's instant filing and the currently effective contract between Missouri and California we are compelled to reject Missouri's May 2, 1975 filing under the *Mobile-Sierra*[1] doctrine. Article IX, Section 1 of the 1954 Missouri-California agreement provides that the:

> term of this agreement is for five (5) years beginning on the day when power and energy is first delivered hereunder by the Company to the Board [of the City of California] and ending five years from that date (referred to as 'Primary Period') and thereafter from year to year (referred to as 'Yearly Period') unless and until terminated by either party giving twelve (12) months' written notice prior to the expiration of primary period or of any yearly period thereafter.

There is nothing in the record to indicate that either Missouri or California has given the other party a twelve month notice of termination of the contract. The contract and its terms is therefore still in effect and binding on the parties. Section 2 of Article IX of this binding contract provides:

> Due to unforeseen conditions relative to power costs which may change from time to time, or at any time, during the term of this contract, rates, terms and provisions herein may be reviewed and revised *by mutual consent of parties hereto*, subject, always, to the approval of the Public Service Commission of the State of Missouri. (emphasis supplied)

Missouri has not presented this Commission with any information indicating that California has assented to the proposed rate increase. Indeed the City of California has filed a formal protest to the proposed increase. In view of the lack of any indication of mutual agreement on the proposed increase and the fact that the contract has not been terminated, this Commission is precluded from accepting the rate increase for filing. We shall therefore reject Missouri's May 2, 1975 filing.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that Missouri's filing of May 2, 1975 in this docket be rejected.

The Commission orders: (A) Missouri's May 2, 1975 filing incorporating proposed changes in its agreement with California, which would increase the charges to that customer, is hereby rejected.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14696 Filed 6-4-75;8:45 am]

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[Docket No. RI75-40]

MOBIL OIL CORP.

Order

MAY 30, 1975.

On February 28, 1975, we issued an order setting the captioned proceeding for hearing to determine the just and reasonable rate that Mobil should be allowed to collect for its working interest in natural gas produced from the Livingston Gas Unit No. 1820 and the Texaco-Kincheloe No. 1 Unit located in Hamilton County, Kansas, and sold to Kansas-Nebraska Gas Company, Inc. (Kansas-Nebraska).[1] In an order issued April 1, 1975, we rejected Mobil's contention that it should be granted the same relief as LVO Corporation in Docket No. CI74-19 and we therefore denied reconsideration of our February 28, 1975 order in the captioned docket.

On April 14 and 15, 1975, the Commission Staff conducted an extensive field audit of Mobil's books and records at its offices in Oklahoma City, Oklahoma. Representatives of Mobil and Staff then met in an informal conference on April 28, 1975, to discuss the possibility of a settlement in this proceeding.

As a result of these discussions, Mobil filed a Settlement Proposal pursuant to § 1.18 of the Commission's rules of practice and procedure on May 9, 1975, which, inter alia, provides for a rate of 25.6 cents per Mcf for its interest in the natural gas produced from the aforementioned gas units. While Mobil originally filed for relief pursuant to Section 2.76 of the Commission's Statements of General Policy and Interpretations,[2] in its Settlement Proposal it now seeks special relief pursuant to the provisions of Opinion No. 587.[3] On May 15, 1975, Staff filed a Statement In Support Of Settlement Proposal in Docket No. RI75-40 which included a unit cost of gas study for the units in question that indicates that a rate of 25.6 cents per Mcf at 14.65 psia is justified herein.

Notice of Mobil's Settlement Proposal was issued on May 15, 1975, and appeared in the FEDERAL REGISTER on May 22, 1975 at 40 FR 22314. The period for filing comments expired on May 28, 1975.

We find that good cause exists to accept Mobil's settlement proposal, grant the relief therein requested, cancel the hearing set in Docket No. RI75-40, and terminate the proceedings.

[1] Mobil filed an amendment dated July 31, 1974, to its April 1, 1963, base contract with Kansas-Nebraska, which was designated as Supplement No. 8 to its FPC Gas Rate Schedule No. 340. The price provision therein allowed Mobil to collect the 35 cents per Mcf rate sought in its original petition for special relief filed in Docket No. RI75-40 on September 30, 1974.

[2] *Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices*, Order No. 481, Docket R-458, 49 F.P.C. 992 (issued April 12, 1973), 18 CFR 2.76 (1974).

[3] Area Rate Proceeding, *et al.*, Hugoton-Anadarko Area, Docket No. AR64-1, *et al.*, 44 FPC 761 (1970).

The Commission orders: (A) The "Settement Proposal" submitted to the Commission by Mobil on May 9, 1975, in Docket No. RI75-40 is hereby approved.

(B) Mobil is allowed to collect 25.6 cents per Mcf at 14.65 psia for its interest in sales of natural gas to Kansas-Nebraska from the Livingston Gas Unit No. 1820 and the Texaco-Kincheloe Unit No. 1, located in Hamilton County, Kansas.

(C) Within thirty days of the date of issuance of this order, Mobil shall file a notice of change in rate to 25.6 cents per Mcf for the subject sales in accordance with Part 154 of the Commission's regulations.

(D) Upon notification by the Secretary of the Commission that the terms and conditions of this order have been complied with, the rate of 25.6 cents per Mcf specified in Ordering Paragraph (B) above, will become effective as of the date of issuance of this order.

(E) The hearing set for June 2, 1975, in Docket No. RI75-40 is canceled and the proceeding in Docket No. RI75-40 is terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14697 Filed 6-4-75;8:45 am]

[Docket No. CP73-289]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

MAY 29, 1975.

Take notice that on May 12, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-289 a petition to amend the order of the Commission issued on December 10, 1973 (50 FPC 1850), pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the operation of an additional exchange point between Petitioner and Texas Eastern Transmission Company (Texas Eastern) under an amendment to the gas exchange agreement of November 17, 1972, all as more fully set forth in the petition which is on file with the Commission and open for public inspection.

The petition states that Petitioner would deliver up to 15,000 Mcf of gas per day from the Big Mama Field Area, in Polk and Trinity Counties, Texas, purchased from its subsidiary, NAPECO, Inc., to Texas Eastern at the proposed exchange point in Polk County, Texas, consisting of a tap connection. Petitioner would accept redelivery at an existing interconnection in Brazoria County, Texas, from Texas Eastern.

The petition states that Petitioner's nearest existing gas facility is approximately 9½ miles from the area of gas production in the Big Mama Field, whereas Texas Eastern's nearest existing facility is approximately 2 miles from the gas production area. Petitioner further states that the proposed exchange will provide additional gas re-

serves for Petitioner. Petitioner does not request authorization for the construction of additional facilities but states that the necessary facilities would be constructed pursuant to authorization in Docket No. CP75-161. Petitioner further states that no monetary compensation is provided for in said exchange agreement, and that this is a straight gas-for-gas exchange.

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, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14698 Filed 6-4-75;8:45 am]

[Docket Nos. RP71-125; RP74-96; PGA75-10]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting for Filing and Suspending Proposed PGA Rate Increase

MAY 30, 1975.

On April 16, 1975, as amended by filing of April 21, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing a purchase gas cost adjustment increase[1] of 0.94¢ per Mcf to track increases in producer supplier purchase gas costs and a revised surcharge of 1.04¢ per Mcf to amortize the balance in the deferred purchased gas accounts. Natural proposes to make the increase effective June 1, 1975.

Natural's filing was noticed on April 22, 1975, with protests, comments, or petitions to intervene due on or before May 8, 1975. On May 5, 1975, the Iowa State Commerce Commission filed a notice of intervention.

Our review of Natural's proposed PGA rate increase indicates that it is based in part upon small independent producer and emergency purchases at a rate in excess of the rate levels established by Opinion No. 699-H.[2] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Natural's April 16, 1975 filing as amended on April 21, 1975, and suspend it for one day to become effective June 2, 1975, subject to refund.

With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness for small producer purchases.[3] As to the emergency purchases, we note that the U.S. Circuit Court of Appeals for the D.C. Circuit has recently set aside order No. 491, et al.[4] holding that the Commission exceeded its authority under the Natural Gas Act.[5]

Further review of Natural's April 16, 1975 filing as amended April 21, 1975, indicates that the claimed increased costs other than those increased costs associated with that portion of the small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, Natural may file a substitute sheet to become effective June 1, 1975, reflecting increased costs other than those increased costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the proposed filing submitted by Natural on April 16, 1975 as amended on April 21, 1975, be accepted for filing, suspended and permitted to become effective June 2, 1975, subject to refund pending further Commission order in this docket.

(2) The claimed increased costs other than those increased costs associated with that portion of emergency and small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

(3) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the base rates included in Natural's April 16, 1975 filing, as amended on April 21, 1975, should remain subject to refund in Docket No. RP74-96.

(4) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Natural be permitted to file a revised tariff sheet to become effective June 1, 1975, reflecting increased costs other than those increased costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H.

The Commission orders: (A) Natural's proposed PGA increase submitted on April 16, 1975, as amended on April 21, 1975, is hereby accepted for filing, suspended, and permitted to become effective, subject to refund, on June 2, 1975, pending further Commission order in this docket.

(B) The claimed increased costs other than those increased costs associated with that portion of emergency and small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H are hereby approved.

(C) The base rates included in Natural's April 16, 1975 filing, as amended on April 21, 1975, are subject to refund in Docket No. RP74-96.

(D) Natural may file within twenty days of the issuance of this order, a revised tariff sheet to become effective June 1, 1975, reflecting increased costs other than those increased costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14699 Filed 6-4-75;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order

MAY 30, 1975.

On March 3, 1975, Nevada Power Company (Nevada) tendered for filing a notice of cancellation of wholesale service[1] to California-Pacific Utilities Company (Cal-Pac) at Henderson, Nevada, to become effective as of June 1, 1975. In its notice of cancellation, Nevada stated that the reason for termination is its inability to attract capital to support its sales to Cal-Pac at Henderson. Included

[1] Twenty-Third Revised Sheet No. 5 to FPC Gas Tariff, Third Revised Volume No. 1.

[2] Docket No. R-389-B, Issued June 21, 1974.

[3] *F.P.C. v. Texaco, Inc.*, 417 U.S. 380 (1974).

[4] Order No. 491, 50 FPC 742 (1973); Order No. 491-A, 50 FPC 848 (1973); Order No. 491-B, 50 FPC 1463 (1973); Order No. 491-C, 50 FPC 1634 (1973).

[5] *Consumer Federation of America, et al. v. F.P.C.*, (D.C. Cir., Docket No. 73-2009, issued March 13, 1975).

[1] Nevada power service is rendered pursuant to FPC Rate Schedule No. 2, Supplement No. 9. Nevada proposes to cancel FPC No. 2.

in this filing was a copy of a letter dated May 24, 1974, to Cal-Pac giving notice of Nevada's intention to cancel service as of June 1, 1975, pursuant to the notice requirements contained in the contract between the parties.

Notice of the March 3, 1975, filing was issued on March 18, 1975, with comments, protests, or petitions to intervene due on or before May 1, 1975. Subsequently, Cal-Pac filed a motion to intervene within the prescribed period. Cal-Pac resisted the notice of cancellation of service at Henderson, Nevada and moved that Nevada's tendered filing of March 18, 1975, be rejected for not conforming with the terms of § 35.15 of the Commission's regulations under the Federal Power Act. Cal-Pac contends the above-mentioned section relates to the cancellation of a rate schedule that has not been or is not to be replaced, but that Nevada's service will be continued pursuant to superseding rate schedules filed with the Commission in Docket Nos. E-8721 and E-9104, which by their terms provide for the continuation of service beyond May 31, 1975, the termination date of the contract.

Cal-Pac also contends that Nevada has a continuing obligation to render service consistent with the contract terms and that should Nevada desire to terminate service, it must demonstrate that the public interest will be promoted, which it has failed to do.

Nevada Power Company subsequently filed on May 9, 1975, an answer opposing Cal-Pac's motion to strike their tendered notice of cancellation. Nevada responded that it has not obligated itself to provide continuing service; but rather, has filed only superseding rates and charges in Docket Nos. E-8721 and E-9104. It contends that those rate filings do not serve to replace or affect the terms of the contract apart from the rates or the contractual rights regarding cancellation. Instead, Nevada has sought, it contends, only to collect compensatory rates during that period when the contract remained in effect and prior to the intended cancellation. Moreover, Nevada states that no extension of the basic contractual period was effected by the terms of new rate schedules, which were directed strictly at the rates and charges.

Cal-Pac's April 21, 1975, motion to strike Nevada's tender of notice of proposed cancellation has been reviewed and must be denied insofar as it urges the Commission to reject the March 3, 1975, filing of Nevada. Nevada asserts that it does indeed intend to not replace the current effective rate schedule when the contract expires; and, therefore, it satisfies the terms of § 35.15, wherein it is required that "no new rate schedule or part thereof is to be filed . . ." to replace the cancelled or terminated instrument.

However, our review of Nevada's notice of cancellation indicates that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we will accept for filing and suspend the operation of Nevada's notice of cancellation for five months and defer the use of it until November 1, 1975. We shall also order a hearing to determine whether such notice of termination is just and reasonable.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308 and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of Nevada's notice of cancellation referred to above.

(2) Good cause exists to deny the April 21, 1975, motion of Cal-Pac to strike or reject Nevada's notice of cancellation.

(3) Good cause exists to accept for filing and suspend the notice of termination referred to above for five months.

(4) The disposition of proceeding should be expedited in accordance with the procedures set forth below.

The Commission orders: (A) Pursuant to the Authority of the Federal Power Act, particularly sections 205, 206, 307, 308 and 309, the Commission's rules of practice and procedure, and the regulation under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held August 5, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the lawfulness of Nevada's notice of cancellation referred to above.

(B) Cal-Pac's April 21, 1975, motion to strike or reject the March 5, 1975, filing of notice of cancellation by Nevada is hereby denied.

(C) Nevada's notice of cancellation referred to above is hereby accepted for filing, suspended and the use thereof deferred until November 1, 1975.

(D) On or before June 24, 1975, Nevada shall serve prepared testimony and exhibits which justify its notice of termination. On or before July 15, 1975, Staff and other interested parties shall serve their testimony and exhibits in the matter. On or before July 28, 1975, Nevada shall serve any rebuttal testimony and exhibits.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14700 Filed 6-4-75;8:45 am]

[Docket Nos. E-9140; E-9136]

NEW ENGLAND POWER CO.

Order

MAY 30, 1975.

On November 29, 1974, New England Power Company (NEPCO) filed a proposed R-9 rate increase of approximately $25 million annually, based on the year 1975. By order issued December 31, 1974, we ordered a five month suspension of the proposed increase and set the matter for hearing.

On May 1, 1975, NEPCO filed for a revision of their proposed R-9 tariff rate design to accomodate the non-affiliated customers of NEPCO. NEPCO stated that this revised R-9 rate was not to be construed as any concession that the original R-9 rate design was improper or undesirable but rather as a concession to the wishes of their non-affiliated customers. A comparison of the pro forma 1974 revenues under the proposed and revised R-9 rates submitted by NEPCO shows a net revenue increase of only $664,325 out of $450,214,757 total revenues. Yet while having minimal effect on the overall revenue increase, the revised rate design increases the energy charge from 2.1 mills to 6.1 mills/Kwh, and decreases the proposed demand charge from $7.69 per KW/month to $5.72 KW/month.

Notice of the revised R-9 tariff was issued on May 14, 1975, with responses due on or before May 27, 1975. No responses were received. Our review of NEPCO's filing indicates that good cause exists, pursuant to § 35.17 of the Commission's regulations, to accept for filing the proposed changes in NEPCO's suspended R-9 rate.

On November 26, 1974, NEPCO submitted an amendment to its Integrated Facilities agreement with Narragansett Electric Company (Narragansett) providing for the credits for fossil fuel for generation costs to be billed on a current-month basis instead of the present one-month lag basis. All of Narragansett's generation and transmission facilities are integrated with NEPCO's system, and NEPCO provides full service requirements to Narragansett under its electric tariff. NEPCO credits Narragansett monthly with the fixed charges on Narragansett's generation and transmission facilities plus operating costs.

On December 31, 1974, we issued an order, in Docket No. E-9136, suspending NEPCO's proposed amendment for five months and consolidating it with the proceedings in Docket No. E-9140.

On April 28, 1975, NEPCO submitted for filing a supplemental agreement between it and Narragansett providing for the recovery of fuel costs Narragansett would otherwise lose in switching from a one-month lag to current-month billing. The proposed agreement was requested to be effective on June 1, 1975. Such fuel costs lost, or "lag revenues", are a consequence of NEPCO's amendment filed November 26, 1974, and are estimated by NEPCO to be the difference between Narragansett's August, 1967, fuel cost of $472,025 and its May, 1975,

fuel costs of $1,831,500, or a $1,359,475 difference. This is proposed to be recovered over a two month period beginning with the month in which the contract becomes effective.

Notice of the supplemental agreement with Narragansett was issued on May 8, 1975, with responses due on or before May 21, 1975.

On May 21, 1975, a protest and petition to intervene was jointly filed by the NEPCO Consumer Rate Committee, 25 municipal electric plants, the Manchester Electric Company, and the New Hampshire Electric Cooperative, Inc. The intervenors protest the proposed contract between NEPCO and Narragansett filed by NEPCO on April 28, 1975, and request that the agreement be suspended, and the matter consolidated with the disposition of NEPCO's proposed revision of Rate R–9.

The intervenors state that the agreement could increase the revenue requirements of NEPCO by an amount in excess of $1,000,000 which would directly and substantially affect petitioners. Intervenors state that said agreement will have direct impact on the earnings of NEPCO under its R–9 rate because the lump sum payment proposed to be credited Narragansett on June 1, 1975, will be made during the test period and during the effectiveness of that rate.

Our review of the proposed Supplemental Facilities agreement indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall, therefore, accept the proposed agreement for filing, suspend its effect for one day, and set the matter for hearing. Furthermore, since certain issues of law and fact raised in NEPCO's proposed agreement are substantially the same as those in Docket Nos. E–9136 and E–9140, it is appropriate that these proceedings be consolidated for purposes of hearing and decision.

The Commission finds: (1) Good cause exists to grant NEPCO's request, filed May 1, 1975, to amend the suspended R–9 rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in NEPCO's proposed Supplemental Facilities agreement, filed herein on April 28, 1975, and that the proposed agreement be suspended as hereinafter ordered.

(3) Good cause exists for consolidation of the investigation of NEPCO's proposed Supplemental Facilities agreement, filed April 28, 1975, with Docket Nos. E–9140 and E–9136.

(4) The procedural dates established in Docket Nos. E–9140 and E–9136 shall be the procedural dates in the instant filing.

(5) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

The Commission orders: (A) NEPCO's application of May 1, 1975, for a revised R–9 tariff rate is hereby accepted for filing to become effective June 1, 1975, the end of the original suspension period.

(B) Pending a hearing and decision thereon, NEPCO's application for its proposed agreement with Narragansett to recover lag revenues, is hereby suspended for one day, and permitted to become effective June 2, 1975, subject to refund.

(C) NEPCO's application for its proposed agreement to recover lag revenues, is hereby consolidated in the related matter of Docket Nos. E–9140 and E–9136 with procedural dates as established therein to govern.

(D) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the petition to intervene.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–14701 Filed 6–4–75;8:45 am]

[Docket No. E–7777; Phase II]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Procedural Dates

MAY 29, 1975.

On April 21, 1975, the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara, and Ukiah, California (Cities) filed a motion to extend the procedural dates fixed by order issued March 14, 1974, as most recently modified by notice issued March 25, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Cities & Northern California Power Agency, Testimony, July 29, 1975.
Service of Company, Rebuttal, September 30, 1975.
Hearing, October 14, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–14702 Filed 6–4–75;8:45 am]

[Docket No. CI75–689]

RHONDA OPERATING CO.

Application

MAY 29, 1975.

Take notice that on May 14, 1975, Rhonda Operating Company (Applicant), Suite 140, Central Building, Midland, Texas 79701, filed in Docket No. CI75–689 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale from Applicant's Signal-State 29 Lease and Signal-State 30 Lease, Tobac Field, Chaves County, New Mexico, to Cities Service Oil Company (Cities Service), all as more fully set forth in the application which is on file with the Commission and open to public convenience.

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, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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.75–14703 Filed 6–4–75;8:45 am]

[Docket No. CS75–469, etc.]

"SMALL PRODUCER" CERTIFICATES

Applications

MAY 30, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June

26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS75-469	May 2, 1975	MK Oil and Gas, Inc., 3550 Dresser Towers, Houston, Tex. 77002.
CS75-470	May 6, 1975	Texas Oil & Gas Corp., et al., 2700 Fidelity Union Tower, Dallas, Tex. 75201.
CS75-471	May 8, 1975	American Petro-Nuclear Corp., et al., 715 Alamo National Bldg., San Antonio, Tex. 78205.
CS75-472	May 9, 1975	M D R, Inc., 4520 East Gilbert, Wichita, Kans. 67218.
CS75-473	do	Clovelly Oil Co., Inc., Suite 1620, 225 Baronne St., New Orleans, La. 70112.
CS75-474	May 6, 1975	Edna Lou Robinson, et al., 6705 East Ridge Dr., Shreveport, La. 71106.
CS75-475	do	William Scully, P.O. Box 489, Beatrice, Nebr. 68310.
CS75-476	do	R. R. Herrell, P.O. Box 1688, Midland, Tex. 79701.
CS75-477	May 8, 1975	Lawrence Earl Wilsey, 619 Cravens Bldg., Oklahoma City, Okla. 73102.
CS75-478	May 9, 1975	Thomas Petroleum, P.O. Box 293, Boulder, Colo. 80302.
CS75-479	do	CanDel Oil (U.S.) Inc., 330-5 Avenue SW., Calgary, Alberta, Canada T2P 0L4.
CS75-480	May 12, 1975	H. Blume Johnson, P.O. Box 5549, Bossier City, La. 71010.
CS75-481	May 13, 1975	Jim Conine, Inc., 402 1st National Bank Bldg., Midland, Tex. 79701.
CS75-482	May 14, 1975	Renaissance Resources Inc., Suite 203, 6707 Elbow Drive, SW., Calgary, Alberta T2V 0E5, Canada.
CS75-483	do	Helbing and Podpechan, P.O. Box 540, Claremore, Okla. 74017.
CS75-484	do	Claro, Inc., P.O. Box 2411, Amarillo, Tex. 79105.
CS75-485	May 15, 1975	Domestic Energy Company, Inc., 601 Denver Club Bldg., Denver, Colo. 80202.
CS75-486	do	Wm. H. Lambdin, 3315 Northwest 63d St., Oklahoma City, Okla. 73116.
CS75-487	do	Richard L. Pickens, 3315 Northwest 63d St., Oklahoma City, Okla. 73116.
CS75-488	do	Paine, Caviness & Hefner, P.O. Box 1718, Carlsbad, N. Mex. 88220.
CS75-489	May 16, 1975	R. Clay Underwood, P.O. Box 296, Liberal, Kans. 67901.
CS75-490	May 19, 1975	St. Joe Petroleum (U.S.) Corp., 250 Park Ave., New York, N.Y. 10017.
CS75-491	do	McDermott & Sons, 111 West Monroe St., Chicago, Ill. 60603.
CS75-492	do	Charles C. Loveless, Jr., P.O. Box 566, Roswell, N. Mex. 88201.
CS75-493	do	W. W. Burks, III, P.O. Box 51524, OCS, Lafayette, La. 70501.
CS75-494	do	Colin R. McMillan, 714 Petroleum Bldg., Roswell, N. Mex. 88201.
CS75-495	do	Burnell H. Richards, P.O. Box 2403, Orcutt, Calif. 93454.
CS75-496	May 20, 1975	Davis & Prunty Gas Co., R.F.D. No. 2, Harrisville, W. Va. 26362.
CS75-497	May 19, 1975	Walter B. Sirera, III, P.O. Box 51524, OCS, Lafayette, La. 70501.
CS75-498	May 21, 1975	Julian Ard, P.O. Box 2361, Midland, Tex. 79701.
CS75-499	May 22, 1975	A. A. Seeligson, Jr., 1604 NBC Bldg., San Antonio, Tex. 78205.
CS75-500	do	Gasanadarko, Ltd., 2601 Northwest Expressway, Suite 300, Oklahoma City, Okla. 73112.

[FR Doc.75-14711 Filed 6-4-75;8:45 am]

[Docket No. E-9418]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Order

MAY 30, 1975.

On May 1, 1975, South Carolina Electric and Gas Company (SCE&G) tendered for filing a revised Rate Schedule WR [1] increasing the rate for wholesale electric service to three municipalities, five rural electric cooperatives, and one public power body. The proposed revised Rate Schedule WR would provide SCE&G an increase in revenues of $586,797 based upon the twelve months ending May 31, 1975.

SCE&G states that the proposed rate will enable the Company to have the opportunity to earn from this service a rate of return more nearly appropriate to that required to attract the necessary amounts of capital which must be available to SCE&G if it is to continue to provide adequate service to its customers.

An examination of SCE&G's proposed rate indicates that the demand charges are: (1) first 200 kW of billing demand for $1,024 and (2) excess over 200 kW at $4.18 per kW. The minimum monthly charge is $1,024. Billing demand is subject to an 80%, 11 month ratchet. The discount provision for service supplied at 46 kV or higher is 25¢ per kW of billing demand. The fuel clause conforms to Commission Order No. 517, issued November 13, 1974; and it has a base of 12.422 mills per kWh. The overall rate of return sought based on Period II is at least 9.70 percent.

Notice of SCE&G's filing was issued on May 12, 1975, with protests and petitions to intervene due on or before May 20, 1975.

Saluda Electric Cooperative, Inc., Berkeley Electric Cooperative, Inc., Little River Electric Cooperative, Inc., and Broad River Electric Cooperative, Inc. (Co-ops) filed a joint Petition For Leave To Intervene and For Other Relief. The City of Orangeburg, South Carolina (Orangeburg) filed a similar petition. Both petitions were filed on May 19, 1975.

Both petitions have raised the "price squeeze" issue in the following paragraph:

> 5. The proposed increased rates will have the effect of increasing the cost of electricity to Co-ops (or Orangeburg) above the level of SCE&G's retail industrial rate, with concomitant injury to competition at the retail level and grave disadvantage to Co-ops (or Orangeburg) in seeking to serve large retail customers. This disparity is both offensive to the antitrust laws and policies of the United States and unjust, unreasonable, and unduly discriminatory within the meaning of Sections 205 and 206 of the Federal Power Act, and should not be permitted.

As we have noted in the past [2] our jurisdiction is limited to setting wholesale rates which must be designed to recover fully allocated wholesale costs. To establish wholesale rates upon the basis of retail rate levels would constitute the exercise of our jurisdiction on the basis of events and regulatory affairs over which we have no control. Retail rates, and the accounting and ratemaking principles underlying such are under the exclusive jurisdiction of the appropriate state regulatory agency. The Federal Power Act does not grant us authority to fashion relief on the basis of retail rates. Petitioners would have us investigate and remedy differences in two rates, both of which are subject to the jurisdiction of the state commission, while neither is subject to this Commission's jurisdiction. For these reasons, the participation of Co-ops and Orangeburg in this proceeding shall be limited so as to exclude the "price squeeze" issue. We note further that on April 4, 1975, in an unrelated proceeding the United States Court of Appeals for the District of Columbia Circuit in Conway Corp. v. F.P.C., ____ F.2d ____ (D.C. Cir. No. 73-2257), reversed a Commission disclaimer of jurisdiction over alleged wholesale-retail customer "price squeeze" similar to that alleged in the instant proceeding. However, on May 1, 1975, that Court stayed the mandate in that decision until

[1] Contained in Third Substitute Sheet No. 5 of South Carolina Electric and Gas Company's FPC Electric Tariff, Original Volume No. 1.

[2] See *Wisconsin Power and Light Company*, Docket No. E-9198, Order issued February 19, 1975.

June 25, 1975, upon motion of this Commission to allow time to seek certiorari. Consequently, it would be premature at this time to treat Conway as final.[3]

Our review indicates that the proposed revised Rate Schedule WR has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for the full statutory period of five months until November 1, 1975, and establish procedures and provide for a hearing to determine the justness and reasonableness of the proposed revised Rate Schedule WR.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rate contained in SCE&G's rate increase application filed on May 1, 1975.

(2) Good cause exists to accept for filing and to suspend SCE&G's proposed revised tariff sheet for five months, to become effective November 1, 1975, subject to refund.

(3) Good cause exists to allow the interventions of the Co-ops and Orangeburg as hereinafter limited.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on October 29, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the lawfulness of the rate contained in SCE&G's rate increase application filed May 1, 1975.

(B) On or before September 5, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before September 26, 1975. Any rebuttal evidence by SCE&G shall be served on or before October 17, 1975.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(D) Pending a hearing and a decision thereon, SCE&G's proposed rate, tendered on May 1, 1975, is accepted for filing, and suspended for five months, the use thereof deferred until November 1, 1975, when the revised rates shall become effective, subject to refund.

(E) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene with the exception of paragraph number five; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14704 Filed 6-4-75;8:45 am]

[Docket No. RP75-73]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Untimely Petitions To Intervene

MAY 29, 1975.

On March 14, 1975, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing proposed changes in its FPC Gas Tariff[1] to provide for a rate increase in jurisdictional revenues of approximately $103,200,000 annually.

Public notice of Texas Eastern's filing was issued on March 19, 1975, with comments, protests, and petitions to intervene due on or before April 2, 1975. Untimely petitions to intervene were received from the following parties:

Illinois Commerce Commission
Central Hudson Gas & Electric Corporation
Public Service Commission of the State of New York

After review of each of these petitions to intervene, we believe that participation in this proceeding by each petitioner may be in the public interest. Accordingly, each petition shall be granted.

The Commission finds: Participation in this proceeding of the above-named parties may be in the public interest.

The Commission orders: (A) The above-named parties are permitted to intervene in this proceeding subject to the rules and regulations of the Commission and the procedures set forth in the Commission order of April 30, 1975, *Provided, however,* That participation of said intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene, and *Provided, further,* The admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14705 Filed 6-4-75;8:45 am]

[Docket No. RI75-140]

TEXAS PACIFIC OIL COMPANY, INC.

Order

MAY 29, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[3] See *Public Service Company of Indiana,* Docket Nos. E-8586 and E-8587, Order Denying Reconsideration, issued May 16, 1975, and *Virginia Electric and Power Company,* Docket No. E-9147, Order Deferring Action on Petition for Reconsideration, issued May 16, 1975.

[1] See our order issued April 30, 1975, in this docket for listing of tariff sheets affected by the March 14, 1975, filing.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate[1]	
RI75-140	Texas Pacific Oil Co., Inc.	65	11	El Paso Natural Gas Co. (Texas) (Permian Basin).	$6,988	5-1-75		11-1-75	47.2301	48.3053	RI75-80

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable Btu adjustment and tax.

The proposed rate increase of Texas Pacific exceeds the applicable area ceiling rate prescribed in Opinion No. 662 and is suspended for five months.

[FR Doc.75-14712 Filed 6-4-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPELINE CORP.

Order Granting Interventions

MAY 29, 1975.

On March 14, 1975, the Transcontinental Gas Pipeline Corporation (Transco) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Notice of Transco's filing was issued by the Commission on March 19, 1975, with protests and petitions to intervene due on or before April 2, 1975.

An untimely petition to intervene was filed by the Gas Section, Georgia Municipal Association. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant interventions.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14706 Filed 6-4-75;8:45 am]

[Docket No. RP75-30]

UNITED GAS PIPE LINE CO.

Order Granting Late Petition To Intervene

MAY 29, 1975.

On November 4, 1974, United Gas Pipe Line Company (United) tendered for filing proposed changes in its FPC Gas Tariff. United's filing was noticed on November 8, 1974, with all comments, protests or petitions to intervene due on or before November 25, 1974. By order issued December 19, 1974, the Commission accepted United's tariff changes for filing and suspended the proposed increase until May 20, 1975.

On May 5, 1975, Louisiana Power & Light Company (LP&L) filed a petition to intervene in this proceeding. In support of its petition LP&L states that its agreement with United for transporting nautral gas from the Antioch Field, Claiborne Parish, Louisiana, to LP&L's Starlington Steam Electric Station, will be subject to an increased cost of service under the filed tariff. LP&L further points out that the Commission on April 2, 1975, issued a notice extending the procedural dates in this proceeding and LP&L's intervention will not, therefore, adversely effect any party.

The Commission finds: Participation by LP&L in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission, *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14707 Filed 6-4-75;8:45 am]

[Docket Nos. RP73-94; PGA75-2]

VALLEY GAS TRANSMISSION, INC.

Purchased Gas Cost Adjustment Filing

MAY 22, 1975.

Valley Gas Transmission, Inc. (Valley), on May 16, 1975, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 1 its proposed "Fourth Revised Sheet No. 2A". The proposed effective date is July 1, 1975.

Valley states that this tariff sheet is filed pursuant to its purchased Gas Cost Adjustment Provision. The proposed adjustments are supported by calculations of purchased gas costs and volumes attached to the filing.

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 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 the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14708 Filed 6-4-75;8:45 am]

[Docket Nos. E-9420; E-9421]

YANKEE ATOMIC ELECTRIC POWER CO. AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Order

MAY 30, 1975.

On May 1, 1975, Yankee Atomic Electric Power Company (Yankee) for filing a proposed rate increase to ten of its eleven owner companies[1]; on the same date, Public Service Company of New Hampshire also tendered for filing a proposed rate increase[2] to Central Maine Power Company (Central Maine). PSNH's filing reflects the increase in Docket No. E-9240. PSNH and Central Maine have an arrangement wherein PSNH purchases electric service from Yankee in an amount equal to both PSNH's and Central Maine's entitlements to Yankee's electric service, and then sells Central Maine an amount equal to Central Maine's entitlements. The proposed rate level will result in increased annual revenues of approximately $4,468,000. Both filings have requested a June 1, 1975 effective date.

Notice of the filings in E-9420 and E-9421 issued on May 14, 1975, and May 8, 1975, respectively, with responses due on or before May 23, 1975, and May 19, 1975, respectively. No responses have been forthcoming.

Yankee has proposed to establish a new overall rate of return formula, in which return is calculated by taking the sum of the composite cost of debt and two percent. Yankee has also revised the contracts with the above-mentioned owner companies to extend service from 20 to 30 years. However, Yankee's filed depreciation charge appear to contemplate only a 20 year service life. These two areas of concern should be fully explored in the testimony submitted in the hearings we herein order.

Yankee's filing and PSNH's filing have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we will suspend their use for one day and defer their use until June 2, 1975. Because the filings raise similar issue of fact and law, we will consolidate the two dockets for purposes of hearing and decision.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in Yankee's contract and PSNH's contract.

(2) Good cause exists to accept for filing and suspend Yankee's and PSNH's proposed contracts for one day, to become effective June 2, 1975, subject to refund.

The Commission orders: (A) Docket Nos. E-9420 and E-9421 are hereby consolidated for purposes of hearing and decision.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on October 29, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges and conditions of service contained in Yankee's and PSNH's contracts.

(C) Pending a hearing and final decision thereon, Yankee's and PSNH's proposed contracts are hereby accepted for filing, suspended for one day and the use thereof deferred until June 2, 1975.

(D) On or before October 3, 1975, the Commission Staff shall serve its prepared testimony and exhibits. On or before October 17, 1975, Yankee and PSNH shall serve their rebuttal testimony and exhibits.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-14709 Filed 6-4-75;8:45 am]

[1] This filing is designated as Docket No. E-9420. The owner companies are as follows: New England Power Company, The Connecticut Light & Power Company, Boston Edison Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire, Montaup Electric Company, New Bedford Gas and Edison Light Company, Cambridge Electric Company, Central Vermont Public Service Corporation. The Eleventh owner company is Central Maine which is not entitled to purchase electrical energy directly from Yankee.

[2] This filing was designated as Docket No. E-9421.

GENERAL ACCOUNTING OFFICE

INTERSTATE COMMERCE COMMISSION

Receipt of Regulatory Reports Review Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 27, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 23, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

This notice is to request an extension without change of an already existing ICC form, FCS-1, entitled, Car Statistics—General Service Cars. This form is required to be filed by 162 railroads pursuant to Ex Parte 241. This form is used in the application of a formula for determining freight car ownership requirements of individual railroads and all railroads combined for various types of general service freight cars. The reporting is made by December 31, and April 30 of each year on a continuous basis by order of the Commission. The average estimated burden is 4 hours per response.

Request for an extension without change of an already existing ICC form, FCS-2, entitled, Formula for Determining Freight Car Ownership Requirements. This form is used by the railroads to calculate their freight car requirements using data reported on Form FCS-1. The reporting is made once each year on or before July 31. The estimated burden per response is 8 hours, and each respondent will fill out an average of 8 responses, with an average annual burden of 64 hours.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-14756 Filed 6-4-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

INDIAN HEAD MINING CO. AND M & M COAL MINING CO. AND

Applications for Renewal Permits, Electric Face Equipment Standard; Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4291-000, INDIAN HEAD MINING COMPANY, Indian Head Mine

No. 3, Mine ID No. 15 02378 0, Hazard, Kentucky, ICP Permit No. 4291-003-R-3 (Porter End Dump Battery Buggy, I.D. No. B-3).

(2) ICP Docket No. 4358-000, M & M COAL COMPANY, INC., No. 15 B Portal Mine, Mine ID No. 44 01691 0, Pound, Virginia, ICP Permit No. 4358-001-R-1 (Epling Spinner Loading Machine, I.D. No. 6), ICP Permit No. 4358-002-R-1 (Royal 4 Cutting Machine, Ser. No. 201), ICP Permit No. 4358-003-R-1 (Kersey 464 Rubber Tired Mine Tractor, Ser. No. 6106).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

Dated: June 2, 1975.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

[FR Doc.75-14714 Filed 6-4-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

INTERNATIONAL PHASE OF OCEAN DRILLING (IPOD)

Summary Statement of Proposed Federal Action Affecting the Environment

This summary statement is published pursuant to section 102 of the National Environmental Policy Act (Pub. L. 91-190) and the Guidelines of the Council on Environmental Quality (38 FR 20550, August 1, 1973).

During IPOD, basic problems of the structure and composition of the oceanic crust will be investigated and specific questions concerning the paleoenvironment of the world's oceans will be addressed. This will be accomplished by deep drilling into the crystalline rocks beneath the sediment. Sedimentary drilling will also be performed as in earlier phases of the Deep Sea Drilling Project (DSDP). Relatively few sites will be drilled but these will be drilled to substantially greater depths than before, specifically, into the crystalline rocks of Layers 2 and 3 of the oceanic crust.

The objectives of IPOD and the plan to accomplish these objectives were submitted in a proposal from the University of California to NSF. The proposal was endorsed by a special review committee appointed by NSF and was approved by the National Science Board.

It is expected that several foreign institutions and governments will contribute facilities, scientific expertise and funds to aid in carrying out IPOD. The USSR and the Federal Republic of Germany have already contributed funds; agreements for similar joint participation are being negotiated with Japan, France, and the United Kingdom.

IPOD will be funded by the National Science Foundation through a contract with the University of California. The Scripps Institution of Oceanography will manage the project. Drilling operations will be conducted aboard the drilling ship *Glomar Challenger*.

Possible environmental effects of IPOD which must be evaluated include the following: material fluxes resulting from drilling, other disturbances (such as the introduction of surface sea water at the ocean bottom) attending drilling and shipboard operations, cumulative effects and long-term contingent effects. These are discussed on pages 38-50 of the draft statement.

The possible release of major fluxes of natural fluids is the only event which could have a profound negative environmental impact. The probability of this happening is judged to be extremely remote. Drilling at any site having any possibility of reservoired hydrocarbons will not be undertaken. Accurate geophysical site surveys and safety panel reviews minimize any possibility of adverse environmental impact. Should any preliminary evidence of hydrocarbons be detected after drilling has begun at a given site, the situation will be closely monitored by experienced staff aboard ship. If continued drilling might produce an adverse environmental impact, drilling will be suspended and the hole will be plugged with heavy mud and/or cement.

Before a decision is made to drill at a given site, the site is carefully reviewed by a safety panel whose members are experts from the scientific and industrial communities and then by project scientists and the National Science Foundation. Safety reviews of proposed sites are conducted by panels of competent geologists, and by experienced scientists on board *Glomar Challenger*.

The proposed project will contribute to a better understanding of the physical and biological world, and to understanding the development of the earth's present environments with the full perspective of geologic time.

Copies of the draft Environmental Impact Statement are available from the Deputy Assistant Director for National and International Programs, Room 1201, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Comments from appropriate state and local agencies, addressed as above, should be submitted within 45 days following the publication of this summary statement.

Dated: May 30, 1975.

T. O. JONES,
Deputy Assistant Director, National and International Programs.

[FR Doc.75-14724 Filed 6-4-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

NUCLEAR ENERGY CENTER SITE SURVEY (NECSS)

State Workshops

The Nuclear Energy Center Site Survey, mandated by section 207 of the Energy Reorganization Act of 1974 (Pub. L. 93-438), includes the evaluation of the technical feasibility and the practicality aspects of collocating nuclear facilities in nuclear energy centers as opposed to the location of the same facilities separately at dispersed sites as is the current practice. An important part of this evaluation is, therefore, the examination of the practical aspects of implementation. These aspects involve societal, socioeconomic and sociopolitical impacts; financing; Federal, State, and local jurisdictional interfaces; and community-industry-manpower interfaces, including ownership management problems.

Two State Workshops are planned to receive views on these practicality issues from State officials responsible for long range energy planning. The Energy Project Office of the National Governors' Conference and the Energy Policy Office of the National Conference of State Legislatures are co-sponsoring the workshops.

The first workshop will be at the Plaza Inn in Denver on June 22-24 and will be hosted by the Western Interstate Nuclear Board (WINB). The second workshop will be at the Sheraton-Biltmore Hotel in Atlanta on June 29-July 1 and will be hosted by the Southern Interstate Nuclear Board (SINB).

The workshops are open to public attendance and observation. Interested persons wishing to submit their views on Nuclear Energy Centers in general, or the subjects covered by the workshops in particular, should send them to Mr. S. H. Smiley, Director, Office of Special Studies, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, in accordance with the notice published in the FEDERAL REGISTER on March 20, 1975 (40 FR 12717). The minutes of the State Workshops will be placed in the Nuclear Regulatory Commission's Public Document Room. It should also be noted that a public meeting regarding Nuclear Energy Centers will be held in Washington, D.C., starting on June 16, 1975, at which time verbal or written comments by the public on all aspects of the survey may be presented in accordance with the notice published in the FEDERAL REGISTER on April 24, 1975 (40 FR 18050).

Those wishing further information or who plan to attend and observe the State Workshops may call WINB at (303) 238-8383 or SINB at (404) 394-9310.

Dated at Bethesda, Maryland, this 2nd day of June 1975.

For the Nuclear Regulatory Commission.

R. DALE SMITH,
Acting Director,
Office of Special Studies.

[FR Doc.75-14861 Filed 6-4-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1465A; 1517A; 526A, 1092, 1339B, 1373B, 1539, 1394A, 1407, 1497, 1557, 1323]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Highway Accident Report. The National Transportation Safety Board released, May 30, 1975, its report on the nine-fatality crash of a tractor-semitrailer truck, a car, and an intercity bus on the central section of the New Jersey Turnpike near Bordentown, October 19, 1973. In this report, No. NTSB-HAR-75-3, the Safety Board recommends that the Federal Highway Administration (1) distribute to all professional commercial driver training schools the training course information it is now developing; (2) require all candidate motor carrier drivers to be formally trained in such driving emergencies as front tire failures, brake fade, and jackknifing; and (3) expedite that part of its research which will provide design data for building new and improving existing barrier systems; both intercity buses and heavy trucks should be used in actual vehicle impact tests. (Recommendations H-75-9 through 11.)

Safety Recommendations. Investigation of the TWA Flight 514 accident at Berryville, Virginia, on December 1, 1974, resulted in the Safety Board's letter issued May 26, 1975, recommending that the Federal Aviation Administration (FAA): (1) relocate the Armel, Virginia, distance measuring equipment monitor from the Washington, D.C., flight service station to the Dulles terminal air traffic control facility; and (2) conduct a review of all terminal air traffic control facilities to assure that controllers at each facility serviced by a navigational aid will have direct access to the associated monitor for that navigational aid. (Recommendations (A-75-45 and 46.)

Responses to Safety Recommendations. During the past week, the following letter responses were received from addressees of earlier Safety Board recommendations:

FAA, May 9 re A-70-47, comments on projected regulatory action concerning installation of metal-to-metal seatbelt buckles.

FAA, May 9, re A-73-49, states that as a result of its tests with a Boeing 737 and Lockheed L-1011, published in FAA Report No. FAA-FS-160-74-2, "a project was recently implemented for a Trial Application Program and Pilot Information System to obtain information on runway slipperiness under wet conditions using the DBV [diagonal braked vehicle] and provide such information to pilots in a timely manner."

FAA, May 9 re A-74-89 and 90, notes issuance of Airworthiness Directive WE-45-AD, applicable to the Lockheed 209 digital flight data recorder requiring installation of vibration isolators. FAA also has released Notice 8320.178 requiring field personnel "to review recording records applying the standards specified in FAR 121, Appendix B."

FAA, May 9 re A-74-105 through 114, describes projected rulemaking regarding emergency evacuation and survival equipment. FAA states that it has "contracted for special training for our maintenance inspectors on the maintenance requirements, operation and inspection of emergency evacuation equipment." Also, FAA will issue an air carrier operations alert bulletin to provide passengers, during pretakeoff briefings, with emergency exit procedures.

FAA, May 9 re A-75-41 and 42 (40 FR 18052), states that faulty installation of emergency locator transmitters (ELTs) "has been corrected and we do not feel the current frequency of these incidents warrants an airworthiness directive." Regarding testing of ELT batteries, FAA indicates that, at the conclusion of studies now underway by the Radio Technical Commission for Aeronautics, appropriate amendments to the Federal Aviation Regulations will be proposed.

FAA, May 13 re A-74-126 and 127, states that adoption of Safety Board recommendations to abolish 14 CFR 91.107 and to amend 14 CFR 91.105 "to require the same weather minimums outside controlled airspace as are required within controlled airspace" would be "overly restrictive and inconsistent with our obligation to insure the efficient use of airspace."

FAA, May 14 re A-74-97, states that a Joint Review Group (JRG) representing the Army, Navy, Air Force, and FAA, was formed to review military training activities. This resulted in a major revision of FAA Handbook 7610.4B, to be reissued effective July 1, 1975, and included in the military directive inventory. Uniform procedures will thus be applicable to all military services. While the JRG "did not concur with your recommendation to confine military intercept training operations to designated restricted airspace," and FAA supports that position, the FAA is "pursuing a policy of establishing ATC assigned airspace of defined vertical/lateral limits for the purpose of separating certain military training activities from IFR traffic and to devise VFR traffic of the location of such activity."

Federal Railroad Administration (FRA), May 21 re R-75-16 (40 FR 19045), indicates that the possible problem of detonation of liquids in tanks during transportation is not confined to tank car transportation only but includes transportation by portable tank and cargo tank (and may even involve drum shipments). In order to coordinate evaluation of possible reactive and unstable chemicals and avoid duplicative and redundant effort, FRA relies upon the Office of Hazardous Materials to perform initial evaluations and research into behavior that can lead to chemical instability during transportation. The FRA Acting Administrator states, "I share your Board's concern that the Department may not be adequately aware of all the hazards associated with the bulk transportation of liquid chemicals. I believe that the efforts of the Hazardous Materials Regulations Board spearheaded by the Office of Hazardous Materials will enable us to better regulate these chemicals when shipped in liquid form whether in bulk or in drums."

FRA, May 23 re R-75-17 (40 FR 22324), states, "It is the intent of the FRA to continue to monitor all of the remedial actions of the E-60-CP units to insure safe operation at all speeds." FRA further states, "Until we are fully assured that the subject units are safe to operate, we will not permit their use in passenger service."

The Safety Board on May 29, 1975, acknowledged FRA's response of May 13, 1975 (40 FR 23383) re Recommendation R-74-27, suggesting that the staff personnel of the two agencies meet to resolve misunderstandings over the Cotulla, Texas, accident report and the intent of the recommendation.

The report and the recommendation letter are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (40 U.S.C. 1903, 1906)).

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 2, 1975.

[FR Doc.75-14755 Filed 6-4-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 75-1]

TRADE POLICY STAFF COMMITTEE

Schedule and Locations of Hearings

In the FEDERAL REGISTER of Friday, May 30, 1975 (40 FR 23546), it was announced that the Trade Policy Staff Committee (hereinafter, the "Committee") would hold public hearings relating to International Trade Negotiations and to the Generalized System of Preferences in Washington, D.C. and in twelve other specified cities throughout the United States during June and July. Listed below are the exact times, dates and addresses of those hearings:

TUESDAY, JUNE 3

Washington, D.C., 1:30 p.m., New Executive Office Building (entrance on 17th Street between Pennsylvania Ave. & H Street NW), Room 2008.

WEDNESDAY, JUNE 4, P.M.

Hartford, CT, 1 p.m., U.S. Post Office Building, Room 201, 135 High Street.

THURSDAY, JUNE 5 A.M. & P.M.

Hartford, CT, 10 a.m.

FRIDAY, JUNE 6 A.M. & P.M.

Rochester, New York, 10 a.m., Federal Building and Court House, Room 402, 100 State Street.

MONDAY, JUNE 9, A.M. & P.M.

Chicago, Illinois, 10 a.m., New Federal Building, Room 3637-A, 230 S. Dearborn.

TUESDAY, JUNE 10, A.M. & P.M.

Chicago, Illinois, 10 a.m.

WEDNESDAY, JUNE 11, A.M. & P.M.

Wichita, Kansas, 10 a.m., Public Library, 2nd Floor Auditorium, 223 S. Main Street.

THURSDAY, JUNE 12, A.M. & P.M.

Dallas, Texas, 10 a.m., Downtowner, Conference Room, Haskell and Central Expressway.

FRIDAY, JUNE 13, A.M. & P.M.

Dallas, Texas, 10 a.m.

MONDAY, JUNE 16, A.M. & P.M.

New Orleans, Louisiana, 10 a.m., U.S. Court of Appeals, Room 105, 600 Camp Street.

TUESDAY, JUNE 17, A.M. & P.M.

New Orleans, Louisiana, 10 a.m.

THURSDAY, JUNE 19, A.M. & P.M.

Atlanta, Georgia, 10 a.m., Federal Building, Room 556, Executive Conference Room, 275 Peachtree Street.

FRIDAY, JUNE 20, A.M.

Atlanta, Georgia, 10 a.m.

MONDAY, JUNE 23, A.M. & P.M.

Minneapolis, Minnesota, 10 a.m., Federal Building, Court Room #4, 110 South 4th Street.

TUESDAY, JUNE 24, A.M. & P.M.

Minneapolis, Minnesota, 10 a.m.

WEDNESDAY, JUNE 25, A.M. & P.M.

Portland, Oregon, 10 a.m., Pioneer Courthouse, Room 103, 555 Southwest Yamhill Street, 97204

THURSDAY, JUNE 26, A.M. & P.M.

Portland, Oregon, 10 a.m.

FRIDAY, JUNE 27, A.M. & P.M.

San Francisco, California, 10 a.m., Federal Building and U.S. Court House, Room 15018, 450 Golden Gate Avenue, 94102

MONDAY, JUNE 30, A.M. & P.M.

San Francisco, California, 10 a.m.

TUESDAY, JULY 1, A.M. & P.M.

Phoenix, Arizona, 10 a.m., Federal Office and Court House, Courtroom #4, 7th Floor, 230 N. First Avenue.

TUESDAY, JULY 8, A.M. & P.M.

Philadelphia, Pennsylvania, 10 a.m., William J. Green, Jr., Federal Building, Room 6306, 600 Arch Street, 19106

MONDAY, JULY 14 AND THEREAFTER: IN WASHINGTON, D.C.

Additional hearings in other cities may be added later, at the discretion of the chairman of the Committee.

Requests to present oral testimony and related briefs should be received at least 48 hours before testimony is to be given. While this requirement may be waived by the Special Representative for Trade Negotiations, a Deputy Special Representative for Trade Negotiations, or the Chairman of the Committee, priority in the scheduling of witnesses will be given to those who meet the procedural requirements of the public notices.

Briefs not related to requests to present oral testimony may be submitted at any time, but should be submitted prior to July 15 in order to receive adequate consideration. The requirements of the Committee regulations (40 FR 18419, April 28, 1975) that briefs be submitted in 20 copies, and that one copy be made under oath or affirmation, have been waived by the Chairman of the Committee.

1. *Subject Matter of Public Hearings.* The terms or reference for these public hearings are set forth in section 133 of the Trade Act of 1974. That section provides that in connection with any proposed trade agreement under chapter 1 or section 123 or 124 of the Trade Act of 1974, the President shall afford an opportunity for any interested person to present his views concerning (i) any article which has been listed as being under consideration for modification or continuance of United States duties, continuation of United States duty-free or excise treatment, or additional duties, (ii) any article which should be so listed, or (iii) any other matter relevant to proposed trade agreements. The President also is to afford an opportunity for any interested person to present such views with respect to articles which have been listed as being under consideration for designation as eligible articles for purposes of the United States Generalized System of Preferences.

The lists of articles to which the preceding paragraph refers have been published. Articles which are being considered for inclusion in international trade negotiations were listed in the notice published in the FEDERAL REGISTER of January 14, 1975 (40 FR 2659). Articles which are being considered for designation as eligible articles for purposes of the Generalized System of Preferences were listed in the notice published in the FEDERAL REGISTER of March 26, 1975 (40 FR 13457).

The Trade Policy Staff Committee will receive briefs and testimony on any matter relevant to the international negotiations or the Generalized System of Preferences. However, to avoid duplication and to provide interested parties with guidance as to the materials that will be most useful to the Committee, it is suggested that persons appearing before the Committee or submitting briefs devote particular attention to the following:

(a) Reductions in rates of duty or in other trade barriers which the United States should seek from other nations participating in the negotiations.

(b) Articles which the United States should consider for modifications, eliminations, reductions or continuances of present rates of duty in the negotiations.

(c) Nontariff barriers of the United States and other countries which should be eliminated, modified, continued, or harmonized, including international product standards, government procurement practices, quantitative restrictions upon imports, and customs valuation practices, or

(d) Any matter relevant to the generalized system of preferences.

2. *Requests to Present Oral Testimony.* Requests to present oral testimony should be sent to the Secretary, Trade Policy Staff Committee, Room 729, 1800 G Street NW., Washington, D.C. 20506. Requests to present oral testimony must state briefly the interest of the applicant in the subject matter and the position to be taken by the applicant.

In addition, requests to present oral testimony should include the following information:

(a) The name, address, telephone number, and official position (if applicable) of the party submitting the request.

(b) The description and, if possible, the tariff item number(s), whether foreign or domestic, of the commodity or commodities in which the party has an interest.

(c) The subject or subjects to be dealt with in the proposed testimony, listed individually and, in the case of import restrictions other than duties, described with sufficient particularity to identify the restriction to be discussed.

(d) The name, address, and telephone number of the person (or persons) who will present oral testimony.

(e) The amount of time requested for the presentation of oral testimony, and if more than 15 minutes is requested, the reasons therefore.

Additional information with respect to these hearings, including suggestions for the preparation of written briefs and oral testimony, is contained in notices appearing in the FEDERAL REGISTER of May 1, 1975 (40 FR 19045) and that of May 30, 1975 (40 FR 23546). Copies of these notices are available upon request from the Secretary of the Committee, at the address given in the following paragraph.

3. *Communications.* All communications with regard to these hearings should be addressed to: Secretary, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 729, Washington, D.C. 20506. The telephone number of the Secretary of the Committee is (202) 395-3395.

ALLEN H. GARLAND,
Chairman.

[FR Doc.75-14762 Filed 6-4-75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

PREMIUM RATES

Continuation of Current Rates

Notice is hereby given that the Pension Benefit Guaranty Corporation (the "PBGC") has determined, until further notice is given in the FEDERAL REGISTER, that the premium rates currently in effect will be continued with respect to plan years beginning on or after September 2, 1975 ("second full plan years"). These rates, contained in section 4006 (a)(3) of the Employee Retirement In-

come Security Act of 1974, are one dollar for each participant in a single employer plan and fifty cents for each participant in a multiemployer plan. The PBGC is studying other rate formulas and expects to develop one for utilization at a future date. It also will study the possibility of allowing plans to elect to use any such rate formula with respect to their second full plan years.

(Secs. 4002, 4006; Pub. L. 93-406; 88 Stat. 1004, 1010; 29 U.S.C. 1302, 1306)

Issued in Washington, D.C. on this 30th day of May 1975.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

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

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.75-14849 Filed 6-4-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee on GNP Data Improvement to be held in Room 10103, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on Tuesday, July 22, 1975 at 9:45 a.m.

The purpose of the meeting is to comment on draft chapters of the final report.

The meeting will be open to public observation and participation. Anyone wishing to participate should contact the GNP Data Improvement Project, Statistical Policy Division, Room 10222, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3793.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-14740 Filed 6-4-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 30, 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 through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Architect-Engineer and Related Services Questionnaire, 254, annually, architect-engineer and related professions, Caywood, D. P., 395-3443.

Architect-Engineer and Related Services Questionnaire, 255, on occasion, architect-engineer and related professions, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of the Census, General Revenue Sharing, RS-5A, annually, government agencies, Ellett, C. A., 395-6172.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Flotation Plant Information 1975, 6-1172-X, single-time, business firms, Lowry, R. L., 395-3772.

Bureau of Reclamation, Assessment of Cumulative Sociocultural Impacts of Proposed Plans for Development of Coal and Water Resources in Northern New Mexico, single-time, affected publics, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Application for License (Under Animal Welfare Act), VS 18-3, on occasion, animals dealers/handlers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census:
Annual Survey—Finances of State Agencies, F-25, annually, selected State agencies, Ellett, C. A., 395-6172.
Form Letter: Request for State Agency Financial Information, F-19, annually, selected State Agencies, Ellett, C. A., 395-6172.

DEPARTMENT OF LABOR

Manpower Administration, FSB and SUA—Monthly Activity Report and Characteristics of Claimants, MA5-141, MA5-141, MA5-143, monthly, State employment security offices, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Industrial Explosives and Blasting Agents Sold by Manufacturers for Consumption in the United States, 6-1439A, annually, producers of industrial explosives and blasting agents, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Registration of Poultry and Meat Handlers, CP-2, on occasion, business firms dealing in meat and poultry, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Management Broker Qualification Data, HUD-9733, Community and Veterans Affairs Division, 395-3532.
Application for Tenant Eligibility for Rent Supplement, HUD-5501, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, Rail Equipment Incident Report, 6180-54, monthly, U.S. railroads, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-14843 Filed 6-4-75;8:45 am]

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962, (76 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals and nursing homes, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone Government Hospitals—

	Effective July 1, 1975, and thereafter		
	DOD	VA	HEW
Hospital care per inpatient day:			
Federal general, surgical, and tuberculosis hospitals	$147	$102	$112
Federal mental hospitals		58	
Veterans Administration nursing home units		40	
Outpatient medical and dental treatment:			
Per facility visit	19	33	23

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

For the period beginning July 1, 1975, the rates prescribed herein supersede those established by the Director of the

Office of Management and Budget on May 22, 1974 (39 FR 114).

JAMES T. LYNN,
Director, Office of Management and Budget.

MAY 14, 1975.

[FR Doc.75-14610 Filed 6-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

MAY 28, 1975.

The common stock of Canadian Javelin Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 29, 1975 through June 7, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14716 Filed 6-4-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MAY 29, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 30, 1975 through June 8, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14717 Filed 6-4-75;8:45 am]

[File No. 500-1]

TOTH ALUMINUM COMPANY

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 Toth Aluminum Company 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 10 a.m. (e.d.t.) on May 29, 1975 and terminating at midnight (e.d.t.) on June 7, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-14718 Filed 6-4-75;8:45 am]

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

LABOR POLICY AND LABOR SECTOR ADVISORY COMMITTEES FOR MULTILATERAL TRADE NEGOTIATIONS

Meetings

CROSS REFERENCE: For a document affecting the above, see Department of Labor, Office of the Secretary, FR Doc. 75-14854, infra.

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this Second day of June, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending May 30, 1975

Name of applicant	Location of enterprise	Principal product or activity
Jones Brothers Co	Webstenville, Vt	Quarrying and sawing of granite; manufacture of press rolls.
Loma Linda Knitting Mills, Inc	San German and Arroyo, P.R	Manufacture of sweaters.
Construction Limited Corp	Morgantown, W. Va	Housing construction.
U.S. Heritage, Inc	Gettysburg, Pa	Hotel.
C. & C. Farms, Inc	Claxon, Ga	Commercial egg production and processing.
Columbus Nursery Co., Inc	Columbus, Miss	Plant nursery.
H. O. Forgy & Son, Inc. (tenant of the industrial development board of the city of Jackson).	Jackson, Tenn	Storage and processing of scrap metals.
National Hydro Ax Inc	Owatonna, Minn	Manufacture of tractors.
Oxford Industries, Inc	North Vernon, Ind	Manufacture of injection molded thermoplastic components.
Shoe Nail Supply	Pampa, Tex	Transportation of livestock and grains.
Jerrold S. Taylor	Princeton, Mo	Farm equipment sales and service.
Triad Inc	Evanston, Wyo	Restaurant lounge operation.
Johnson, Bjornstad, and Hornung (tenant to city of Walhalla).	Walhalla, N. Dak	Warehousing and storage of potatoes.
Alvin Getting	Wessington Springs, S. Dak	Butter and cheese processing.
Authentic Homes Corp	Albany County, Wyo	Manufacture of precut log home kits.
Royce Royter	Mountain Home, Idaho	Restaurant.

[FR Doc.75-14744 Filed 6-4-75;8:45 am]

Office of the Secretary

LABOR POLICY AND LABOR SECTOR ADVISORY COMMITTEES FOR MULTILATERAL TRADE NEGOTIATIONS

Meetings

A meeting of the Labor Policy Advisory Committee for Multilateral Trade Negotiations and each of the six Labor Sector Advisory Committees for Multilateral Trade Negotiations will be held at the U.S. Department of Labor, 3rd and Constitution Avenue, NW., Washington, D.C. as indicated below:

1. Combined Labor Policy and Labor Sector Advisory Committees, Room N5437, June 18—10 a.m.
2. Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies and Nonelectrical Machinery (I), Room N5437 A, June 18—2 p.m.
3. Labor Sector Advisory Committee on Food and Agricultural Products and Chemical, Plastic and Rubber Products (II), Room N5437 D, June 18—2 p.m.
4. Labor Sector Advisory Committee on Services (III), Room N5437 C, June 19—10 a.m.
5. Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries (IV), Room N5437 D, June 19—10 a.m.
6. Labor Sector Advisory Committee on Lumber, Wood and Paper Products and Stone, Clay and Glass Products (V), Room N5437 C, June 19—2 p.m.
7. Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products (VI), Room N5437 D, June 19—2 p.m.

Agenda items for all meetings are as follows:

I. Opening Remarks by Presiding Officer.
II. Election of Chairman and Vice Chairman.
III. Organizational Issues.
IV. Report on Current Status of Negotiations by the Office of the Special Representative for Trade Negotiations.
V. Immediate Issues for Committee Recommendations.
VI. Discussion Period.
VII. Announcements and Adjournment.

The meetings will be open to public attendance, and a limited number of seats will be available. Any member of the public who wishes to file a written statement with the Committees may do so before or after the meeting.

Signed at Washington, D.C. on this 3rd day of June 1975.

JOEL SEGALL,
Deputy Under Secretary, International Affairs, U.S. Department of Labor.

KENNETH GUENTHER,
Acting Deputy Special Representative for Trade Negotiations, Office of the Special Representative for Trade Negotiations.

[FR Doc.75-14854 Filed 6-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 1 (Sub. Nos. 31, 35)]

CHICAGO & NORTH WESTERN TRANSPORTATION CO.

Abandonment

In the matter of Chicago and North Western Transportation Company, abandonment between Bingham Lake, and Currie, Cottonwood and Murray Counties, Minnesota (AB 1 (Sub. No. 31)); and

Chicago and North Western Transportation Company, abandonment between Heron Lake and Lake Wilson, in Jackson, Nobles and Murray Counties, Minnesota (AB 1 (Sub. No. 35)).

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Cottonwood, Nobles, Jackson and Murray Counties, Minn., on or before June 17, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of May, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[AB 1 (Sub-No. 31)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, ABANDONMENT BETWEEN BINGHAM LAKE, AND CURRIE, COTTONWOOD AND MURRAY COUNTIES, MINNESOTA

[AB 1 (Sub-No. 35)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, ABANDONMENT BETWEEN HERON LAKE AND LAKE WILSON, IN JACKSON, NOBLES AND MURRAY COUNTIES, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated May 22, 1975, it has been determined that the proposed abandonment by The Chicago and North Western Transportation Company of some 36.6 miles of line between Heron Lake and Lake Wilson, Minn., and 38.33 miles of line between Bingham Lake and Currie, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic over the line has been at a consistently low volume and area is both rural and agricultural with no planned industrial development. Also, adequate highways and alternate rail transportation exists in the area. If the right-of-way is returned to the titled landowners and converted to agriculture, some important wildlife habitats will be lost. However, there exists alternate cover sites at the wildlife management areas in the vicinity.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before July 2, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-14769 Filed 6-4-75;8:45 am]

[AB 1 (Sub-No. 25)]

CHICAGO & NORTH WESTERN TRANSPORTATION CO.

Abandonments

In the matter of Chicago and North Western Transportation Company, abandonment between Conrad and Eldora, in Grundy and Hardin Counties, Iowa.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. section 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby directed to publish the appended notice in a newspaper of general circulation in Grundy and Hardin Counties, Iowa, on or before June 17, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of May, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[AB 1 (Sub-No. 25)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, ABANDONMENT BETWEEN CONRAD AND ELDORA, IN GRUNDY AND HARDIN COUNTIES, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated May 22, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line between milepost 27.9 near Conrad and milepost 5.1 near Eldora, a distance of approximately 16.3 miles, in Grundy and Hardin Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are considered to be insignificant because (1) the volume of traffic handled on the line has been low and is declining, (2) any resultant diversion of traffic from rail to truck will not have a significant impact on air and water quality, and (3) both Eldora and Conrad will continue to have rail service available.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 2, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-14770 Filed 6-4-75;8:45 am]

[Notice No. 1]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 2, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before 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-75828. By order entered May 29, 1975, the Motor Carrier Board approved the transfer to Macey Transfer & Storage, Inc., Jamestown, N.Y., of that portion of Certificate of Registration No. MC-57281 (Sub-No. 1), issued December 2, 1970, to Hector Transportation Co., Inc., Jamestown, N.Y., evidencing a right to engage in transportation, in interstate or foreign commerce, of general commodities, as defined in Section 800.01 of Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York, except new furniture, between all points in the county of Chautauqua, New York. Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701, attorney for applicants.

No. MC FC-75842. By order entered May 29, 1975, the Motor Carrier Board approved the transfer to Gerald Hamsher, Nunda, N.Y., of the operating rights set forth in Certificate No. MC-126109, issued March 22, 1974, to Trecho Transport, Inc., Hornell, N.Y., authorizing the transportation of fertilizer, in bulk, in dump vehicles and in bags, from points in Livingston and Wayne Counties N.Y., to points in Bradford, Lackawanna, Potter, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa. S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, N.Y. 14580, practitioner for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14764 Filed 6-4-75;8:45 am]

[Notice No. 2]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 5, 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-75770. By application filed April 28, 1975, JOSEPH M. BOOTH, doing business as BOOTH'S TOW SERVICE, 300 W. 79th St., Kansas City, MO 64114, seeks temporary authority to lease the operating rights of THIRD NATIONAL BANK OF SEDALIA, MO, NATIONAL BANKING ASSOCIATION, Secured Creditor of J & N INVESTMENT CO., doing business as NORTH KANSAS CITY TOW SERVICE, 500 W. 4th St., Kansas City, MO 64111, under section 210a(b). The transfer to JOSEPH M. BOOTH, doing business as BOOTH'S TOW SERVICE, of the operating rights of THIRD NATIONAL BANK OF SEDALIA, MO, NATIONAL BANKING ASSOCIATION, Secured Creditor of J & N INVESTMENT CO., doing business as NORTH KANSAS CITY TOW SERVICE, is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14765 Filed 6-4-75;8:45 am]

[Notice 3]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 5, 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-75896. By application filed May 27, 1975, MY-OWN TRUCKING CO., INC., P.O. Box 21, Westbury, NY 11590, seeks temporary authority to lease a portion of the operating rights of HAMILTON MOTOR LINES, INC. (WILLIAM S. KAYE, Assignee for the Benefit of Creditors), 118-21 Queens Blvd., Forest Hills, NY 11375, under section 210a(b). The transfer to MY-OWN TRUCKING CO., INC., of a portion of the operating rights of HAMILTON MOTOR LINES, INC. (WILLIAM S.

KAYE, Assignee for the Benefit of Creditors), is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14766 Filed 6-4-75;8:45 am]

[AB 26 (Sub-No. 6)]

SOUTHERN RAILWAY CO.

Abandonment

In the matter of Southern Railway Company, abandonment at Hawkinsville, Pulaski County, Georgia.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Pulaski County, Ga., on or before June 17, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of May, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[AB 26 (Sub-No. 6)]

SOUTHERN RAILWAY COMPANY, ABANDONMENT AT HAWKINSVILLE, PULASKI COUNTY, GEORGIA

The Interstate Commerce Commission hereby gives notice that by order dated May 22, 1975, it has been determined that the proposed abandonment of operations by Southern Railway Company over .715 miles of its branch line at Hawkinsville, Ga., between Milepost L-9.53 and Milepost L-10.245, together with approximately 1.58 miles of side tracks, all in Pulaski County, Ga., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant due to (1) the low amount of traffic handled on the .715-mile end of the branch line between Hawkinsville and Cochran, Ga., (2) the availability of the applicant's planned team track located .715 miles east of Hawkinsville which will continue rail service in the area, and (3) the adequacy of U.S. and State highways that serve the affected area. In addition, if the abandonment is approved, local or any other public body will have the opportunity to offer to purchase all or part of the depot property for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 2, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-14768 Filed 6-4-75;8:45 am]

[Notice 882]

ASSIGNMENT OF HEARINGS

JUNE 2, 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 124004 Sub 28, Richard Dahn, Inc., now assigned July 22, 1975 (1 day), at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 43963 Sub 8, Chief Truck Lines, Inc., now assigned July 23, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 41404 Sub 118, Argo-Collier Truck Lines Corporation, now assigned July 24, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 128030 Sub 90, The Stout Trucking Co., Inc., now assigned July 28, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 51146 Sub 406, Schneider Transport, Inc., now being assigned September 9, 1975 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

FF 116 Sub 1, Davies, Turner & Company, now being assigned September 10, 1975 (3 days), at Chicago, Ill.; in a hearing room to be later designated.

MC 114045 (Sub-No. 406), Trans-Cold Express, Inc., now being assigned September 15, 1975 (2 days), at Chicago, Ill.; in a hearing room to be later designated.

MC 51146 Sub 405, Schneider Transport, Inc., now being assigned September 17, 1975 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

MC-C-8568 Oscar C. Radke, d.b.a. Radke Transit—Investigation and Revocation of Certificates and MC 108435 Sub 22, Oscar C. Radke, d.b.a. Radke Transit, now being assigned September 18, 1975 (2 days), at Chicago, Ill.; in a hearing room to be later designated.

MC 124170 Sub 47, Frostways, Inc., and MC 124170 Sub 48, Frostways, Inc., now assigned July 30, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 119856 Sub 32, North Express, Inc., now assigned July 8, 1975 at Chicago, Illinois; will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 118989 Sub 116, Container Transit, Inc. and MC 126276, Sub 104, Fast Motor Service, Inc.; now assigned July 9, 1975 at Chicago, Illinois; will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 128030 Sub 79, The Stout Trucking Co., Inc., now assigned July 14, 1975 at Chicago, Illinois; will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 14702 Sub 66, Ohio Fast Freight, Inc., now assigned July 8, 1975 at Columbus, Ohio; will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC-C-8339, Quick Air Freight, Inc., Et Al. v Mt. Vernon Aviation, now assigned July 9, 1975 at Columbus, Ohio; will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC-F-12090, Cedar Rapids Steel Transportation, Inc.—Purchase—The Kinnison Trucking Company & MC 114273 Sub 158 and Sub 228, Cedar Rapids Steel Transportation, Inc. now assigned July 14, 1975 at Columbus, Ohio; will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 123639 Sub 159, J. B. Montgomery, Inc., now assigned July 28, 1975 at Amarillo, Texas is cancelled and the application is dismissed.

MC 134838 Sub 11, Southeastern Transfer & Storage Co., Inc., now assigned July 21, 1975, at Atlanta, Georgia, will be held in Room 305, 1252 W. Peachtree Street.

MC-F 12250, Lovelace Truck Service, Inc.—Purchase (portion)—Atkinson Lines, Inc., and MC 151 Sub 53, Lovelace Truck Service., Inc., now assigned July 21, 1975, at Columbus, Ohio, will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 134477 Sub 70, Schanno Transportation, Inc., now assigned July 28, 1975, at Amarillo, Texas, is canceled and the application is dismissed.

MC 138557 Sub 7, Walt Keith Trucking, Inc., now assigned July 15, 1975, at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut St.

MC 133591 Sub 13, Wayne Daniel Truck Line, Inc., now assigned July 16, 1975, at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut St.

MC 119493 Sub 134, Monkem Company, Inc., now assigned July 17, 1975, at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut St.

MC 113908 Sub 241, Erickson Transport Corp., now assigned July 21, 1975, at Kansas City, Mo. will be held in Room 609, Federal Office Building, 911 Walnut St.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14767 Filed 6-4-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 2, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 16, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1222 (Sub-No. E2), filed June 3, 1974. Applicant: REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Huntington, W. Va., to points in Tennessee west and south of Scott, Campbell, Union, Grainger, Washington, Carter, Hawkins, Sullivan and Johnson Counties, and points in Kentucky west of Hancock, Breckinridge, Grayson, Edmonson, Barren, Metcalfe, and Cumberland Counties; (2) *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities which by reason of their size or weight require the use of special equipment or special handling, from the plant sites and warehouses of the Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, Inc., in Kankakee County, Ill., to points in Tennessee east of Claiborne, Grainger, Hamblen and Cocke Counties; (3) *iron and steel articles* (except those which because of size or weight require the use of special equipment), from the plant site of Jones & Laughlin Steel Corporation in Putnam County, Ill., to points in West Virginia (except points in Hancock, Brooke, Ohio and Marshall Counties) and points in Tennessee east of Campbell, Scott, Morgan, Roane, Loudon, Blount and Sevier Counties; (4) *plastic foam shapes and forms*, (1) from the plant site of Dow Chemical Company, near Hanging Rock, Ohio, to points in Wisconsin, (2) from Ironton, Portsmouth and Hamilton Township, Ohio to points in Wisconsin, and (3) from Findlay, Ohio to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Decatur, Ind.

No. MC 4941 (Sub-No. E1), filed June 4, 1974. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, Mass. 02403. Applicant's representative: Patrick McEligot (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in New Hampshire (except those points in Cheshire and Hillsborough Counties and points east of U.S. Highway 3 and south of New Hampshire Highway 25), on the one hand, and, on the other, points in Essex, Middlesex, Norfolk, Suffolk, Plymouth, Bristol, and Barnstable Counties, Mass. The purpose of this filing is to eliminate the gateway of Manchester, N.H. (2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, except commodities in bulk and commodities requiring special equipment), between points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State line (at or near Wilsons Mills) and extending along Maine Highway 16 to Milo, thence along unnumbered highway through Medford and Howland to West Enfield, thence along U.S. Highway 2 to Lincoln, and thence along Maine Highway 6 to Vanceboro, on the one hand, and, on the other, points in that part of Massachusetts west of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of points in New Hampshire east of U.S. Highway 3 and south of New Hampshire Highway 25.

(3) *Heavy machinery and contractor's equipment*, (a) between points in New Jersey, on the one hand, and, on the other, points in that part of New Hampshire on, east and north of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 3 to junction New Hampshire Highway 135, thence along New Hampshire Highway 135 to junction New Hampshire Highway 18, thence along New Hampshire Highway 18 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New Hampshire-Maine State line, (b) between points in that part of New Jersey on and south of a line beginning at the Delaware-New Jersey State line extending along the New Jersey Turnpike to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of New Hampshire on and south of a line beginning at the Maine-New Hampshire State line extending along U.S. Highway 4 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction U.S. Highway 3, thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line, and points in Essex County, Mass., (c) between points in Delaware, on the one hand, and, on the other, points in that part of New Hampshire on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 3 to junction New Hampshire Highway 135, thence along New Hampshire Highway 135 to junction New Hampshire Highway 18, thence along New Hampshire Highway 18 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction U.S. Highway 3, thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line, and points in Essex County, Mass.

(d) Between points in Rhode Island, on the one hand, and, on the other, points in that part of New Hampshire on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 3 to junction New Hampshire Highway 135, thence along New Hampshire Highway 135 to junction New Hampshire Highway 18, thence along New Hampshire Highway 18 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to the Spaulding Turnpike, thence along the Spaulding Turnpike to junction Interstate Highway 95, thence along Interstate Highway 95 to the New Hampshire-Massachusetts State line, (e) between points in Connecticut, on the one hand, and, on the other, points in that part of New Hampshire on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 3 to junction New Hampshire Highway 135, thence along New Hampshire Highway 135 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to junction New Hampshire Highway 28, thence along New Hamphsire Highway 28 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to the Spaulding Turnpike, thence along the Spaulding Turnpike to junction Interstate Highway 95, thence along Interstate Highway 95 to the New Hampshire-Massachusetts State line.

(f) Between points in Pennsylvania, on the one hand, and, on the other, points in that part of New Hampshire on and east of a line beginning at the United States International Boundary line extending along U.S. Highway 3 to junction New Hampshire Highway 135, thence along New Hampshire Highway 135 to junction New Hampshire Highway 10, thence along New Hampshire Highway to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to junction New Hampshire

Highway 25, thence along New Hampshire Highway 25 to junction Interstate Highway 93, thence along Interstate Highway 93 to the New Hampshire-Massachusetts State line, (g) from points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in Suffolk, Norfolk and Plymouth Counties, Mass., on and north of Massachusetts Highway 123, (h) between points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Pennsylvania Highway 29/100, thence along Pennsylvania Highway 29/100 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Delaware State line, on the one hand, and, on the other, points in Essex County, Mass., (i) between points in New York, on the one hand, and, on the other, points in that part of New Hampshire on and east of a line beginning at the New Hampshire-Maine State line extending along New Hampshire Highway 16 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction Spaulding Turnpike, thence along Spaulding Turnpike to junction Interstate Highway 95, thence along Interstate Highway 95 to the New Hampshire-Massachusetts State line.

(j) Between points in New York on and west of Interstate Highway 81 and points in Jefferson County, N.Y., on the one hand, and, on the other, points in Essex County, Mass., (k) between points in St. Lawrence, Franklin and Clinton Counties, N.Y., on the one hand, and, on the other, points in Essex, Norfolk, Suffolk and Plymouth Counties, Mass., on and north of Massachusetts Highway 123, and (l) between points in Orange, Putnam, Rockland and Westchester Counties, N.Y., on the one hand, and, on the other, points in that part of New Hampshire on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 3 to junction New Hampshire Highway 135, thence along New Hampshire Highway 135 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateways of points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State line (at or near Wilsons Mills) and extending along Maine Highway 16 to Milo, thence along unnumbered highway through Medford and Howland to West Enfield, thence along U.S. Highway 2 to Lincoln, and thence along Maine Highway 6 to Vanceboro.

(4) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts (except points in Middlesex, Essex, Norfolk, and Suffolk Counties), on the one hand, and, on the other, points in Vermont (except Weston, Andover, Chester, and Springfield Townships, points in Windsor and Windham Counties, points in Bennington County on and east of U.S. Highway 7, and points on and south of Vermont Highway 9). The purpose of this filing is to eliminate the gateways of points in Weston, Andover, Chester, and Springfield Townships, Vt., points in Windsor, and Windham Counties, Vt., on and north of Vermont Highway 9, and those in Bennington County, Vt., on and east of U.S. Highway 7 and on and north of Vermont Highway 9; or points within 25 miles of Bellows Falls, Vt., including Bellows Falls; or points in Vermont within 35 miles of Rochester, Vt., including Rochester; or points within 36 miles of Hardwick, Vt., including Hardwick; or Burlington, Vt.; or Brattleboro, Vt.; or Haverhill, N.H. (5) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between points in Middlesex, Essex, Norfolk, Suffolk, Bristol, and Plymouth Counties, Mass., on and north of Massachusetts Highway 123, on the one hand, and, on the other, points in New York on and north of U.S. Highway 20 within 50 miles of the New York-Massachusetts and New York-Vermont State lines.

(b) Between points in Middlesex, Essex, Norfolk, Suffolk, Bristol, Plymouth, and Barnstable Counties, Mass., on the one hand, and, on the other, points in Montgomery, Schenectady, Saratoga, Washington, Hamilton, Fulton, Warren, Essex, Franklin, and Clinton Counties, N.Y., within 50 miles of the New York-Massachusetts and New York-Vermont State line. The purpose of this filing is to eliminate the gateways of points in that part of Massachusetts east and north of a line beginning at the Vermont-Massachusetts State line extending along U.S. Highway 5 to Northampton and thence along Massachusetts Highway 9 to Boston, Mass.; or Greenville, N.H., and points within 10 miles of Greenville; or points in New Hampshire within 50 miles of Brattleboro, Vt.; or Brattleboro, Vt.; or points in Weston, Andover, Chester, and Springfield Townships, Windsor County, Vt. points in Windham County, Vt., on and north of Vermont Highway 9, and points in Bennington County, Vt., on and east of U.S. Highway 7 and on and north of Vermont Highway 9. (6) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State line (at or near Wilsons Mills) and extending along Maine Highway 16 to Milo, thence along unnumbered highway through Medford and Howland to West Enfield, thence along U.S. Highway 2 to Lincoln, and thence along Maine Highway 6 to Vanceboro, on the one hand, and, on the other, points in New York and New Jersey within 50 miles of the Vermont-New York, Massachusetts-New York, and Connecticut-New York State line (except points in Nassau and Suffolk Counties, N.Y., New York City, and except those in Essex, Franklin and Clinton Counties, N.Y.). The purpose of this filing is to eliminate the gateways of points in New Hampshire and Vermont within 50 miles of Brattleboro, Vt.; or Brattleboro, Vt.; or points in Weston, Andover, Chester, and Springfield Townships, Windsor County, Vt., points in Windham County, Vt., on and north of Vermont Highway 9 and points in Bennington County, Vt., on and east of U.S. Highway 7 and on and north of Vermont Highway 9.

(7) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in New York within 30 miles of St. Albans, Vt., and points in Vermont (except points south of Vermont Highway 9), on the one hand, and, on the other, points in New York and New Jersey within 50 miles of the Massachusetts-New York and Connecticut-New York State lines (except points in Nassau and Suffolk Counties, N.Y., and points north of U.S. Highway 20). The purpose of this filing is to eliminate the gateways of Burlington, Vt.; or points within 36 miles of Hardwick, Vt., including Hardwick, Vt.; or points in Vermont within 35 miles of Rochester, Vt., including Rochester; or points within 25 miles of Bellows Falls, Vt., including Bellows Falls; or points in Vermont within 50 miles of Brattleboro, Vt.; or points in Weston, Andover, Chester, and Springfield, Townships, Windsor County, Vt., points in Windham County, Vt., on and north of Vermont Highway 9, and points in Bennington County, Vt., on and east of U.S. Highway 7 and on and north of Vermont Highway 9. (8) *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between points in Connecticut on and west of Interstate Highway 91, and New London, Conn., on the one hand, and, on the other, points in Massachusetts on, east, and north of a line beginning at the Massachusetts-New Hampshire State line extending along U.S. Highway 3 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 24, thence along Massachusetts Highway 24

to junction Massachusetts Highway 123, thence along Massachusetts Highway 123 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Boston and points within 10 miles of Boston; and New Haven, or New London, or Stamford, or Hartford, Conn.

(9) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Vermont on and north of Vermont Highway 9, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Burlington, Vt.; or points in Vermont within 30 miles of St. Albans, Vt.; or points within 36 miles of Hardwick, Vt., including Hardwick; or points in Vermont within 35 miles of Rochester, Vt., including Rochester; or points within 25 miles of Bellows Falls, Vt., including Bellows Falls; or points within 50 miles of Brattleboro, Vt.; or Brattleboro, Vt. (10) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between points in that part of New Hampshire on and east of U.S. Highway 3 and on and south of New Hampshire Highway 25, on the one hand, and, on the other, points in Connecticut (except points in Hartford, Tolland, and Windham Counties), and (b) between points in New Hampshire on and north of New Hampshire Highway 25, on the one hand, and, on the other, points in Connecticut (except points in Tolland and Windham Counties). The purpose of this filing is to eliminate the gateways of Boston, Mass., and points within 10 miles of Boston; and New Haven, or New London, or Stamford, or Hartford, Conn., or Manchester, N.H.

(11) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State line (at or near Wilsons Mills) and extending along Maine Highway 16 to Milo, thence along unnumbered highway through Medford and Howland to West Enfield, thence along U.S. Highway 2 to Lincoln, and thence along Maine Highway 6 to Vanceboro, on the one hand, and, on the other, points in Connecticut (except points in Tolland and Windham Counties). The purpose of this filing is to eliminate the gateways of Boston, Mass., and points within 10 miles of Boston, and New Haven, or New London, or Stamford, or Hartford, Conn.

No. MC 17600 (Sub-No. E2), filed January 8, 1975. Applicant: PARAMOUNT MOVING & STORAGE CO., INC., Garden City, Long Island, N.Y. 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, (a) between points in Ohio, Indiana, and Illinois, on the one hand, and, on the other, points in New Jersey; (b)(1) between points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, and New York City, N.Y., on the one hand, and, on the other, points in Florida, Georgia, Alabama, North Carolina and South Carolina; (2) between points in Vermont, Massachusetts, Rhode Island and Connecticut, on the one hand, and, on the other, points in Florida, Georgia, Alabama, North Carolina, and South Carolina; (3) between points in New Jersey (except points in Cumberland, Cape May, and Atlantic Counties), on the one hand, and, on the other, points in Florida, Georgia, Alabama, North Carolina, South Carolina and the District of Columbia; and (4) between points in New York on and east of a line beginning at the New Jersey-New York State line and extending along U.S. Highway 81 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateways of Union, Middlesex, Essex, Bergen, Passaic, Morris, Somerset and Monmouth Counties, N.J., in parts (a) and (b)(3) above, and New York, N.Y., in parts (b) (1), (2), and (4) above.

No. MC 21170 (Sub-No. E93), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and *commodities* exempt from economic regulation pursuant to the provisions of Section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale and chain grocery stores, from points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction unnumbered highway, thence along unnumbered highway through Devonia to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction unnumbered highway, thence along unnumbered highway to junction Iowa Highway 96, thence along Iowa Highway 96 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in that part of Kentucky on and south of a line beginning at the Kentucky-Illinois State line extending along Kentucky Highway 358 to junction Kentucky Highway 305, thence along Kentucky Highway 305 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 210, thence along Kentucky Highway 210 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 198, thence along Kentucky Highway 198 to junction Kentucky Highway 78, thence along Kentucky Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo.

NOTE.—The authorities mentioned above were purchased by Cedar Rapids Transportation Co. pursuant to MC-F-10199.

No. MC 21170 (Sub-No. E94), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products and commodities* exempt from economic regulation pursuant to the provisions of Section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale and chain grocery stores, from points in Iowa on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 63 to junction Iowa Highway 21, thence along Iowa Highway 21 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 108, thence along Iowa Highway 108 to junction unnumbered highway at Delta, thence along unnumbered highway to junction Iowa Highway 149, thence along Iowa Highway 149 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in that part of Kentucky on, south and west of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo.

NOTE.—The authorities mentioned above were purchased by Cedar Rapids Steel Transportation pursuant to MC-F-10199.

No. MC 21170 (Sub-No. E97), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa

52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and *commodities* exempt from economic regulation pursuant to the provisions of Section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale and chain grocery stores, from points in Iowa on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction unnumbered highway at Ackley, thence along unnumbered highway to junction Iowa Highway 118, thence along Iowa Highway 118 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 146, thence along Iowa Highway 146 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 15, thence along Iowa Highway 15 to the Iowa-Missouri State line, to points in that part of Virginia on and south of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 460 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Virginia Highway 33, thence along Virginia Highway 33 to junction Virginia Highway 198, thence along Virginia Highway 198 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo.

NOTE.—The authorities mentioned above were purchased by Cedar Rapids Steel Transportation pursuant to MC-F-10199.

No. MC 21170 (Sub-No. E99), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products and commodities* exempt from economic regulation pursuant to the provisions of Section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale and chain grocery stores, from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 214, thence along Iowa Highway 214 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 146, thence along Iowa Highway 146 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 21, thence along Iowa Highway 21 to junction Iowa Highway 22, thence along Iowa Highway 22 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 218, thence along Iowa Highway 218 to junction Iowa Highway 16, thence along Iowa Highway 16 to junction Iowa Highway 88, thence along Iowa Highway 88 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Iowa-Illinois State line, to points in that part of Maine on and east of a line beginning at the United States-Canada International Boundary line extending along Maine Highway 11 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway Alternate 1, thence along U.S. Highway Alternate 1 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of the Ralston Purina Co. located at or near California, Mo.

NOTE.—The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Co. pursuant to MC-F-10199.

No. MC 30280 (Sub-No. E78), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Danville, Va., on the one hand, and, on the other, points in an area of North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, thence along North Carolina Highway 58 to Wilson, thence along U.S. Highway 301 to junction U.S. Highway 117, thence along U.S. Highway 117 to Wilmington, and thence along U.S. Highway 421 to Fort Fisher and points on and east of U.S. Highway 25. The purpose of this filing is to eliminate the gateway of points in North Carolina on and west of U.S. Highway 29 within 30 miles of Danville, Va.

No. MC 30280 (Sub-No. E101), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Lunenburg, Mecklenburg, and Nottoway Counties, Va., on the one hand, and, on the other, points in that part of North Carolina in an area bounded by a line beginning at the North Carolina-Virginia State line to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 301 to junction U.S. Highway 117, thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Fort Fisher, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in North Carolina within 160 miles of Victoria, Va.

No. MC 30280 (Sub-No. E103), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Halifax, Charlotte, and Prince Edward Counties, Va., on the one hand, and, on the other, points in that part of North Carolina in an area bounded by a line beginning at the North Carolina-Virginia State line to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 301 to junction U.S. Highway 117, thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Fort Fisher, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in North Carolina within 160 miles of Victoria, Va.

No. MC 43963 (Sub-No. E2) (Partial Correction) filed April 6, 1975 published in the FEDERAL REGISTER May 1, 1975. Applicant: CHIEF TRUCK LINES, INC., Joliet Road and 79th Street, Hinsdale, Ill. 60521. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, which because of size and weight require specialize handling or rigging, (4) from points in Wisconsin north of a line beginning at Lake Michigan and extending along the northern boundaries of Manitowoc, Calumet, Winnebago, Waushara, Adams, Juneau, Monroe, and La Crosse Counties, to the Minnesota-Wisconsin State line to points in Kendall, Grundy, Livingston, McLean, De Witt, Piatt, Macon, Moultrie, Shelby, Christian, Fayette, Bond, Marion, Clinton, Washington, Jefferson, Randolph, Perry, Jackson, Union and Alexander Counties, Ill., points in Kane, Du Page, and Cook Counties, Ill., on and south of Illinois Highway 64 and points in Indiana on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this partial correction is to correct the territorial destination point in (4) above. The remainder of this application will remain the same as previously published.

No. MC 52579 (Sub-No. E10), filed May 24, 1974. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments*, on hangers, from Miami and Hialeah, Fla., to points in Colorado, Delaware, Idaho, Iowa, Michigan, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, points in Illinois north of U.S. Highway 30, points in Indiana north of Indiana Highway 14, and points in Ohio on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways of Chicago, Ill., or points in the New York, N.Y., Commercial Zone.

No. MC 75840 (Sub-No. E13) (Correction) filed May 6, 1974, published in the FEDERAL REGISTER May 15, 1975. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except those requiring special equipment), (a) from New Orleans, La., to points in Rhode Island, Massachusetts and Connecticut (Montgomery, Ala., or points within 65 miles of Birmingham, Ala., including Birmingham, and Sheffield or Listerhill, Ala.)*; (b) from those points in Arkansas on and east of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 65 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line (except West Memphis, Ark., points in Crittenden, St. Francis and Lee Counties, Ark., south of U.S. Highway 70 and on and east of Arkansas Highway 1 and those in Phillips and Desha Counties, Ark., east of the White River and north of the Arkansas River) to points in Rhode Island, Massachusetts and Connecticut. (Sheffield or Listerhill, Ala., and Memphis, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this correction is to include the above in the original letter-notice as originally filed. The remainder of the letter-notice remains as previously published.

No. MC 75840 (Sub-No. E14) (Correction), filed May 6, 1974, published in FEDERAL REGISTER May 15, 1975. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except those requiring special equipment), (a) from New Orleans, La., to points in West Virginia (Montgomery, Ala., or Birmingham, Ala., or points within 65 miles thereof, and Sheffield or Listerhill, Ala.)*, (b) *Aluminum and aluminum products* (except those requiring special equipment), from points in that part of Arkansas on, east and south of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 65 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction unnumbered highway near Turrell, thence along unnumbered highway to the Arkansas-Tennessee State line (except West Memphis, Ark., points in Crittenden, St. Francis and Lee Counties, Ark., south of U.S. Highway 70 and on and east of Arkansas Highway 1 and those in Phillips and Desha Counties, Ark., lying east of the White River and north of the Arkansas River), to points in West Virginia. (Sheffield or Listerhill, Ala., and Memphis, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to include the above in the original letter-notice as filed. The remainder of the letter-notice remains as previously published.

No. MC 75840 (Sub-No. E20) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER May 15, 1975. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Postell, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine, machinery, plumbing supplies, building materials, bags, bagging, steel, seeds, soap, shortening compounds, cotton linters, and steel tanks* (except commodities in bulk and those requiring special equipment, from Birmingham, Ala., and points within 65 miles thereof, and Montgomery, Ala., to points in that part of Arkansas on, north and west of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction souri State line extending along U.S. Highway 270 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line. The purpose of this filing is to eliminate the gateway of points in Mississippi north of U.S. Highway 82 which are east of U.S. Highway 51, and Memphis, Tenn. The purpose of this partial correction is to include the above in the original letter-notice as filed. The remainder of the letter-notice remains as previously published.

No. MC 100666 (Sub-No. E252), filed May 14, 1975. Applicant: MELTON TRUCK LINES, INC., Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefinished wall panels, composition board, wallboard, plywood, mouldings, gypsum board*, and *accessories* incidental to the installation thereof from the facilities of Celotex Corporation at Hamlin, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, Vermont, Wisconsin, the District of Columbia, and those points in South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along South Dakota Highway 34 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to the Montana-South Dakota State line: (2) *Gypsum wallboard, gypsum lath, gypsum wallboard products, metal lath, metal studs, clips, tape, joint cement, joint systems, and materials* used with or in connection with the installation of gypsum wallboard or gypsum lath and when accompanying gypsum wallboard or gypsum lath, from the facilities of Celotex Corporation at Hamlin, Tex., to points in Alabama, Georgia, Illinois, and Indiana.

(4) *Roofing, roofing materials, and siding* (except commodities in bulk), from the facilities of Celotex Corporation at Hamlin, Tex., to points in Ohio: (4) *Wallboard, fiberboard, particleboard, roofing, insulating, sheathing, gypsum plaster products, joint system compound, and building paper and tape*, from the facilities of Celotex Corporation at Hamlin, Tex., to points in Kentucky: (5) *Building materials and gypsum products* (except commodities in bulk), from the facilities of Celotex Corporation at Hamlin, Tex., to points in Florida, North Carolina, South Carolina, and Virginia: (6) *Building and insulating materials*, and *gypsum and*

gypsum products, from the facilities of Celotex Corporation at Hamlin, Tex., to points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateways of Pittsburg, Kans., in (1) above; Briar, Ark., in (2) above; Shreveport, La., in (3) above; West Memphis, Ark., in (4) above; facilities of National Gypsum Company at New Orleans La., in (5) above, and Duke, Okla., and Acme, Tex., in (6) above.

No. MC 102567 (Sub-No. E137), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia and asphalt), from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at Mena, Ark., and extending along U.S. Highway 59/71 to junction Arkansas Highway 41, thence along Arkansas Highway 41 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 5, thence along Louisiana Highway 5 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 96, thence along U.S. Highway 96 to Texas Highway 87, thence along Texas Highway 87 to Port Arthur, Tex., to those points in Tennessee east of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 48 to junction Tennessee Highway 46, thence along Tennessee Highway 46 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction Tennessee Highway 43, thence along Tennessee Highway 43 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., and Mt. Pleasant and Waskom, Tex.

No. MC 102567 (Sub-No. E144), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia and asphalt), from those points in Texas, Arkansas, Louisiana within 150 miles of Henderson, Tex., which are north and west of a line beginning at Mena, Ark., and extending along U.S. Highway 58/71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 7, thence along Louisiana Highway 7 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to Berlin, Tex., to those points in Florida east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex.

No. MC 102567 (Sub-No. E145), filed June 3, 1974. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia and asphalt), from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are north of Interstate Highway 20, to those points in Florida south of a line beginning at the Atlantic Ocean and extending along Florida Highway 207 to junction Florida Highway 20, thence along Florida Highway 20 to junction Florida Highway 26, thence along Florida Highway 26 to junction U.S. Highway 19/98, thence along U.S. Highway 19/98 to junction County Highway 351, thence along County Highway 351 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., and Washom and Mt. Pleasant, Tex.

No. MC 107515 (Sub-No. E613), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat, meat products*, and *meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles): (1) from points in California in and south of a line beginning at San Francisco and extending along Interstate Highway 80 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 4, thence along California Highway 4 to junction California Highway 99, thence along California Highway 99 to Bakersfield and junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, to points in Ohio and points in Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 74 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line; (2) from points in California on and south or west of a line beginning at the Pacific Ocean at Santa Cruz, Calif., and extending along California Highway 1 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 46, thence along California Highway 46 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 66, thence along U.S. Highway 66 to the California-Nevada State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Booneville, Miss.

No. MC 108207 (Sub-No. E22), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and fresh meats*, from Rossville, Tenn., to points in Iowa, Kansas, and Nebraska. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at Rossville, Tenn. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 109478 (Sub-No. E7) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 116, North East, Pa. 16428. Applicant's representative: Joseph M. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Preserved food products*, other than frozen or in bulk in tank vehicles, from Geneva, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan (Lower Peninsula), New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the District of Columbia, and points in Maine on and south of a line beginning at the Maine-New Hampshire State line, extending along U.S. Highway 2 to junction U.S. Highway 1 Alternate, thence along U.S. Highway 1 Alternate to junction Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean; (2) *Grape juice, tomato juice, honey, jams, jellies, and preserves* other than frozen or in bulk in tank vehicles, and *food products*, in vehicles equipped with mechanical refrigeration, other than

frozen or in bulk in tank vehicles, from Geneva, Ohio, to points in Indiana; and (3) *Grape juice, tomato juice, honey, jams, jellies, and preserves* other than frozen or in bulk in tank vehicles, from Geneva, Ohio, to points in Illinois. The purpose of this filing is to eliminate the gateways of (1) North East, Pa., Erie County, Pa., and LeRoy, N.Y., and points within 50 miles thereof; (2) Erie County and North East, Pa.; and (3) North East, Pa. The purpose of this correction is to correct the origin and destination descriptions and to correct the gateway.

No. MC 109478 (Sub-No. E8), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and food products*, other than frozen or in bulk in tank vehicles; from Lawton, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, the District of Columbia, and points in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to junction U.S. Highway 1 Alternate, thence along U.S. Highway 1 Alternate to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; (2) *Food products*, other than frozen or in bulk in tank vehicles, from Lawton, Mich., to points in New York; (3) *Preserved foodstuffs*, other than frozen or in bulk, in tank vehicles, from Lawton and Mattawan, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the District of Columbia, and points in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to junction U.S. Highway 1 Alternate, thence along U.S. Highway 1 Alternate to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine. The purpose of this filing is to eliminate the gateways of (1) Leepsir, Holgate, and St. Mary's Ohio; (2) Geneva, Ohio, and LeRoy, N.Y., and points within 50 miles thereof; and (3) Westfield, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E11), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Rd., North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grape juice, tomato juice, honey, jams, jellies, and preserves*, other than frozen or in bulk in tank vehicles, from Jersey City, N.J., and points in New Jersey within 25 miles thereof to all points in Illinois; (2) *Grape juice, tomato juice, honey, jams, jellies, and preserves*, other than frozen or in bulk in tank vehicles, from Jersey City, N.J., and points in New Jersey within 25 miles thereof to all points in Indiana; (3) *Food products*, other than frozen or in bulk in tank vehicles, from Jersey City, N.J., and points in New Jersey within 25 miles thereof to all points in Illinois; (4) *Food products*, other than frozen or in bulk in tank vehicles, *preserved food products*, in vehicles equipped with mechanical refrigeration, other than frozen or in bulk in tank vehicles, from Jersey City, N.J., and points in New Jersey within 25 miles thereof to all points in Michigan; and (5) *Preserved food products* other than frozen or in bulk in tank vehicles, from Jersey City, N.J., and points in New Jersey within 25 miles thereof to all points in Crawford and Erie Counties, Pa. The purpose of this filing is to eliminate the gateways of: in (1) and (2), Brocton, N.Y.; in (3) Brocton, N.Y., and Genesee and Monroe Counties, N.Y.; in (4) Hamlin, N.Y., Brocton, N.Y., and Erie County, Pa., and in (5) Brocton, N.Y.

No. MC 109637 (Sub-No. E14), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except benzol, toluol, and xylol) as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in bulk, in tank vehicles, from Troy, Ind., to points in Ohio. The purpose of this filing is to eliminate the gateways of Louisville, Ky., and Madison, Ind.

No. MC 113459 (Sub-No. E92), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, between points in Iowa on and east of U.S. Highway 61, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 1, and on and north of Interstate Highway 94. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113459 (Sub-No. E93), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, between points in Iowa on and east of U.S. Highway 52 beginning at the Iowa-Minnesota State line to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line, on the one hand, and, on the other, points in New Mexico on, west or south of U.S. Highway 85 and U.S. Highway 84. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113459 (Sub-No. E94), filed May, 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, (1) between points in Wisconsin on and south of a line beginning at Green Bay and extending along U.S. Highway 41 to its junction with Wisconsin Highway 44, thence along Wisconsin Highway 44 to its junction with Wisconsin Highway 23, thence along Wisconsin Highway 23 to its junction with U.S. Highway 14, thence along U.S. Highway 14 to its junction with Wisconsin Highway 60, thence along Wisconsin Highway 60 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to the Wisconsin-Iowa State line, on the one hand, and, on the other, points in Montana on and west of Montana Highway 242 beginning at the Montana-Canada State line, to its junction with U.S. Highway 191, to its junction with U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line; and (2) between points in Wisconsin on and south of a line beginning at Lake Michigan, and extending along Wisconsin Highway 23 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Wisconsin-Illinois State line, on the one hand, and, on the other, all points in Montana. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113459 (Sub-No. E95), filed May, 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher

(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, except in connection with main or trunk pipelines, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, except in connection with main or trunk pipelines; between points in Nevada west of a line beginning at the Nevada-Idaho State line and extending along U.S. Highway 51 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line, and points in that part of North Dakota on and west of North Dakota Highway 30. The purpose of this filing is to eliminate the gateway of points in Colorado east of U.S. Highway 87.

No. MC 113549 (Sub-No. E96), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, except in connection with main or trunk pipelines, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, except in connection with main or trunk pipelines, between points in Kansas, on the one hand, and, on the other, those points in South Dakota on, north and west of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 73 to its junction with U.S. Highway 14, thence along U.S. Highway 14 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction South Dakota Highway 79, thence along South Dakota Highway 79 to its junction with U.S. Highway 385. The purpose of this filing is to eliminate the gateways of points in Colorado east of U.S. Highway 87.

No. MC 113459 (Sub-No. E97), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, except in connection with main or trunk pipelines, and *machinery, equipment, materials and supplies* used in, or in connection with main or trunk pipelines, between points in Kansas, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the United States-Canadian International Boundary line and extending along North Dakota Highway 8 to its junction with North Dakota Highway 23, thence along North Dakota Highway 23 to its junction with North Dakota Highway 22, thence along North Dakota Highway 22 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with North Dakota Highway 12, thence along North Dakota Highway 12 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateways of points in Colorado east of U.S. Highway 87.

No. MC 113459 (Sub-No. E98), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, between points in Wisconsin on and south of a line beginning at Milwaukee and extending along U.S. Highway 18 to its junction with Wisconsin Highway 59, thence along Wisconsin Highway 59 to its junction with Wisconsin Highway 26, thence along Wisconsin Highway 26 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113459 (Sub-No. E99), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, between points in Minnesota on, south and east of a line beginning at the Minnesota-Iowa State line and extending along Interstate Highway 35 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, on the one hand, and, on the other, points in Missouri on, east and south of a line beginning at the Missouri-Illinois State line and extending along Interstate Highway 70 to its junction with Interstate Highway 244, thence along Interstate Highway 244 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113459 (Sub-No. E100), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment and machinery equipment, materials, supplies and pipe*, due to size or weight, require the use of special equipment, 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, between Bullitt, Hardin, Meade, Breckinridge, Crittenden, Hancock, Daviess, Henderson, Union, Webster, McLean, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell and Jefferson Counties, Ky., on the one hand, and, on the other, Wyoming. The purpose of this filing is to eliminate the gateways of points in Kansas and those in Illinois south of U.S. Highway 36.

No. MC 113459 (Sub-No. E101), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment and machinery equipment, materials, supplies, and pipe*, which due to size or weight, require the use of special equipment, 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, between Bullitt, Hardin, Meade, Breckinridge, Crittenden, Hancock, Daviess, Henderson, Union, Webster,

McLean, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, Nevada. The purpose of this filing is to eliminate the gateways of points in Colorado, Kansas, and those in Illinois south of U.S. Highway 36.

No. MC 113459 (Sub-No. E103), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment, from points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to its junction with Texas Highway 19, thence along Texas Highway 19 to its junction with Interstate Highway 30, thence along Interstate Highway 30 to its junction Interstate Highway 35, thence along Interstate Highway 35 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to its junction with U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 113843 (Sub-No. E200), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, frozen meat products, and frozen meat by-products*, and articles distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company near Sterling, Ill., to points in Accomack and Northampton Counties, Va., restricted to traffic originating at the plant site of Armour and Co., at or near Sterling, Ill. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E203), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour and Company at or near Worthington and Mankato, Minn., restricted to shipments originating at said storage facilities at or near Worthington and Mankato, Minn., to those points in Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E376), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen seafood, and frozen fruits and vegetables*, from points in Delaware and Maryland (except Pocomoke City, Cambridge and Crisfield) east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to those points in Erie, McKean and Warren Counties, Pa., on and north of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 226 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction U.S. Highway 6, thence along U.S. Highway 6 to Warren, Pa., thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to the McKean-Potter County Line, and points in Missouri on and west of U.S. Highway 63, that portion of Michigan on and north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E388), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods;* (1) from Baltimore, Md., to points in North Dakota and South Dakota, and those points in the Upper Peninsula of Michigan on, north, and west of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 8 to junction U.S. Highway 2, to Escanaba, thence along U.S. Highway 2 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior, those in Iowa on, north, and west of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 6 to Oakland, Iowa, thence along U.S. Highway 6 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, those in Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 6 to Lincoln, Nebr., thence along U.S. Highway 6 to junction U.S. Highway 77, thence along U.S. 77 to the Nebraska-Kansas State line, those in Kansas on and west of U.S. Highway 183, those in Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along Interstate Highway 94 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line, and those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 63 to Ashland, Wis., thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line.

(b) From Havre de Grace, Md., to points in Nebraska, North Dakota, South Dakota, and those points in Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 to Charles City, Iowa, thence along U.S. Highway 218 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 147, to Rockford, Iowa, thence along Iowa Highway 147 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 18 to Mason City, Iowa, thence along U.S. Highway 18 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, those in Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 81, thence along U.S. Highway 80 to the Kansas-Nebraska State line, to points in the Lower Peninsula of Michigan on and north of a line beginning at Lake Huron and extending along Michigan Highway 32 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 72, thence along Michigan Highway 72 to Lake Michigan, those in the Upper Peninsula of Michigan, those in Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 14 to Rochester, thence along U.S. Highway 14 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Iowa State line, and those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Michigan State line and extending along Michigan Highway 64 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction U.S. Highway 53 to Eau Claire, Wis., thence along U.S. Highway 53 to junction Wisconsin Highway 93, thence along Wisconsin Highway 93 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to the Wisconsin-Minnesota State line.

(c) From those points in Delaware and Maryland on and south of U.S. Highway

40 and on and north of a line beginning at the Chesapeake Bay and extending along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware Highway 8, thence along Delaware Highway 8 to the Delaware River, to points in North Dakota, South Dakota, Minnesota, Nebraska, Kansas, and those points in Iowa (except those south and west of a line beginning at the Iowa-Illinois State line and extending along Iowa Highway 2 to junction Iowa Highway 81, thence along Iowa Highway 81 to the Iowa-Missouri State line, those in Illinois on, north, and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to Rockford, Ill., thence along Illinois Highway 51 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, and those in Wisconsin on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 18 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Illinois State line, and St. Joseph and Kansas City, Mo.

(d) From those points in Delaware and Maryland south of a line beginning at Chesapeake Bay and extending along U.S. Highway 50 to junction U.S. Highway 301, thenc ealong U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware Highway 8, thence along Delaware Highway 8 to the Delaware River, and on and north of a line beginning at the Chesapeake Bay and extending along Maryland Highway 343 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction Maryland Highway 392, thence along Maryland Highway 392 to junction Delaware Highway 20, thence along Delaware Highway 20 to junction U.S. Highway 113, thence along U.S. Highway 113 to junction Delaware Highway 26, thence along Delaware Highway 26 to the Atlantic Ocean, to points in North Dakota, South Dakota, Minnesota, and Nebraska, and those in Iowa on, north, and west of a line beginning at the Iowa-Wisconsin State line and extending along Iowa Highway 9 to Decorah, Iowa, thence along Iowa Highway 150 to Cedar Rapids, thence along Iowa Highway 150 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, those in Kansas on, north, and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction U.S. Highway 24, to Manhattan, Kans., thence along U.S. Highway 24 to junction Kansas Highway 18 to Junction City, Kans., thence along Kansas Highway 18 to junction U.S. Highway 40 to Solomon, Kans., to junction Kansas Highway 220 to Salina, Kans., thence along Kansas Highway 220 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 61, Pratt, Kans., thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, and those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction Wisconsin Highway 60, to Sauk City, Wis., thence along Wisconsin Highway 60 to junction U.S. Highway 12 to Wisconsin Dells, Wis., thence along Wisconsin Highway 12 to junction Wisconsin Highway 13 to Wisconsin Rapids, Wis., thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 51, thence along Wisconsin Highway 51 to junction Wisconsin Highway 29, to Shawano, Wis., thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to Lake Michigan.

(e) From those points in Delaware and Maryland south of a line beginning at the Chesapeake Bay and extending along Maryland Highwy 343 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction Maryland Highway 392, thence along Maryland Highway 392 to junction Delaware Highway 20, thence along Delaware Highway 20 to junction U.S. Highway 113, thence along U.S. Highway 113 to junction Delaware Highway 26, thence along Delaware Highway 26 to the Atlantic Ocean, to points in North Dakota, South Dakota, Minnesota, Nebraska, those points in Iowa on, north, and west of a line beginning at the Iowa-Wisconsin State line and extending along Iowa Highway 9 to Decorah, Iowa, thence along Iowa Highway 9 to junction Iowa Highway 150 to Cedar Rapids, Iowa, thence along Iowa Highway 150 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction U.S. Highway 63 to Ottumwa, Iowa, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line, those in Kansas on, north, and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction U.S. Highway 24 to Manhattan, thence along U.S. Highway 24 to junction Kansas Highway 18 to Junction City, thence along Kansas Highway 18 to junction U.S. Highway 40 to Solomon, thence along U.S. Highway 40 to junction Kansas Highway 220 to Salina, thence along Kansas Highway 220 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 61 to Pratt, Kans., thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, and those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 16 to Tomah, thence along U.S. Highway 16 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 34 to Nekoosa, thence along Wisconsin Highway 34 to Wisconsin Rapids, to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Wisconsin-Michigan State line.

(f) From points in Accomack and Northampton Counties, Va., to points in North Dakota, South Dakota, Minnesota, Nebraska, those in Iowa on, north, and west of a line beginning at the Iowa-Wisconsin State line and extending along Iowa Highway 9 to junction Iowa Highway 150 to Cedar Rapids, thence along Iowa Highway 150 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction U.S. Highway 63 to Ottumwa, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, those in Kansas on, north, and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 81 to Concordia, thence along U.S. Highway 81 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 281, to Great Bend, thence along U.S. Highway 281 to junction U.S. Highway 56 to Dodge City, thence along U.S. Highway 56, to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, and those in Wisconsin beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 29 to Shawano, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to Lake Michigan. The purpose of this filing is to eliminate the gateways of Hamlin, Holley, and Williamson, N.Y., for points in Michigan, and the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y., for points in Iowa, Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Wisconsin, and Missouri.

No. MC 113843 (Sub-No. E547), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Sum-

mer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 226 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 426, thence along Pennsylvania Highway 426 to the Pennsylvania-New York State line, to points in Accomack and Northampton Counties, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E910), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from points in Accomack and Northampton Counties, Va., to points in Iowa on, north and west of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 151 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 22, thence along Iowa Highway 22 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateways of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y.

No. MC 113843 (Sub-No. E916), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods;* (1) from those points in Delaware and Maryland on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay and on and north of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Maryland Highway 311, thence along Maryland Highway 311 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 404, thence along Maryland Highway 404 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay to those points in Iowa (except those south and east of a line beginning at the Iowa-Missouri State line and extending along Iowa Highway 81 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Iowa-Illinois State line; (2) from those points in Delaware and Maryland east of the Susquehanna River and Chesapeake Bay, on and north of a line beginning at the Atlantic Ocean and extending along unnumbered highway to junction Delaware Highway 18, thence along Delaware Highway 18 to junction Delaware Highway 28, thence along Delaware Highway 28 to junction Delaware Highway 20, thence along Delaware Highway 20 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay and south of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Maryland Highway 311, thence along Maryland Highway 311 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 404, thence along Maryland Highway 404 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to those points in Iowa on, north, and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 21, thence along Iowa Highway 21 to Waterloo, Iowa, thence along U.S. Highway 63 to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to the Iowa-Illinois State line; and (3) from those points in Delaware and Maryland east of the Susquehanna River and Chesapeake Bay and south of a line beginning at the Atlantic Ocean and extending along unnumbered Highway to junction Delaware Highway 18, thence along Delaware Highway 18 to junction Delaware Highway 28, thence along Delaware Highway 28 to junction Delaware Highway 20, thence along Delaware Highway 20 to junction Maryland Highway 392, thence along Maryland Highway 392 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay, to those points in Iowa on, north, and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 21, thence along Iowa Highway 21 to Waterloo, thence along U.S. Highway 63 to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y.

No. MC 113855 (Sub-No. E91) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER May 15, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery, parts*, and *related contractors' materials* and *supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Colorado, on the one hand, and, on the other, points in Iowa (except points located in Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties); and (b) between points in Colorado (except points located in Logan, Washington, Lincoln, Crowley, Otero, Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, Kiowa, Bent, Prowers, and Baca Counties, on the one hand, and, on the other, points in Iowa (except Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties). The purpose of this filing is to eliminate the gateway of South Dakota. The purpose of this correction is to correct the destination point in (2)(b) above.

No. MC 113855 (Sub-No. E188) (Correction), filed April 4, 1974 published in the FEDERAL REGISTER May 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Prefabricated metal building*, knocked down, *prefabricated metal building sections*, knocked down, *prefabricated prefinished metal panel sections, component parts* thereof, and *equipment, materials*, and *supplies* used in the installation, construction, or erection thereof (except metal buildings which are designed to be drawn by passenger automobiles), from Evansville, Wis., to points in California and Nevada; and (B) *materials, equipment*, and *supplies* used in the manufacture of the commodities described above (except commodities in bulk), from points in California and Nevada to points in Evansville, Wis. Restriction: Both (A) and (B) above are restricted to the transportation of such commodities described above that are iron and steel articles as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and part (B) above further re-

stricted to shipments destined to Evansville, Wis. The purpose of this filing is to eliminate the gateway of Utah. The purpose of this correction is to correct the appendix description in the restriction above.

No. MC 113843 (Sub-No. E622), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen seafood, and frozen fruits and vegetables* (except in bulk, in tank vehicles), (1) from Accomack and Northampton Counties, Va., to those points in New Hampshire and Vermont on and north of U.S. Highway 2; (2) from those points in Delaware and Maryland (except Pocomoke City, Cambridge, and Crisfield) on and south of a line beginning at the Atlantic Ocean extending along unnumbered highway to junction Delaware Highway 18, thence along Delaware Highway 18 to junction Maryland Highway 331, thence along Maryland Highway 331 to junction Maryland Highway 33, thence along Maryland Highway 33 to the Chesapeake Bay, to those points in Vermont on, north and west of a line beginning at Lake Champlain and extending along Vermont Highway 15 to junction Vermont Highway 108, thence along Vermont Highway 108 to the United States-Canada International Boundary line; and (3) from those points in Maryland (except Pocomoke City, Cambridge, and Crisfield) on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 50 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay, to those points in Vermont on, north, and west of a line beginning at Lake Champlain extending along U.S. Highway 2, thence along U.S. Highway 2 to junction Vermont Highway 14, thence along Vermont Highway 14 to junction U.S. Highway 5, thence along U.S. Highway 5 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Yates, Ontario, Wayne, Onondaga, Monroe, Genesee, Livingston, Chautauqua, and Cattaraugus Counties, N.Y.

No. MC 113843 (Sub-No. E918), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from those points in Delaware and Maryland on and south of U.S. Highway 40, east of the Susquehanna River and Chesapeake Bay, and north of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Maryland Highway 311, thence along Maryland Highway 311 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 312, thence along Maryland Highway 312 to junction Maryland Highway 404, thence along Maryland Highway 404 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to those points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 131, thence along Missouri Highway 131 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y.

No. MC 113843 (Sub-No. E920), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (*Canned foods;* (1) from those points in Delaware and Maryland on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, and on and north of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Maryland Highway 311, thence along Maryland Highway 311 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 404, thence along Maryland Highway 404 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to points in Kansas; (2) from those points in Delaware and Maryland east of the Susquehanna River and Chesapeake Bay, on and north of a line beginning at the Atlantic Ocean and extending along unnumbered highway to junction Delaware Highway 18, thence along Delaware Highway 18 to junction Delaware Highway 28, thence along Delaware Highway 28 to junction Delaware Highway 20, thence along Delaware Highway 20 to junction Maryland Highway 392, thence along Maryland Highway 392 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay, and south of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Maryland Highway 311, thence along Maryland Highway 311 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 404, thence along Maryland Highway 404 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to those points in Kansas on and west of U.S. Highway 81; (3) from those points in Delaware and Maryland east of the Susquehanna River and Chesapeake Bay and south of a line beginning at the Atlantic Ocean and extending along unnumbered highway to junction Delaware Highway 18, thence along Delaware Highway 18 to junction Delaware Highway 28, thence along Delaware Highway 28 to junction Delaware Highway 20, thence along Delaware Highway 20 to junction Maryland Highway 392, thence along Maryland Highway 392 to junction Maryland Highway 61, thence along Maryland Highway 61 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay, to those points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line; and (4) from points in Accomack and Northampton Counties, Va., to those points in Kansas on, north, and west of a line beginning at the Kansas-Oklahoma State line and extending along Kansas Highway 1 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y.

No. MC 114019 (Sub-No. E142) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER April 10, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment), from the facilities of the Colgate-Palmolive Co., at Jefferson, Ind., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Danville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania and West Virginia (points in Ohio except Cincin-

nati)*; and (2) *Chemicals, chemical compounds, cleaning compounds, soap, soap powder, washing powder, washing compound, toilet preparations, and glycerine* (except in bulk), from the facilities of the Colgate-Palmolive Co., at Clarksville, and Jeffersonville, Ind., to points in the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, Wyoming, and points in Iowa on and north of Iowa Highway 2 from the Illinois-Iowa State line to junction U.S. Highway 59, and on and west of U.S. Highway 59 from its junction with Iowa Highway 2 to the Iowa-Missouri State line, points in Nebraska, on and north of U.S. Highway 136 from the Missouri-Nebraska State line to junction U.S. Highway 183, and on and west of U.S. Highway 183 from said junction to the Nebraska-Kansas State line, those in Kansas on and west of U.S. Highway 183 from the Nebraska-Kansas State line to junction Kansas Highway 96 and on and north of Kansas Highway 96 from said junction to the Kansas-Colorado State line, and those in Colorado on, north, and west of Colorado Highway 96 from the Colorado-Kansas State line to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. (Utica, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include (2) above.

No. MC 114552 (Sub-No. E9), filed April 29, 1974. Applicant: SENN TRUCKING CO., P.O. Box 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer); (1) between points in Georgia, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Michigan; (2) from points in Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Florida Highway 121, thence along Florida Highway 121 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Florida Highway 40, thence along Florida Highway 40 to the Gulf of Mexico, to points in Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line, thence along Arkansas Highway 24 to junction Arkansas Highway 26, thence along Arkansas Highway 26 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Arkansas-Tennessee State line, and points in Texas on and west of a line beginning at Carnes, Tex., on the Oklahoma-Texas State line, thence along Texas Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 92, thence along Texas Highway 92 to junction Texas Highway 70, thence along Texas Highway 70 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Texas Highway 170, thence along Texas Highway 170 to the United States-Mexico International Boundary line at Boquillas, Tex.; (3) between points in Louisiana, on the one hand, and, on the other, points in Georgia on and north of a line beginning at the Georgia-Tennessee State line, thence along Interstate Highway 75 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Georgia Highway 60, thence along Georgia Highway 60 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line at Augusta, Ga.

(4) From points in Georgia to points in Maine, Minnesota, Nebraska, New Hampshire, North Dakota, South Dakota, and Wisconsin; (5) from points in Georgia to points in Vermont; (6) from points in Georgia on and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Georgia Highway 83, thence along Georgia Highway 83 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Georgia Highway 33, thence along Georgia Highway 33 to the Georgia-Florida State line, to points in Kansas and Iowa; (7) from points in Georgia on and east of a line beginning at the Georgia-North Carolina State line, thence along Georgia Highway 11 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction Georgia Highway 18, thence along Georgia Highway 18 to junction Georgia Highway 243, thence along Georgia Highway 243 to junction Georgia Highway 57, thence along Georgia Highway 57 to junction Georgia Highway 46, thence along Georgia Highway 46 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean to Texas; (8) from points in Georgia on and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 23, thence along U.S. Highway 23/129, to junction U.S. Highway 23/341, thence along U.S. Highway 341 to the Atlantic Ocean, to points in Oklahoma; and (9) from points in Georgia on and east of a line beginning at the Georgia-South Carolina State line, thence along Georgia Highway 368 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction Georgia Highway 47, thence along Georgia Highway 47 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Georgia Highway 80, thence along Georgia Highway 80 to junction U.S. Highway 1/221, thence along U.S. Highway 1/211 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 1/23, thence along U.S. Highway 1/23 to the Georgia-Florida State line, to points in Missouri and Arkansas. The purpose of this filing is to eliminate the gateways of: in (1) Tennessee; in (2)(4)(6)(7), and (9) Greenwood County, S.C., in (3) Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, and Union Counties, N.C.; in (5) Camden County, N.J.; and in (8) South Carolina.

No. MC 117574 (Sub-No. E42) (Partial Correction), filed November 18, 1974, published in the FEDERAL REGISTER March 26, 1975 and republished May 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3)(b) *mechanical lifting equipment* for sewage, water, and refuse treatment systems, the transportation of which because of size or weight requires the use of special equipment, and *attachments* and *parts* for mechanical lifting equipment, used in connection with the erection and construction of sewage, water, and refuse treatment systems (except commodities in bulk), between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Wisconsin, Michigan (except points in Hillsdale, Lakeland, Lenawee, Monroe, Washtenaw, and Wayne Counties), Ohio (except points north of a line beginning at the Ohio-Pennsylvania State line on Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 224 at Lodi, Ohio, thence along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Ohio-Indiana State line), points in Maryland west of Washington County, points in North Carolina in and west of Bladen, Brunswick, Caswell, Chatham, Columbus, Cumberland, Harnett, Lee, and Orange Counties, and points in Virginia in or west of Amherst, Augusta, Clarke, Campbell, Page, Pittsylvania, Rockingham, and Warren Counties.

(5)(b) *Mechanical lifting equipment* for sewage, water, and refuse treatment systems, the transportation of which because of size or weight requires the use of special equipment, used in connection with for mechanical lifting equipment, used in connection with the erection and construction of sewage, water, and re-

fuse treatment systems (except commodities in bulk), between points in New Castle County, Del., points in the Maryland Counties of Baltimore, Carroll, Cecil, Frederick, Harford, Kent, and Washington, and those in New York in and east of the counties of Cayuga, Chemung, Oswego, Seneca, and Schuyler, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, those in West Virginia (except points in the counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton), and those in North Carolina on and west of U.S. Highway 321, and those in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 321 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, and those in Virginia in the counties of Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe. The purpose of this filing is to eliminate the gateway of the facilities of Fulton Industries at or near McConnellsburg, Pa. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice will remain as previously published.

No. MC 128383 (Sub-No. E86), filed December 27, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Rd., Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago O'Hare International Airport, Chicago, Ill., Greater Cincinnati Airport, at or near Cincinnati, Ohio, Hopkins International Airport, at Cleveland, Ohio, and Weir-Cook Airport at Indianapolis, Ind., on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., restricted to the transportation of traffic having a prior or subsequent movement by air; (2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment), and motor vehicles, between Chicago O'Hare International Airport, Chicago, Ill., Greater Cincinnati Airport, at or near Cincinnati, Ohio, and Weir-Cook Airport, Indianapolis, Ind., on the one hand, and, on the other, points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., those points in Burlington County, N.J., south of Rancocas Creek, and those in Philadelphia County, Pa., restricted to transportation of traffic having a prior or subsequent movement by air (The Greater Pittsburgh Airport, Pittsburgh, Pa., and Newark Airport, Newark, N.J.)*; (3) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia International Airport, on the one hand, and, on the other, Chicago O'Hare International Airport, Chicago, Ill., Greater Cincinnati Airport, Cincinnati, Ohio, and Weir-Cook Airport, Indianapolis, Ind., restricted to the transportation of traffic having a prior or subsequent movement by air (The Greater Pittsburgh Airport, Pittsburgh, Pa., and Newark Airport, Newark, N.J.)*.

(4) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago O'Hare International Airport, Chicago, Ill., Greater Cincinnati Airport, at or near Cincinnati, Ohio, Cleveland Hopkins International Airport, Cleveland, Ohio, and Weir-Cook Airport, Indianapolis, Ind., on the one hand, and, on the other, Logan International Airport, Boston, Mass., restricted to traffic having an immediately prior or subsequent movement by air, and further restricted against the transportation of shipments originating at or destined to John F. Kennedy International Airport, New York, N.Y., and Logan International Airport, Boston, Mass.; (5) *General commodities* (except commodities in bulk, Classes A and B explosives and commodities requiring special equipment), between Greater Pittsburgh Airport, Pittsburgh, Pa., on the one hand, and, on the other, Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., between Weir-Cook Airport, Indianapolis, Ind., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., restricted to the transportation of shipments having a prior or subsequent movement by air (Chicago O'Hare International Airport at Chicago, Ill.)*; (6) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, John F. Kennedy International Airport, LaGuardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., restricted to the transportation of shipments having a prior or subsequent movement by air, (Chicago O'Hare International Airport, at Chicago, Ill., and The Greater Pittsburgh Airport, at Pittsburgh, Pa.)*; (7) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, Logan International Airport, Boston, Mass., restricted to the transportation of shipments having a prior or subsequent movement by air (Chicago O'Hare International Airport, at Chicago, Ill., and The Greater Pittsburgh Airport at Pittsburgh, Pa.)*.

(8) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), between Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., those points in Burlington County, N.J., south of Rancocas Creek, and those in Philadelphia County, Pa., restricted to transportation of shipments having a prior or subsequent movement by air (Chicago O'Hare International Airport, at Chicago, Ill., The Greater Pittsburgh Airport, at Pittsburgh, Pa., and Newark Airport, at Newark, N.J.; (9) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., restricted to transportation of shipments having a prior or subsequent movement by air (Chicago O'Hare International Airport, at Chicago, Ill., The Greater Pittsburgh Airport, at Pittsburgh, Pa., and Newark Airport, at Newark, N.J.; (10) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and motor vehicles), between Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, points in Chester, Delaware, and Montgomery Counties, Pa., and those in Bucks County, Pa., north and west of Pennsylvania Highway 232, restricted to transportation of shipments having a prior or subsequent movement by air (Chicago O'Hare International Airport, at Chicago, Ill., The Greater Pittsburgh Airport, at Pittsburgh, Pa., and Newark Airport, at Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 129631 (Sub-No. E4), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding materials*, from points in Maricopa County to points in Cache, Rich, Davis (except Centerville), Summit, Weber, and Morgan Counties, Utah, and points in Box Elder County, Utah, on

and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 80N to junction Utah Highway 83, thence along Utah Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Box Elder-Cache County line. The purpose of this filing is to eliminate the gateway of Oneida County, Idaho.

No. MC 129631 (Sub-No. E5), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber and lumber mill products*, from points in Oregon to points in Utah, restricted against service, (1) from Josephine, Jackson, and Klamath Counties, Oreg., to Beaver, Iron, Millard, and Washington Counties, Utah; and (2) from Baker, Harney, and Malheur Counties, Oreg., to Cache and Box Elder Counties, Utah (Oneida County, Idaho, and Summit County, Utah)*, (B) *Lumber and lumber mill products*, restricted to building materials, from points in Oregon to points in Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, and points in Box Elder County, Utah, on and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 80N to junction Utah Highway 83, thence along Utah Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Box Elder-Cache County line (Oneida County, Idaho)*; and (C) *Building materials*, from Baker, Oreg., to points in Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, and points in Box Elder County on and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 80N to junction Utah Highway 83, thence along Utah Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Box Elder-Cache County line (Oneida County, Idaho)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 129631 (Sub-No. E6), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber and lumber mill products*, restricted against the transportation of commodities which because of their size or weight require special equipment, from points in Washington to points in Utah, restricted against service from Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash., Cache, Davis (but including Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, and points in Box Elder County on and east of U.S. Highways 80N and 15, and Utah Highway 83 (Oneida County, Idaho, and Summit County, Utah)*; and (B) *Lumber and lumber mill products*, restricted to building materials, from points in Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash., to points in Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, and points in Box Elder County, on and east of U.S. Highways 80N and 15 and Utah Highway 83 (Oneida County, Idaho)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 129631 (Sub-No. E7), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, restricted against the transportation of commodities which because of their size or weight require special equipment, from points in Oregon to points in Arizona, restricted against service from points in Coos, Curry, Harney, Jackson, Josephine, Malheur, and Klamath Counties, Oreg., to points in Cochise, Coconino, Gila, Maricopa, Pima, Santa Cruz, Yavapai, Mohave, and Yuma Counties, Ariz. The purpose of this filing is to eliminate the gateways of Oneida, Franklin, Caribou, or Bear Lake Counties, Idaho.

No. MC 129631 (Sub-No. E8), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber mill products*, from points in Oregon to points in Arizona (except Pinal, Pima, Mohave, and Yuma Counties). The purpose of this filing is to eliminate the gateways of Oneida, Franklin, Caribou, or Bear Lake Counties, Idaho.

No. MC 129631 (Sub-No. E9), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Oregon to points in Arizona (except Yuma and Mohave Counties). The purpose of this filing is to eliminate the gateways of Oneida, Franklin, Caribou, or Bear Lake Counties, Idaho.

No. MC 129631 (Sub-No. E12), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, restricted against the transportation of commodities which because of size or weight require special equipment, from points in Oregon (except Malheur and Multnomah Counties), to points in Wyoming (except Yellowstone National Park, Big Horn, and Sheridan Counties). The purpose of this filing is to eliminate the gateways of Oneida County, Idaho, and Summit County, Utah.

No. MC 129631 (Sub-No. E13), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber mill products*, restricted against the transportation of commodities which because of size or weight require special equipment, from points in Washington in and west of Walla Walla, Franklin, Adams, Grant, Douglas, and Okanogan Counties, to points in Uinta, Sweetwater, Lincoln, Carbon, Albany, and Laramie Counties, Wyo. The purpose of this filing is to eliminate the gateways of Oneida, Caribou, Franklin, or Bear Lake Counties, Idaho, and Summit County, Utah.

No. MC 129631 (Sub-No. E14), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber mill products*, restricted against the transportation of commodities which because of size or weight require special equipment, from points in Washington to points in Laramie, Albany, Lincoln, Sublette, Fremont, Carbon, Sweetwater, and Uinta Counties, Wyo. The purpose of this filing is to eliminate the gateways of Oneida, Franklin, Caribou, or Bear Lake Counties, Idaho, and Summit County, Utah.

No. MC 129631 (Sub-No. E15), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, restricted against the transportation of commodities which because of size or weight require special equipment, from points in Montana to points in Utah (except Box Elder, Cache, and Rich Counties) (Summit County, Utah)*; and (B) *Lumber and lumber mill products*, restricted against the transportation of commodities which because of size or weight, require special equipment, from points in Lincoln, Lake, Flathead, Sanders, Mineral, Missoula, Granite, Ravalli, and Powell Counties, Mont., to points in Carbon, Albany, and Laramie Counties, Wyo.

(Summit County, Utah) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 129631 (Sub-No. E16), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber mill products*, restricted to building materials, from points in Montana east of the Continental Divide to points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateway of Oneida County, Idaho.

No. MC 129631 (Sub-No. E17), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *lumber and lumber mill products*, restricted against the transportation of commodities which because of size or weight require special equipment, from points in Idaho (except Oneida, Bannock, Caribou, Franklin and Bear Lake Counties) to points in Utah (except Box Elder, Cache, Rich, Weber and Morgan Counties). (Summit County, Utah) *, (b) *lumber and lumber mill products*, restricted to building materials, from points in Oneida, Bannock, Caribou, Franklin and Bear Lake Counties, Idaho, to points in Box Elder, Cache, Rich, Davis (except Centerville), Summit, Morgan and Weber Counties, Utah. (Franklin or Oneida Counties, Idaho and Cache County, Utah) *, (c) *building materials and machinery*, between points in Bannock, Bear Lake, Caribou, Franklin and Oneida Counties, Idaho, on the one hand, and, on the other, points in Box Elder, Cache, Davis (except Centerville), Rich, Morgan, Summit, Salt Lake and Weber Counties, Utah. (Cache County, Utah) *. The purpose of this filing is to eliminate the gateways indicated by asterisks.

No. MC 129631 (Sub-No. E18), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South 2d West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, other irregular routes, transporting: *lumber and lumber mill products*, restricted to building materials, from points in Idaho (except Franklin and Bear Lake Counties) to points in Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, and points in Box Elder County on and east of U.S. Highways 80N and 15 and Utah Highway 83. The purpose of this filing is to eliminate the gateway of Oneida County, Idaho.

No. MC 129631 (Sub-No. E20), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 South 2nd West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *lumber and lumber mill products*, restricted against the transportation of commodities which because of size or weight require special equipment, (1) from points in Rich and Summit Counties, Utah, to points in New Mexico and Arizona, (2) from points in Daggett County, Utah, to points in New Mexico (except Taos, Colfax, and Union Counties) and Arizona (points in Utah on and south of U.S. Highway 40, except Blanding, Ephraim, and Escalante) *; (b) *lumber and lumber mill products*, restricted to building materials and against commodities which because of size or weight require special equipment, from points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Wyoming (except Lincoln and Teton Counties) (Daggett, Rich or Summit Counties, Utah) *; (c) *building materials*, between points in Teton County, Wyo., on the one hand, and, on the other, points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah (Pocatello, Idaho, and Cache County, Utah) *; (d) *lumber and lumber mill products*, restricted to building materials and against commodities which because of size or weight require special equipment, from points in Bannock, Bear Lake, Caribou, Franklin, and Oneida Counties, Idaho to points in Vinta, Sweetwater, Carbon, Albany and Laramie Counties, Wyo. (Cache, and Rich, or Summit Counties, Utah) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 129994 (Sub-No. E1), filed May 20, 1974. Applicant RAY BETHERS TRUCKING COMPANY, P.O. Box 116, Kamas, Utah. Applicant's representative: Ray Bethers (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (except poles and laminated beans), from Salt Lake City, Utah, to points in Arizona, California, Colorado, and Nevada; (2) *lumber* (except poles and laminated beans), (a) from Los Angeles, Riverside, San Bernardino and San Diego, Calif., to Colorado Springs, Craig, Denver, Fort Collins, Grand Junction and Pueblo, Colo., (b) from points in that part of California on and south of a line beginning at the Pacific Ocean and extending along California Highway 166 to junction California Highway 99, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, thence along U.S. Highway 66/395 to Escondido and thence along Interstate Highway 5 to the International Boundary line between the United States and Mexico to points in Colorado on and north of U.S. Highway 50, (c) from Blythe, Calif., to Craig, Denver and Fort Collins, Colo., (d) from El Centro, Calif., to Craig, Denver, Fort Collins, and Grand Junction, Colo., (e) from Indio, Calif., to Craig, Denver, Fort Collins, and Grand Junction, Colo., (f) from Needles, Calif., to Craig, Denver and Fort Collins, Colo., (g) from points in that part of California on, south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 and U.S. Highway 66/395 and Interstate Highway 5 to the International Boundary line between the United States and Mexico to points in that part of Colorado on and north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to Craig, thence along Colorado Highway 13/789 to junction U.S. Highway 6/24 and Interstate Highway 70, thence along U.S. Highway 6/24 and Interstate Highway 70 to Denver, and thence along Interstate Highway 80S to the Colorado-Nebraska State line, (h) from Alturas, Calif., to Alamosa, Colorado Springs, Craig, Denver, Durango, Fort Collins, Grand Junction and Pueblo, Colo.

(i) From Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, and Bishop, Calif., to Alamosa, Colorado Springs, Craig, Denver, Durango, Fort Collins, Grand Junction and Pueblo, Colo., (j) from Bakersfield, Calif., to Colorado Springs, Craig, Denver, Fort Collins, Grand Junction, and Pueblo, Colo., (k) from Barstow, Calif., to Colorado Springs, Craig, Denver, Fort Collins, and Pueblo, Colo., (l) from Santa Maria, Calif., to Alamosa, Colorado Springs, Craig, Denver, Fort Collins, Grand Junction, and Pueblo, Colo., and (m) from points in that part of California on and north of a line beginning at the Pacific Ocean and extending along California Highway 166 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, and thence along Interstate Highway 15 to the California-Nevada State line to points in Colorado on and north of U.S. Highway 50; (3) *lumber* (except poles and laminated beans), (a) from Eureka and Redding, Calif., to Albuquerque, Farmington, and Alamagordo, N. Mex., (b) from Oakland, Calif., to Albuquerque and Farmington, N. Mex., (c) from San Jose, Calif., to Farmington, N. Mex., (d) from points in that part of California on and north of a line beginning at Eureka, Calif., and extending along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to Red Bluff, thence along California Highway 36 to Susanville, and thence along U.S. Highway 395 to the California-Nevada State line to points in New Mexico, (e) from points in that part of California on and south of a line beginning at Eureka, Calif., and extending along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to Red Bluff, thence along California Highway 36 to Susanville, and thence along U.S. Highway 395 to the California-Nevada State line to points in New Mexico on and north of Interstate Highway 40; (4)

lumber (except poles and laminated beans), (a) from Alturas, Eureka and Redding, Calif., to Page, Ariz.

(b) From points in that part of California north of a line beginning at San Francisco and extending along Interstate Highway 80 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to Manteca, thence along California Highway 99 to Sacramento, and thence along U.S. Highway 50 to the California-Nevada State line to Page, Ariz.; (5) *lumber* (except poles and laminated beans), (a) from Craig, Denver, and Fort Collins, Colo., to Blythe, El Centro, Indio, Needles, Los Angeles, Riverside, San Bernardino, San Diego, Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop, Bakersfield, Barstow, and Santa Maria, Calif., (b) from points in that part of Colorado on and north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to Craig, thence along Colorado Highway 13/789 to junction U.S. Highway 6, thence along U.S. Highway 6 to Denver, and thence along Interstate Highway 80S to the Colorado-Nebraska State line to points in California; (6) *lumber* (except poles and laminated beans, (a) from Grand Junction, Colo., to El Centro, Indio, Los Angeles, Riverside, San Bernardino, San Diego, Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop, Bakersfield, and Santa Maria, Calif., (b) from Colorado Springs and Pueblo, Colo., to Los Angeles, Riverside, San Bernardino, San Diego, Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop, Bakersfield, Barstow, and Santa Maria, Calif., (c) from points in that part of Colorado on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to Craig, thence along Colorado Highway 13/789 to junction U.S. Highway 6, thence along U.S. Highway 6 to Denver, thence along Interstate Highway 80S to the Colorado-Nebraska State line and on and north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 6/50 to Grand Junction, and thence along U.S. Highway 50 to the Colorado-Kansas State line to points in California on, north and west of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 and U.S. Highway 395 to junction Interstate Highway 5 to the International Boundary line between the United States and Mexico.

(d) From Alamosa, Colo., to Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop, Bakersfield and Santa Maria, Calif., (e) from Durango, Colo., to Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop and Bakersfield, Calif., (f) from points in Colorado south of U.S. Highway 50 to points in that part of California north of a line beginning at the Pacific Ocean and extending along California Highway 166 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, and thence along Interstate Highway 15 to the California-Nevada State line; (7) *lumber* (except poles and laminated beans), (a) from Craig, Colo., to Phoenix and Tucson, Ariz., and (b) from points in that part of Colorado north of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 13/789 to Craig, thence along U.S. Highway 40 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction Colorado Highday 125, thence along Colorado Highway 125 to the Colorado-Wyoming State line to points in that part of Arizona south of a line beginning at the California-Arizona State line and extending along Interstate Highway 10 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 60/89, thence along U.S. Highway 60/89 to Phoenix, thence along U.S. Highway 60 to Globe, and thence along U.S. Highway 70 to the Arizona-New Mexico State line; (8) *lumber* (except poles and laminated beans), (a) from Alamosa, Colo., to Ely, Reno and Wells, Nev., (b) from Colorado Springs, Colo., to Ely, Reno and Wells, Nev., (c) from Craig, Colo., to Ely, Las Vegas, Reno and Wells, Nev., (d) from Denver, Colo., to Ely, Las Vegas, Reno and Wells, Nev., (e) from Durango, Colo., to Reno and Wells, Nev., (f) from Fort Collins, Colo., to Ely, Las Vegas, Reno and Wells, Nev., (g) from Grand Junction, Colo., to Las Vegas, Reno and Wells., Nev., (h) from Pueblo, Colo., to Ely, Las Vegas, Reno and Wells, Nev.

(i) From points in that part of Colorado north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 666 to junction U.S. Highway 160, thence along U.S. Highway 160 to Walsenburg, thence along Interstate Highway 25 to Trinidad, and thence along U.S. Highway 160 to the Colorado-Kansas State line to points in Nevada on and north of Interstate Highway 15, (j) from points in that part of Colorado south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 666 to junction U.S. Highway 160, thence along U.S. Highway 160 to Walsenburg, thence along Interstate Highway 25 to Trinidad, and thence along U.S. Highway 160 to the Colorado-Kansas State line to points in that part of Nevada west and north of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 6/50 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line (including Ely, Nev.); (9) *lumber* (except poles and laminated beans), from Afton, Daniel, Wyo., to points in Arizona, California, Nevada, New Mexico; (10) *lumber* (except poles and laminated beans), from Encampment, Wyo., to points in Arizona, California and Nevada; (11) *lumber* (except poles and laminated beans), from Riverton, Wyo., to points in Arizona, California, Nevada, and points in that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 84 to junction New Mexico Highway 95, thence along New Mexico Highway 95 to junction New Mexico Highway 96, thence along New Mexico Highway 96 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line; (12) *lumber* (except poles and laminated beans), from Paris, Idaho to points in Arizona, California, points in that part of Nevada on, west and south of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 40, and thence along U.S. Highway 40 to the Nevada-Utah State line and New Mexico.

(13) *Lumber* (except poles and laminated beans), from Darby, Mont., to points in Arizona, New Mexico, points in that part of California south of a line beginning at San Francisco and extending along U.S. Highway 80 to junction Interstate Highway 580, thence along U.S. Highway 580 to junction Interstate Highway 205, thence along U.S. Highway 205 to Manteca, thence along California Highway 99 to Merced, thence along California Highway 140 and California Highway 120 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, and points in that part of Nevada on, east and south of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 6/50 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line (including Ely, Nev.); (14) *lumber* (except poles and laminated beans), from West Yellowstone, Mont., to points in Arizona, New Mexico, points in that part of California on and south of a line beginning at San Francisco and extending along Interstate Highway 80 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to Manteca, thence along California Highway 99 to Merced, thence along California Highway 140 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 20 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, and points in that part of Nevada on, south and east of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 6/50 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Inter-

state Highway 15 to the California-Nevada State line (including Ely, Nev.). The purpose of this filing is to eliminate the gateway of Kamas, Utah, or the site of a lumber mill located approximately 4 miles south of Heber City, Utah, and/or Salt Lake City and Wasatch County, Utah.

No. MC 133973 (Sub-No. E1), filed May 16, 1974. Applicant: HUNTINGTON MOVING & STORAGE CO., 1102 Vernon Street, Huntington, W. Va. 25719. Applicant's representative: Stanley I. Goldman, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Maryland on and west of U.S. Highway 220, on the one hand, and, on the other, points in Tennessee; (2) between points in Garrett and Allegany Counties, Md., on the one hand, and, on the other, (a) points in Cherokee, Clay, Graham, Swain, Macon, Jackson, Haywood, Transylvania, Henderson, Buncombe, and Madison Counties, N.C., and (b) points in South Carolina on and north of Interstate Highway 20 and on and west of U.S. Highway 21; (3) between points in Virginia on and west of U.S. Highway 21, on the one hand, and, on the other, points in New York; (4) between points in West Virginia on or north of U.S. Highway 33, on the one hand, and, on the other points in Tennessee, on and east of Interstate Highway 65; (5) between points in West Virginia on and west of Interstate Highway 77, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 501 from the Virginia line to Durham and on and west of U.S. Highway 70 from Durham to the Atlantic Ocean; (6) between points in W. Va., except those of McDowell, Mingo, Mercer, Monroe, and Greenbrier Counties, on the one hand, and on the other, points in South Carolina; (7) between points in Ohio, on and east of Interstate Highway 77, on the one hand, and, on the other, points in Tennessee, on and east of Interstate Highway 75, including Chattanooga, Tenn.; (8) between points in Ohio on and east of U.S. Highway 62 from the Kentucky border to Columbus, points on and south of U.S. Highway 40 from Columbus to junction Interstate Highway 77 and points on and west of Interstate Highway 77 from the junction of U.S. Highway 40 to the West Virginia border, on the one hand, and, on the other, points in North Carolina.

(9) Between points in Ohio, on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 21 from the South Carolina border to junction Interstate Highway 70, and on and south of Interstate Highway 70 from Statesville to the Atlantic Ocean; (10) between points in Ohio, on the one hand, and, on the other, points in South Carolina on and east of Interstate Highway 20 from the Georgia border to Columbia and on and east of U.S. Highway 21 to the North Carolina border; (11) (a) between points in Kentucky, on the one hand, and, on the other, points in New Jersey and Delaware, and (b) between points in Kentucky on and south of Interstate Highway 64, on the one hand, and, on the other, points in New York Highway 84; (12) between points in Kentucky on and north of Interstate Highway 64, on the one hand, and, on the other, points in North Carolina, on and east of Interstate Highway 85 and points in South Carolina on and east of Interstate Highway 95; (13) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Tennessee; and (14) between points in Erie, Crawford, Venango, Mercer, Butler, Lawrence, Beaver, and Allegheny Counties, Pa., on the one hand, and, on the other, points in South Carolina and points in North Carolina on and south of Interstate Highway 40 from the Tennessee line to Raleigh and U.S. Highway 70 from Raleigh to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Wyoming County, W. Va.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14763 Filed 6-4-75;8:45 am]

[Notice No. 44]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 30, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before August 4, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all application filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 312), filed May 5, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to Colorado Springs, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Denver, Colo.

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 1459 (Sub-No. 7), filed May 2, 1975. Applicant: ROYAL MOTOR EXPRESS, INC., 240 Harmon Avenue, Lebanon, Ohio. 45036. Applicant's representative: Richard H. Brandon, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in shipper owned trailers), between points in Ohio, Indiana, Illinois, Kentucky, West Virginia, Virginia, Tennessee, Michigan, Pennsylvania, Wisconsin, St. Louis, and St. Louis County, Mo., under a continuing contract with The Standard Oil Company of Ohio and its wholly owned subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 10343 (Sub-No. 29), filed May 2, 1975. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those of unusual value): (1) Between Kansas City, Mo. and Salina, Kans.: From Kansas City, over Interstate Highway 70 to Salina, and return over the same route, as an alternate route for operating convenience only, serving the junction of Interstate Highway 70 and Kansas Highway 177, the junction of Interstate Highway 70 and U.S. Highway 77, and the junction of Interstate Highway 70 and U.S. Highway 24 for purposes of joinder only; (2) Between Manhattan, Kans. and Wichita, Kans.: From Manhattan over Kansas Highway 177 to junction Interstate Highway 35, thence over Interstate Highway 35 to Wichita, and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highway 56 and Kansas Highway 177 for purposes of joinder only; (3) Between Junction City, Kans. and Council Grove, Kans.: From Junction City over U.S. Highway 77 to junction U.S. Highway 56, thence over U.S. Highway 56 to Council Grove, and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highway 77 and U.S. Highway 56 for purposes of joinder only;

(4) Between the junction of Kansas Highway 177 and U.S. Highway 50 and Wichita, Kans.: From the junction of Kansas Highway 177 and U.S. Highway 50 over U.S. Highway 50 to junction Kansas Highway 150, thence over Kansas Highway 150 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction Interstate Highway 35, thence over Interstate Highway 35 to Wichita, and return over the same route, as an alternate route for operating convenience only, serving the junction of Kansas Highway 177 and U.S. Highway 50, the junction of Kansas Highway 150 and U.S. Highway 77, and the junction of U.S. Highway 77 and U.S. Highway 50 for purposes of joinder only; (5) Between the junction of U.S. Highway 81 and Kansas Highway 4 and the junction of Kansas Highway 43 and Kansas Highway 4: From the junction of U.S. Highway 81 and Kansas Highway 4 over Kansas Highway 4 to junction Kansas Highway 43, and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highway 81 and Kansas Highway 4, the junction of Kansas Highway 4 and Kansas Highway 15 and the junction of Kansas Highway 4 and Kansas Highway 43 for purposes of joinder only; (6) Between the junction of U.S. Highway 81 and U.S. Highway 56 and the junction of U.S. Highway 56 and Kansas Highway 15: From the junction of U.S. Highway 81 and U.S. Highway 56 over U.S. Highway 56 to junction Kansas Highway 15, and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highway 81 and U.S. Highway 56 and the junction of U.S. Highway 56 and Kansas Highway 15 for purposes of joinder only; (7) Between Hutchinson, Kans. and Wichita, Kans.: From Hutchinson over Kansas Highway 96 to Wichita and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (8) Between Hutchinson, Kans. and Newton, Kans.: From Hutchinson over U.S. Highway 50 to Newton, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points;

(9) Between Kansas City, Mo. and St. Joseph, Mo.: From Kansas City over Interstate Highway 29 to St. Joseph, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (10) Between Kansas City, Mo. and Marion, Kans.: From Kansas City over Interstate Highway 35 to Emporia, Kans., thence over U.S. Highway 50 to Elmdale, Kans., thence over Kansas Highway 150 to junction U.S. Highway 56, thence over U.S. Highway 56 to Marion, and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highway 50 and Interstate Highway 35, the junction of U.S. Highway 50 and Kansas Highway 150, and the junction of Kansas Highway 150 and U.S. Highway 56 for purposes of joinder only; (11) Between Kansas City, Mo. and Wichita, Kans.: From Kansas City over the Kansas Turnpike to Wichita, and return over the same route, as an alternate route for operating convenience only, serving the junction of the Kansas Turnpike and U.S. Highway 40, the junction of the Kansas Turnpike and U.S. Highway 50 and the junction of the Kansas Turnpike and U.S. Highway 77 for purposes of joinder only; (12) Between Kansas City, Mo. and Wichita, Kans.: From Kansas City over Interstate Highway 35 to Wichita, and return over the same route, as an alternate route for operating convenience only, serving the junction of Interstate Highway 35 and U.S. Highway 50 near Emporia, the junction of Interstate Highway 35 and Kansas Highway 177, and the junction of U.S. Highway 77 and Interstate Highway 35 for purposes of joinder only; (13) Between the junction of U.S. Highway 50 and Kansas Highway 150 and Wichita, Kans.: From the junction of U.S. Highway 50 and Kansas Highway 150, over U.S. Highway 50 to junction Interstate Highway 35 W, thence over Interstate Highway 35 W to Wichita, and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highway 50 and Kansas Highway 150, the junction of U.S. Highway 50 and U.S. Highway 77, and the junction of U.S. Highway 50 and Interstate Highway 35 W for purposes of joinder only:

(14) Between Kansas City, Mo. and the junction of U.S. Highway 36 and Interstate Highway 35; From Kansas City over Interstate Highway 35 to junction U.S. Highway 36, and return over the same route, as an alternate route for operating convenience only, serving the junction of U.S. Highway 36 and Interstate Highway 35 for purposes of joinder only; and (15) Between Kansas City, Mo. and Springfield, Mo.: From Kansas City over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 13900 (Sub-No. 26), filed April 25, 1975. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* which are at the time moving on bills of lading of freight forwarders, as defined in Section 402(a) of the Act, (1) serving Whippany, N.J., as an off-route point in connection with its regular route between Cincinnati, Ohio and Newark, N.J., over U.S. Highway 22; and (2) serving Wilmington, Del., as an off-route point in connection with its regular route between Washington, D.C., and Bridgeport, Conn., over U.S. Highway 1.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 19251 (Sub-No. 11), filed May 7, 1975. Applicant: HERBERT M. ADAMS doing business as ADAMS VAN & STORAGE CO., 99 Main Street Box 538, Caribou, Maine 04736. Applicant's representative: Herbert M. Adams (same

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in Maine.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 22254 (Sub-No. 80), filed May 1, 1975. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 12301 West Freeway Street, P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: John C. Bradley, Suite 618 Perpetual Bldg., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sailboats*, from the facilities and plantsite of Snark Products, located at or near Virginia Beach, Va., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Fort Worth, Tex., or Washington, D.C.

No. MC 29120 (Sub-No. 192), filed March 20, 1975. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings*, from Sparta, Mich., to Aberdeen, S. Dak.; Chicago, Ill.; Milwaukee, Wisc.; Dayton and Moraine City, Ohio; Indianapolis, Ind., and St. Louis and Manchester, Mo.

NOTE.—Applicant states that it intends to tack the requested authority with its existing regular route authority in: (1) Sub-No. 156 at Aberdeen, S. Dak. to serve Bismarck, N. Dak. and authorized points in North Dakota; (2) in Sub-No. 151 at Spearfish, S. Dak. to serve authorized points in South Dakota, (3) in Sub-No. 97 at Chicago, Ill. to serve points in Illinois located within 50 miles of Crystal Lake, Ill., (4) in Sub-No. 119 tacked to the lead certificate Route No. 5, at Chicago, Ill. to serve points in Iowa, Nebraska, and South Dakota; (5) in Sub-No. 143 tacked to the lead certificate at Milwaukee, Wis. to serve Fairmont, Minn. for joinder with existing regular route authority to points in Minnesota and South Dakota; and (6) in Sub-No. 99 at Indianapolis, Ind. to serve Cincinnati, Ohio and Louisville, Ky.; and with authority authorized in MC-F-12417 at Moraine and Dayton, Ohio to provide a through service (1) from Sparta, Mich., to points in Cook County, Ill. and (2) from Sparta, Mich. to points in Fulton, Joseph, Stark, and Pulaski Counties, Ind. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 31389 (Sub-No. 197), filed April 30, 1975. Applicant: MCLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse and distribution center of National Geographic Society located at or near Gaithersburg, Md., as an off-route point in conjunction with applicant's regular route operations to and from the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 34227 (Sub-No. 12), filed May 2, 1975. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, a Corporation, 1695 Leggit Drive, Denver, Colo. 80137. Applicant's representative: Patrick E. Quinn, 605 S. 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Suitcases, travel bags, brief cases, and carrying cases*, from Denver, Colo., to points in Alabama, Florida, Mississippi, North Carolina, and South Carolina; and (2) *materials and supplies*, used in the repair, display and distribution of the commodities named in (1) above, from Columbus, Miss., to Denver, Colo., restricted to a transportation service to be performed, under a continuing contract, or contracts, with Samsonite Corporation, at Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 50069 (Sub-No. 501), filed May 5, 1975. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude coal tar*, in bulk, in tank vehicles, from East Chicago, Ind., to Granite City, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 52657 (Sub-No. 725), filed May 7, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor trucks and truck chassis and parts thereof* in initial moves in truckaway and driveaway service, and *new snow plows and equipment thereof* when moving with trucks and truck chassis, from Spencer, Wis., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Madison, Wis.

No. MC 52861 (Sub-No. 39), filed March 5, 1975. Applicant: WILLS TRUCKING, INC., 5755 Granger Road, Cleveland, Ohio 44131. Applicant's representative: Paul F. Beery, Ninth Floor, 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 usually transported in dump vehicles, between ports of entry on the International Boundary line between the United States and Canada located in Michigan, Ohio, and Pennsylvania, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 59662 (Sub-No. 2), filed May 2, 1975. Applicant: HENRY VROOM & SON, INC., P.O. Box 66, Brighton Station, Detroit, Mich. 48223. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials and supplies* used in conduct of such business, between Detroit, Mich., on the one hand, and, on the other, points in Sandusky, Allen, Wood, Williams, Hancock, Seneca, Defiance, Ottawa, Erie, Fulton, Lucas, Cuyahoga, and Franklin Counties, Ohio, and points in Allen, Kosciusko, and Steuben Counties, Ind., under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, at Montvale, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Detroit, Mich.

No. MC 61825 (Sub-No. 63), filed May 5, 1975. Applicant: ROY STONE TRANSFER CORPORATION, a Corporation, V.C. Drive, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, building wall and insulating board and materials, plastic products and materials, mineral wool products, insulating materials and insulated air ducts and such materials, supplies and equipment* used in the production distribution and installation of such commodities (except commodities in bulk), between points in Clarke County, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 548), filed April 7, 1975. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 60603. Applicant's representative: Carl L. Steiner, 39 South La

Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from Jacksonville, Ark., to points in Michigan, New Jersey, Pennsylvania, West Virginia, and Wisconsin; and (2) from points in Illinois, Kentucky, Louisiana, Michigan, New Jersey, Pennsylvania, Texas, and West Virginia to points in Jacksonville, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 407), filed May 5, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, in truckaway or tow-away service, from the plantsite and warehouse facilities of CMI Corp. located at Oklahoma City, Okla., to points in the United States including Alaska, but excluding Hawaii and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 102567 (Sub-No. 186), filed April 17, 1975. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Bldg., 711 Fannin St., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the facilities of Texaco, Inc., in Jefferson County, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 106497 (Sub-No. 116), filed May 2, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc and zinc products, and materials and supplies* used in the manufacture and distribution of zinc and zinc products (except in bulk, in tank vehicles), between the plantsite and storage facilities of American Smelting and Refining Co., Inc., located at Corpus Christi, Tex., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Texas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas or Houston, Tex.

No. MC 106497 (Sub-No. 117), filed May 2, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, Post Office Box 912, Bus. Rte. I–44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper*, and *materials and supplies* used in the manufacture and distribution of refined copper (except in bulk, in tank vehicles), between the plantsite and storage facilities of American Smelting and Refining Co., Inc., at or near Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 106644 (Sub-No. 210), filed May 2, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. BOX 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) *and parts, implements, attachments, accessories and supplies therefor*, when moving incidentally thereto as a part of the same shipment (except commodities which because of their size or weight require the use of special equipment or handling), from Norfolk, Va., to points in Arkansas, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, Louisiana, Texas, and Mississippi, restricted to the transportation or traffic originating at and destined to the destination states above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Atlanta, Ga.

No. MC 107012 (Sub-No. 218), filed May 2, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, cartoned or crated, from point in California, to points in the United States (except Alaska, Hawaii, Nebraska, Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Missouri, Vermont, West Virginia, Illinois, Indiana, Michigan, Ohio, Wisconsin, and the District of Columbia).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or San Diego, Calif.

No. MC 107295 (Sub-No. 764), filed May 1, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular mausoleum crypt systems*, from Baltimore, Md., to points in Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, Florida and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 765), filed May 1, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and masonry curing, waterproofing, conditioning, cleaning, bonding, and releasing compounds* (except commodities in bulk), from Kansas City, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 766), filed May 1, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos building panels, shingles, and siding*, from Manville, N.J., to points in Illinois, Iowa and Nebraska.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 107496 (Sub-No. 997), filed April 4, 1975. Applicant: RUAN TRANSPORT CORPORATION, 3rd & Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, in bulk, from Kell, Ill., to points in Missouri; (2) *dry chemicals* (except petroleum products), in bulk, from the plantsite of Sherwin-Williams, at or near Coffeyville, Kans., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New York, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Texas; (3) *chemicals*, in bulk, from Kingsbury, Ind., to points in Illinois, Indiana, Iowa, Michigan, Wisconsin, Ohio, and Kentucky; (4) *anhydrous ammonia*, in bulk, from Kingsbury, Ind., to points in New York, and Connecticut, (5) *carmel coloring, burnt sugar* in bulk, from Clinton, Iowa (except from plantsite of Clinton Corn Products), to points in Illinois, Wisconsin, Georgia, Maryland, Alabama and New Jersey; and (6) *chemicals*, in bulk,

between points in Marinette City, Wis., on the one hand, and, on the other, points in Illinois (except Chicago and E. St. Louis), and points in Ohio and Michigan (except Ferndale).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 107515 (Sub-No. 980), filed April 29, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants*, and *foodstuffs* (except hides and commodities in bulk), from the plant site and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, restricted to traffic originating at the above named origin and destined to the above named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, to the plant site and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at the above named states and destined to the above named destination.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 107515 (Sub-No. 981), filed April 29, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) (a) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with the commodities described in (a) above, from the plant site and storage facilities of Oscar Mayer & Co. at or near Sherman, Tex., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted to traffic originating at the above origin and destined to above named destinations; (II) *Commodities* as described in (1) (a) and (b) above and *materials, equipment and supplies* used in manufacture, sale or distribution of commodities in (1) (a) and (b) above, between the plant site and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., and points in Illinois, Iowa and Wisconsin, in nonradial movements, restricted to traffic originating at or destined to the plant site and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex.

NOTE.—Applicant holds motor contract carrier authority in MC 126436 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at either Dallas, Tex., or Chicago, Ill.

No. MC 107839 (Sub-No. 161), filed May 1, 1975. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Glover Packing Co., located at or near Roswell, N. Mex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated record with Curtis, Inc., in MC 113678 (Sub-No. 575) at Denver, Colo.

No. MC 108835 (Sub-No. 32), filed May 2, 1975. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Plymouth, Minn. 55427. Applicant's representative: Rodney L. Trocke, 2690 North Prior Ave., Roseville, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Tennant Company at or near Maple Grove, Minn. as an off-route point in connection with applicant's authorized regular route operations to and from Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110988 (Sub-No. 322), filed May 5, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant and warehouse facilities of Economics Laboratory, Inc., located at Joliet, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111434 (Sub-No. 89), filed April 28, 1975. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Boettcher, Colo., to points in Kansas and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111717 (Sub-No. 27), filed April 28, 1975. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. 53214. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wisc. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), and *parts, implements, attachments, accessories and supplies therefor*, when moving incidentally thereto, as part of the same shipment, from Norfolk, Va., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Tennessee, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, and North Carolina, under a contract with Allis-Chalmers Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 111729 (Sub-No. 537), filed April 29, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer terminals*, and *repair and replacement parts* for computer terminals, between Ann Arbor, Mich., on the one hand, and, on the other, Wilmington, Del.; Bowling Green, Lexington, Louisville, and Paducah, Ky.; Charlotte, Durham, Greensboro, Raleigh and Winston-Salem, N.C.; Pittsburgh, Pa.; and Sioux Falls, S. Dak.; and points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Indianapolis, Ind.; or Cincinnati, Ohio.

No. MC 111729 (Sub-No. 540), filed May 2, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardiac pacemakers* and *accessories* for cardiac pacemakers, and *business papers, records, audit and accounting media* of all kinds, and *advertising literature*: (1) between Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; (2) between points in Minnesota; (3) between points in Texas; and (4) between points in Oklahoma, restricted in (2), (3) and (4) above to traffic having an immediately prior or subsequent movement by air.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 112241 (Sub-No. 4), filed April 28, 1975. Applicant: HUSSEY'S MOVING & STORAGE, INC., 1720 Broadway, Vallejo, Calif. 94590. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Mateo, Santa Clara, Stanislaus, Santa Cruz, Sutter, Yuba, Nevada, Colusa, Placer, Butte, Mendocino, Glenn, El Dorado, Amador, Calaveras, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Solano, Yolo, Sacramento, San Joaquin, Humboldt, Del Norte, Trinity, Siskiyou, Shasta, Tehama, Modoc, Lassen, Plumas, and Sierra Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 112520 (Sub-No. 306), filed April 28, 1975. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, and processed clay*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.; or Bainbridge, or Atlanta, Ga.

No. MC 112713 (Sub-No. 180), filed May 5, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), serving the site of the Western Electric Company located in Elma Township, Erie County, N.Y., in connection with carrier's regular route operations to and from Buffalo, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 113271 (Sub-No. 35), filed April 29, 1975. Applicant: CHEMICAL TRANSPORT, a Corporation, 1627 Third Street Northwest, Great Falls, Mont. 59404. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Wyoming.

Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at any city in Montana or Wyoming.

No. MC 113459 (Sub-No. 98), filed May 1, 1975. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, plain or fabricated, other than oilfield; and (2) *materials and supplies* used in, or in connection with, the manufacture, fabricating or distribution of commodities in (1) above, between Mannford and Sand Springs, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, New Mexico, Ohio, Pennsylvania, Texas, Utah, Wisconsin, and Wyoming, restricted to shipments originating at or destined to the facilities of Southwest Tube Manufacturing Company located at Mannford and Sand Springs, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated record with D. Q. Wise & Co., Inc. at Tulsa, Okla., or Oklahoma City, Okla.

No. MC 113495 (Sub-No. 70), filed April 28, 1975. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Cheatham County, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 113678 (Sub-No. 588), filed April 28, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet*, (a) from Hillsboro, Tex., to points in California, Arizona, New Mexico, Colorado, Utah, and Wyoming; (b) from Morganfield, Ky., to points in Tennessee, Florida, Illinois, and Indiana; (c) from Dallas, Tex., to points in Colorado, Utah, Wyoming, Kansas, and New Mexico; and (2) *yarn*, from points in Georgia, to Morganfield, Ky., and Hillsboro, Tex.

NOTE.—If a hearing is deemed necessary, appplicant requests it be held at Dallas, Tex.

No. MC 113855 (Sub-No. 317), filed May 5, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochestser, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled draglines, shovels and drills, and accessories, attachments, and parts*, for self-propelled draglines, shovels, and drills; and (2) *material, equipment and supplies*, used or useful in the manufacture, sale, and distribution of the commodities in (1) above, between points in the United States including Alaska, but excluding Hawaii, restricted to shipments originating at or destined to the plants, warehouses, storage and other facilities owned, operated or used by Marion Power Shovel Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 340), filed April 28, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, a Corporation, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rum, distilled spirits, wine and wine products*, in bulk, from Roberta, Ga., to Owensboro, Ky., (2) *wine and wine products*, in bulk, from Atlanta, Ga., to Philadelphia, Pa., and New Brunswick, N.J.; and (3) *wine*, in bulk, from Chicago, Ill., to Roberta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 232), filed April 30, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn.

55104. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Omaha, Nebr., to points in Iowa, Minnesota, Missouri, Colorado, Kansas, Kentucky, Indiana, Wyoming, Wisconsin and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Cleveland, Ohio.

No. MC 114457 (Sub-No. 234), filed May 5, 1975. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size and weight require the use of special equipment), from Glover, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul, Minn., or St. Louis, Mo.

No. MC 115268 (Sub-No. 12), filed April 29, 1975. Applicant: DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, Va. 22821. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, from Montvale Terminal, Montvale, Va.; Richmond, Va.; and points in Roanoke County, Va., to points in Virginia west of U.S. Highway 21.

NOTE.—Applicant states that it presently holds the above authority in a state-issued certificate, and that the purpose of the instant application is to allow applicant to traverse West Virginia for operating convenience only. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116174 (Sub-No. 2), filed May 2, 1975. Applicant: FINIS CHAFEN, doing business as CHAFEN BODY WORKS, 1015 South 10th, St. Joseph, Mo. 64503. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, repossessed or abandoned motor vehicles and trailers and replacement motor vehicles and trailers*, transported on tow or wrecking equipment, between St. Joseph and Faucett, Mo., and their Commercial Zones, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 116967 (Sub-No. 20), filed April 24, 1975. Applicant: WONDAAL TRUCKING CO., INC., 2856 Ridge Road, Lansing, Ill. 60438. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common building brick*, approximately 8" equivalents, between Chicago, Ill., and Brazil, Cayuga, and Martinsville, Ind., under a continuing contract or contracts with American Brick Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 538), filed May 5, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail discount, variety, and department stores (except commodities in bulk), from New York City, N.Y., and its Commercial Zone to the warehouse and storage facilities of Sterling Stores Co., Inc., located at Little Rock, Ark., restricted to traffic destined to the named facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Memphis, Tenn.

No. MC 119399 (Sub-No. 52), filed May 6, 1975. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unfrozen foodstuffs*, in containers, from the plantsite and warehouse facilities of National Oats Co., Inc., located at Cedar Rapids and Wall Lake, Iowa, to points in Illinois, Indiana, Minnesota, North Dakota, South Dakota, and Wisconsin; (2) *salt seasoned*, in containers, from Marion, Ala., to points in Cedar Rapids, Iowa, New Orleans, La., Little Rock, Ark., Dallas and Houston, Tex.; and (3) *sorghum syrup*, in containers, from the plantsite of Waconia Sorghum Company, located in Cedar Rapids, Iowa, to Pine Ridge, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Ft. Smith, Ark., or Tulsa, Okla.

No. MC 119531 (Sub-No. 160), filed May 2, 1975. Applicant: SUN EXPRESS, INC., 1835 West Main Street, Zanesville, Ohio 43701. Applicant's representative: Paul F. Beery, 8 East Broad Street, ninth floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chinaware, earthenware, and pottery*, from the plantsite and warehouses of Anchor Hocking Corporation at Lancaster, Ohio, to points in Illinois, Indiana, Kentucky, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119669 (Sub-No. 53), filed May 1, 1975. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except commodities in bulk), from the plantsite and storage facilities of or utilized by the Roman Meal Company located at or near Decatur, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia, restricted to the transportation of traffic originating at the above-named origin point and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 119789 (Sub-No. 251), filed May 5, 1975. 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: *Insulators, electric wire or wiring, pottery or pottery and iron combined, and parts*, from Sandersville, Ga., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, Oregon, Washington, Wyoming and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, or Macon, Ga.

No. MC 119789 (Sub-No. 252), filed May 5, 1975. 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: *Electrical appliances, equipment and parts*, from Pickens and West Union, S.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Greenville, S.C., or Atlanta, Ga.

No. MC 120978 (Sub-No. 13), filed May 5, 1975. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in North Dakota, South Dakota and Montana to points in St. Cloud,

Minn.; Sioux City, Iowa, Chicago, Ill.; Milwaukee, Kenosha, Hartford, Fond du Lac and Sheboygan, Wis.; Houston, Amarillo and Laredo, Tex.; New Orleans, La.; Boston, Salem and Peabody, Mass., and New York, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 128217 and Subs 2 and 3, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn. or Milwaukee, Wis.

No. MC 123061 (Sub-No. 75), filed April 24, 1975. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Salida, Colo., to points in Utah and Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 123407 (Sub-No. 237), filed May 5, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material, cellular vitreous, glass blocks, forms or molds*, from Port Allegany, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 126473 (Sub-No. 24), filed April 3, 1975. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Texas, and Wisconsin; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Texas, and Wisconsin, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted in (1) and (2) to traffic originating at named origin, and destined to named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 127900 (Sub-No. 2), filed April 9, 1975. Applicant: GROOME TRANSPORTATION, INC., P.O. Box A-23, Byrd International Airport, Richmond, Va. 23231. Applicant's representative: M. Bruce Morgan, 201 Azar Bldg., Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, motor vehicles, Classes A and B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which require special equipment), between points in Amelia, Chesterfield, Charles City, Dinwiddie, Goochland, Hanover, Henrico, King William, New Kent, Nottaway, Prince George, Powhatan, Surry, and Sussex Counties, Gloucester, Isle of Wight, James City, Mathews, Northampton, and York Counties, Va.

NOTE.—Applicant intends to tack the authority requested with its existing authority in Sub-No. 1 at Richard E. Byrd International Airport, Sandston, Va., Patrick Henry Field, Newport News, Va. and Norfolk Municipal Airport, Norfolk, Va. to provide service between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, the counties named herein. If a hearing is deemed necessary, applicant requests it be held at either Richmond, Va. or Washington, D.C.

No. MC 128007 (Sub-No. 78), filed May 6, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trace minerals*, from St. Louis County, Mo., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 128086 (Sub-No. 6), filed May 5, 1975. Applicant: A & M HAULING, INC., 2024 Trade Street, Missoula, Mont. 59801. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, (1) Between points in Montana, on the one hand, and, on the other, points in Oregon and Washington, (2) from points in California, to points in Montana, and (3) from points in Montana, to points in Idaho.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Missoula or Billings, Mont.

No. MC 128217 (Sub-No. 17) (Correction), filed April 4, 1975, published in the FEDERAL REGISTER issue of May 8, 1975, and republished, as corrected, this issue. Applicant: REINHART MAYER, doing business as, MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, parts and supplies* used in the manufacture of industrial and construction machinery and agricultural implements and machinery (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to Bismarck, Cooperstown and Gwinner, N. Dak., under a continuing contract or contracts with Clark Equipment Co., Melroe Division of Gwinner, N. Dak.; (2) *building, roofing and insulation materials* (except iron and steel articles and commodities in bulk), from the facilities of Certain-teed Products Corp., in Scott County, Minn., to points in North Dakota, under a continuing contract or contracts with LeFevre Sales, Inc. of Jamestown, N. Dak.; and (3) *iron and steel articles*, from points in Illinois, Michigan and Indiana on and north of Interstate Highway 70, to Richardson, N. Dak. under a continuing contract with Richardton Machine and Manufacturing Company of Richardton, N. Dak.

NOTE.—The purpose of the republication is to correct the authority sought in part 3. Applicant holds common carrier authority in MC 120978 Sub No. 1 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak. or St. Paul, Minn.

No. MC 128256 (Sub-No. 27), filed May 2, 1975. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding and roofing*, from Bristol, Ind., to points in Alabama, Connecticut, Florida, Louisiana, Maryland, Massachusetts, Missouri, New York, North Carolina, Pennsylvania, South Carolina, Texas and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 128584 (Sub-No. 1), filed May 6, 1975. Applicant: M. PASCUZZO SAND & STONE SUPPLY, INC., R.D. 2, Creek Road, Mt. Holly, N.J. 08060. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone and fill*, in dump vehicles, between Vincentown, N.J., on the one hand, and, on the other, points in Montgomery, Bucks, Philadelphia and Chester Counties, Pa., under a continuing contract with Lockhart Sand Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 129124 (Sub-No. 13), filed May 2, 1975. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Centre County, Pa., to points in New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129455 (Sub-No. 11), filed May 5, 1975. Applicant: CARRETTA TRUCKING, INC., 301 Mayhill Street, Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by L. Grossman's retail stores (except commodities in bulk), from points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Missouri, Ohio, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract or contracts with L. Grossman's, a division of Evans Products Company of Braintree, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or Newark, N.J.

No. MC 133119 (Sub-No. 66), filed May 2, 1975. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Ohio 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, Batesville, Ark., and Marshall, Carrollton, Macon, and Moberly, Mo., to ports of entry on the International Boundary line between the United States and Canada located at or near Noyes, Minn., Pembina and Portal, N. Dak., Plentywood and Sweetgrass, Mont., and Oroville, and Blaine, Wash., restricted to the transportation of traffic destined to points in the Provinces of Manitoba, Saskatchewan, Alberta, and British Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Omaha, Nebr.

No. MC 133689 (Sub-No. 60), filed April 21, 1975. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to Kansas City and St. Louis, Mo., restricted to transportation of traffic for the account of Land O'Lakes, Inc., originating at the plant sites and facilities of and used by Land O'Lakes, Inc., and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133922 (Sub-No. 10), filed May 5, 1975. Applicant: WILLIAM H. NAGEL doing business as, JENKINS AND NAGEL TRUCKING CO., P.O. Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soya flour and soya flour products*, from Remington, Ind., to points in the United States (except Alaska and Hawaii); and (2) *foodstuffs*, from the plant sites of Griffith Laboratories, Inc., located at Chicago and Alsip, Ill., to points in the United States (except Alaska and Hawaii), under a continuing contract with Griffith Laboratories, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 134599 (Sub-No. 122), filed May 1, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products, rubber compounds, and equipment materials, and supplies* used in the manufacture and production of the aforementioned commodities (except commodities in bulk and commodities which because of size or weight require special handling or special equipment), (1) between the warehouse facilities of Uniroyal, Inc., located at or near Holyoke, Springfield, West Springfield, East Hampton, Ludlow, Mass.; and Enfield, Conn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) between the facilities of Uniroyal, Inc., located at or near Chicopee Falls, Mass., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Idaho, Kansas, Mississippi, Montana, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and Wyoming, under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—Applicant holds common carrier authority in MC 139906 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134755 (Sub-No. 54), filed May 1, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime juice, bloody mary mixes, and grenadine syrups* (except in bulk), from Jefferson, R.I., to points in Texas, Oklahoma, Nebraska, Colorado, Illinois, Missouri, Kansas, Iowa, Indiana, Arkansas, Mississippi, North Carolina, Georgia, Alabama, Ohio, Wisconsin, California, Washington, Oregon, New Mexico, and Arizona.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn. or Boston, Mass.

No. MC 134922 (Sub-No. 125), filed April 28, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Practice bombs*, from Anniston, Ala., to Davis Monthan Air Force Base, Luke Air Force Base, and Chandler Air Force Base, Ariz.; George Air Force Base, Calif.; and Nellis Air Force Base, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Little Rock, Ark.

No. MC 135231 (Sub-No. 8), filed April 30, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap motor vehicles*, crushed, having value only for reclamation of materials, from Karlstad, Minn., to Milwaukee and Madison, Wis. and Chicago, Ill.

NOTE.—Applicant holds motor contract authority in MC 134145 (Sub-No. 1) and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135606 (Sub-No. 4), filed May 1, 1975. Applicant: MARC A. ROBIN, 600 Delaware Avenue, Throop, Pa. 18512. Applicant's representative: Thomas J. Jones, 502–5 Brooks Building, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used batteries and lead*, including scrap lead (except commodities in bulk, in tank vehicles), between points in the Borough of Throop (Lackawanna County), Pa., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 135646 (Sub-No. 3), filed May 2, 1975. Applicant: JIMMIE W. DERVAN, doing business as DERVAN

CARTAGE SERVICE, 321 North Washington Street, Albany, Ga. 31701. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acrylic lavatories, bath tubs, and counter tops*, between Albany, Ga., and the plantsite of Vacuum Formed Products located at Ashburn, Ga., restricted to traffic having a prior or subsequent out-of-state movement; (2) *fertilizer, in bags, insecticides and spray materials*, between Albany, Ga., and the plant site of Georgia Agricultural and Industrial Warehouse, Inc., located approximately one mile west of Sylvester, Ga., restricted to traffic having prior or subsequent out-of-state movement; (3) *carbon black*, between Albany, Ga., and the plant site of Yale Rubber Company located at Dawson, Ga., restricted to traffic having a prior or subsequent out-of-state movement; (4) *chemicals*, between Albany, Ga., and the plant site of Stevens Industries, Inc., located at Dawson, Ga., restricted to traffic having a prior or subsequent out-of-state movement; (5) *textile products*, between Albany, Ga., on the one hand, and, on the other, the plant site of Newton Manufacturing Company, located at Newton, Ga., and the plant site of Sylvester Textile Co., located at Sylvester, Ga., restricted to traffic having a prior or subsequent out-of-state movement; and (6) *steel or aluminum irrigation pipe and fittings*, between Albany, Ga., on the one hand, and, on the other, points in Dougherty, Terrell, Randolph, Calhoun, Clay, Early, Baker, Mitchell, and Grady Counties, Ga., restricted to traffic having a prior or subsequent out-of-state movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, or Albany, Ga.

No. MC 136008 (Sub-No. 56), filed April 23, 1975. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed gypsum*, in dump trucks, between points in Oklahoma, Texas, Kansas, New Mexico, Colorado, Arkansas, Alabama and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 136166 (Sub-No. 18), filed May 5, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, from Conda, Idaho, to points in Arizona, California, Nevada, Oregon, Utah and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Salt Lake City, Utah.

No. MC 136553 (Sub-No. 33), filed April 25, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and dry fertilizer materials*, from Marshall, Minn., to points in Missouri and Kansas; and (2) *agricultural limestone*, from Gilmore City, Iowa, and points in Yankton County, S. Dak., to points in that part of Minnesota located on and west of Minnesota Highway 15, and on and south of U.S. Highway 212.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 139078 (Sub-No. 2), filed May 6, 1975. Applicant: MIDCOAST TRUCKING, 107 Roosevelt Avenue, Belleville, N.J. 07019. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh bakery products*, from Totowa, N.J., to Chicago, Ill.; and (2) *ingredients and containers* used in the manufacture and transportation of fresh bakery products, from Chicago, Ill., to Totowa, N.J., under a continuing contract or contracts with S. B. Thomas, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or Washington, D.C.

No. MC 139495 (Sub-No. 63), filed May 2, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care and hair care paper disposable supplies*, from the plantsite and storage facilities of the Graham Manufacturing Company, Division of Cel-Fibe located at or near Holyoke, Mass., to points in Ohio, Michigan, Indiana, Kentucky, Tennessee, Georgia, Florida, Alabama, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Texas, Oklahoma, Kansas, Colorado and Louisiana.

NOTE.—Applicant holds contract carrier authority in MC 133106 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139541 (Sub-No. 1), filed May 2, 1975. Applicant: JOSEPH RAIMO III, INC., P.O. Box 321, Temple, Pa. 19560. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc sows*, in dump vehicles, from Belleville, Mich., to Trenton, N.J. and Palmerton, Pa.; and (2) *scrap metals*, in dump vehicles, from Temple, Pa., to Belleville, Mich., under a continuing contract or contracts with Huron Valley Steel Corp.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139741 (Sub-No. 2) (Amendment), filed Nov. 22, 1974, published in the FEDERAL REGISTER issue of December 27, 1974, and republished as amended this issue. Applicant: D & D DISPOSAL SERVICES LIMITED, Victoria Avenue, South Vineland, Regional Road 24, P.O. Box 402, Beamsville, Ontario, Canada LOR 1BO. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid waste and spent materials for reclamation;* and *articles reclaimed from waste and spent materials*, between ports of entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii, under a continuing contract or contracts with Chemical Waste Management Limited, Interflow Systems Limited, Chem-Trol Pollution Services, Ltd., Wallinger Systems Incorporated, Varnicolour Ltd., and Chem-Trol Environmental Services.

NOTE.—The purpose of this republication is to indicate the change in the type of carriage from common to contract. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139761 (Sub-No. 2), filed May 2, 1975. Applicant: GEORGE HAND AND J. R. RUTHERFORD, a partnership doing business as, H & R TRUCKING, 2nd and Cheyenne, Canadian, Tex. 79014. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drilling mud and drilling mud material or ingredients*, dry in sacks or containers, or in bulk; and (2) *drilling mud and drilling mud materials or ingredients*, liquid, between points in Oklahoma lying on, west and north of a line beginning at the Kansas-Oklahoma State line, thence via Oklahoma State Highway 34 to its intersection with U.S. Highway 64, thence via U.S. Highway 64 to its intersection with U.S. Highway 281, thence via U.S. Highway 281 to Seiling, Okla., thence via U.S. Highway 60 to its intersection U.S. Highway 183, thence via U.S. Highway 183 to its intersection with Oklahoma State Highway 9, thence via Oklahoma State Highway 9 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Texas on, north and west of a line beginning at the Oklahoma-Texas line, thence via U.S. Highway 62 to its intersection with

U.S. Highway 70 at Floydada, Tex., thence via U.S. Highway 70 to its intersection with U.S. Highway 84 at Muleshoe, Tex., thence via U.S. Highway 84 to the Texas-New Mexico State line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Amarillo, Tex., or Oklahoma City, Okla.

No. MC 139824 (Sub-No. 2), filed May 9, 1975. Applicant: BITTERSWEET ENTERPRISES, INC., Rural Route 1, Manhattan, Kans. 66502. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses and buildings*, set up, between points in Kansas, on the one hand, and, on the other, points in Oklahoma, Missouri, Nebraska, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139950 (Sub-No. 1), filed April 28, 1975. Applicant: HUGH D. BROWN, doing business as HUGH D. BROWN TRUCKING, 137 South Stine Road, Bakersfield, Calif. 93309. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from Bakersfield, Calif., to points in the Los Angeles Harbor Commercial Zone, Calif., under a continuing contract or contracts with Pioneer Paper Stock Division, Container Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 139973 (Sub-No. 2), filed May 2, 1975. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa. 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime juice, Bloody Mary mixes, and grenadine syrups* (except in bulk), from Jefferson, R.I., to points in Nebraska, Colorado, Missouri, Kansas, Texas, Oklahoma, New Mexico, Arizona, California, Oregon, Illinois, Arkansas, Indiana, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 138375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., and Boston, Mass.

No. MC 139973 (Sub-No. 3), filed May 2, 1975. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except in bulk), from Hazelton, Pa., to Dallas, Tex.

NOTE.—Applicant holds motor contract carrier authority in MC 138375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., or Boston, Mass.

No. MC 139987 (Sub-No. 2), filed April 28, 1975. Applicant: MILTON B. ANDERSON and MELVIN K. ANDERSON, a Partnership, doing business as OVERLAND EXPRESS, 790 East Glendale Road, Sparks, Nev. 89431. Applicant's representative: Granville T. Harper, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities:* (1) over regular routes, between Reno, Nev. and Elko, Nev.: From Reno over Interstate Highway 80 to Elko, and return over the same route, serving all intermediate points, and serving Fallon, Nev. as an off-route point; and (2) over irregular routes, between points in Nevada, restricted in (1) and (2) above against the transportation of shipments weighing in the aggregate more than 200 pounds to any one consignee on any one day, and further restricted against the transportation of any single package weighing in excess of 70 pounds.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Reno and Las Vegas, Nev.

No. MC 140010 (Sub-No. 2), filed April 29, 1975. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, Ga. 30324. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unexposed photographic film, sensitized photographic paper, reproductive plates and materials, chemicals, film*, plastic or other than plastic, and *related equipment* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the storage and shipping facilities of E. I. Dupont de Nemours & Co., Inc., located at or near Doraville (De Kalb County), Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, and pallets, unusable, refused, rejected and damaged shipments, on return; and (2) *photographic film and related materials*, from the plant of E. I. Dupont de Nemours & Co., Inc. at or near Cedar Mountain, N.C. and the warehouses of E. I. Dupont de Nemours & Co., Inc., at or near Brevard, N.C., to the storage and shipping facilities of E. I. Dupont de Nemours & Co., Inc. at or near Doraville (De Kalb County), Ga., under a continuing contract or contracts with E. I. Dupont de Nemours & Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Wilmington, Del. or Washington, D.C.

No. MC 140028 (Sub-No. 3), filed April 30, 1975. Applicant: MOULDEN & SONS, INC., P.O. Box 18, Enumclaw, Wash. 98022. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pumice rock*, in dump trucks and trailers, from points in Deschutes County, Oreg., to points in Lewis, Thurston, Pierce and King Counties, Wash.; and (2) *silicon metal*, in dump trucks and trailers, from Springfield, Oreg., to Longview and Wenatchee, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Seattle, Wash.; or (2) Portland, Oreg.

No. MC 140134 (Sub-No. 2), filed May 1, 1975. Applicant: CALDARULO TRADING CO., 2840 South Ashland Street, Chicago, Ill. 60608. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, scouring and buffing compounds*, from Joliet, Ill., to points in California and Arizona, under a continuing contract or contracts with Economics Laboratory.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140277 (Sub-No. 3), filed April 28, 1975. Applicant: BILL BALL, doing business as, BILL BALL TRUCKING, 1703 Industrial Avenue, Sioux Falls, S. Dak. 57104. Applicant's representative: Bill Ball (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, envelopes, packets or pouches, or wrappers*, flat folded flat or in rolls requiring separation into individual units with or without compliment of bag ties, from the plantsite or storage facilities of American Western Corporation located at Sioux Falls, S. Dak., to points in Idaho, Montana, Nevada, Oregon, Utah and Washington, under a continuing contract or contracts with American Western Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux Falls, S. Dak. or Sioux City, Iowa.

No. MC 140354 (Sub-No. 1), filed April 24, 1975. Applicant: QUICK CARTAGE, INC., 2817 Old Higgins Road, Elk Grove Village, Ill. 60007. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* between the O'Hare International Airport located at or near Chicago, Ill., and Mt. Prospect, Elk Grove Village, Northbrook, Arlington Heights, Northfield, Glenview, Wilmette, Prospect Heights, Wheeling, Palatine, Rolling Meadows, Schaumburg, Deerfield, Des Plaines, Bensenville, Itasca, Addison, Wood Dale, Roselle and Chicago, Ill., restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140518, filed December 11, 1974. Applicant: LLOYD S. LAWRENCE, doing business as, LAWRENCE'S COAL AND FEED, Depot Street, Burke, Franklin City, N.Y. 12617. Applicant's representative: Adrien R. Paquette, 200 St. James Street, Suite 900, Montreal, Province of Quebec, H2Y 1M1, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, and in bags, from ports of entry on the International Boundary line between the United States and Canada located at or near Rouse's Point, N.Y. and North Troy, Derby Line and Norton, Vt., to points in Clinton County, N.Y.; Grand Isle, Franklin, Chittenden, Orleans, Lamoille, Addison, Caledonia, Orange, Rutland, Washington and Windsor Counties, Vt., and Coos and Grafton Counties, N.H., under a continuing contract or contracts with Brockville Fertilizer Inc., restricted to traffic moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montpelier, Vt. or Albany, N.Y.

No. MC 140621 (Sub-No. 1), filed April 28, 1975. Applicant: K S I FARM LINES CO-OP, INC., 12400 Wilmot Road, Kenosha, Wis. 53140. Applicant's representative: Jerry Seidman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resins, wax, wax products, hobby craft kits and component parts* thereof, from the plant site of Lee Wards, Inc., located at or near, Elgin, Ill., to Santa Clara, San Diego, Los Angeles, Covina and Huntington Beach, Calif.; (2) *garbage disposals, waste compactors, water heaters and component parts* thereof, from the plant site of In-Sinkerator, located at or near Racine, Wis., to Commerce and Sunnyvale, Calif.; (3) *boxed meats*, from the plant site of Kelco at Holland and Lansing, Mich., to Davenport, Iowa, San Francisco and Los Angeles, Calif.; (4) *shoe, furniture, automobile and floor polishes and waxes, aerosol sprays, cleaning products and laundry items*, from the plant site of S. C. Johnson Company, at Waxdale, Wis., to Los Angeles, Burlingame, San Francisco, Merced, Santa Ana, Gardena, Burbank, San Diego and San Bernardino, Calif., and Mesa and Tucson, Ariz.; (5) *art products* (framed pictures without glass) *printed matter and carrier tubes*, from the plant site of Illinois Molding Company located at or near Chicago, Ill., to Pico River, Calif.; (6) *yeast, yeast products, cream cheese and bread-making compounds*, from the plant sites of Universal Foods, Inc., at Milwaukee, Wis.; International Division at Franklin Park, Ill.; Red Star Yeast Division at Milwaukee, Wis.; and Philip Orth Company at Oakcreek, Wis., to Oakland, Cerritos, Los Angeles and San Francisco, Calif.

(7) *Records, tapes, tape decks, displays and wine manufacturing products*, from the plant site of K-Tel International located at or near Minnetonka, Minn., and Edina, Minn., to Anaheim and Delano, Calif. and the Provinces of Winnepeg and Manitoba, Canada through the ports of entry on the International Boundary line between the United States and Canada located at Noyes, Minn., and Pembina, N. Dak.; (8) *newspaper supplements, dated publications and printed matter*, from the plant site of Quad Graphics at Pewaukee, Wis., to Seattle, Wash., Portland, Oreg., and Los Angeles and San Francisco, Calif.; (9) *baked goods*, from the plant site of Sara Lee, Deerfield, Ill., to Fullerton, Calif.; (10) *processed vegetables*, from the plant site of Larson Company, Green Bay, Wis., to Los Angeles, San Francisco and LaHabre, Calif.; Phoenix and Tempe, Ariz., Seattle, Wash., and Milwaukee, Oreg.; (11) *chemicals and plastic products*, from the plant site of Hylands Laboratories at Round Lake, Ill., to Buena Park, Calif.; (12) *metal table slides*, from the plant site of Watertown Table Slide, Watertown, Wis., to Westminster, Lynwood, Stanton, Sunny Vale, Los Angeles, South Gate, Cucamonga, Gardena, City of Industry, Paramount, Chatsworth, Anaheim, Costa Mesa, Long Beach, Garden Grove and Arcadia, Calif.; (13) *office equipment and office supplies*, from the plant sites of Acco International, Inc., Ogdensburg, N.Y. and Chicago, Ill., to Los Angeles, Calif.; (14) *animal hides*, from the plant site of Paul Flagg at Badger Tanning in Milwaukee, Wis., and L & W Leathers, Milwaukee, Wis., to Imperial Beach and National City, Calif.; (15) *candies, nutmeats and food specialities* from the plant site of Barg & Foster, located at or near Milwaukee, Wis., to Vernon and Los Angeles, Calif.; (16) *candies*, from the plant site of Andies Candies in Delavan, Wis., to Emmeryville(Calif.; (17) *flavored ice bars and root beer mix*, from the plant site of Jel Sert Company in West Chicago, Ill., to Oakland, Calif.; and (18) *cleaning compounds*, from the plant site of the Perolin Company in Des Plaines, Ill., to Los Angeles, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 140646 (Sub-No. 2), filed April 10, 1975. Applicant: ROY LEE HENDRICKS, doing business as, HILL CITY TRUCKING, 632 Oakley Ave., Lynchburg, Va. 24501. Applicant's representative: Roy Lee Hendricks (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solutions*, in plastic containers, in boxes, (1) from Altavista, Va. along U.S. Highway 29 to Danville, Va., thence along North Carolina Highway 86 to junction Interstate Highway 85, thence along Interstate Highway 85 to Durham, N.C., thence along U.S. Highway 70 to Raleigh, N.C., thence along U.S. Highway 64 to Rocky Mount, N.C.; and (2) from Altavista, Va. along U.S. Highway 29 to Danville, Va., thence along U.S. Highway 58 to Emporia, Va., thence along Interstate Highway 95 to Rocky Mount, N.C., under a continuing contract or contracts with Abbott Laboratories.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 140707 (Sub-No. 2), filed May 1, 1975. Applicant: HIGH PLAINS TRUCKING, INC., 119 South Main Street, Box 123, Yuma, Colo. 80759. Applicant's representative: Raymond M. Kelley, Jr., 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the erection of gas turbine generators, *electrical parts and supplies and replacement parts* for gas turbine generators, restricted to commodities having a prior or subsequent movement by air, between points in Denver, Colo., on the one hand, and, on the other, points in Yuma County, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140897 (Sub-No. 2), filed April 30, 1975. Applicant: MORRIS KREITZ & SONS, INC., 220 Park Road North, Wyomissing, Pa. 19610. Applicant's representative: John M. Musselman, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metals and metal alloys, and metal and metal alloy billets, forgings, castings, extrusions, blanks, fabrications and finished articles, and materials, supplies and equipment* used or useful in the production and distribution thereof, between East Hartford, Conn.; West Palm Beach, Fla.; Atlanta, Ga.; Elk Grove Village, Ill.; Kokomo, Ind.; Fryeburg, Maine; Dearborn, Mich.; St. Louis, Mo.; Verdi, Nev.; Bethpage and Elmsford, N.Y.; Albany and Springfield, Oregon; Boyertown, Hazleton, New Brighton, and Temple, Pa. Athens, Tenn., and Wenatchee, Wash., under a continuing contract or contracts with Kawecki Berylco Industries, Inc., of Temple, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 140922, filed May 1, 1975. Applicant: NORTHWEST DAIRY FORWARDING CO., a Corporation, 210 9th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pistachio nuts*, roasted, and *agricultural commodities* which are otherwise exempt under Section 203(b)(6) of the Interstate Commerce Act when transported with pistachio nuts, roasted, from points in New York and New Jersey, to points in Illinois, Minnesota and Wisconsin; and (2) *coconut*, sweetened, and *agricultural commodities* which are otherwise exempt under Section 203(b)(6) of the Interstate Commerce Act when transported with coconut, sweet-

ened, from points in New York, New Jersey, and Bethlehem, Pa., to points in Illinois, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140924, filed April 29, 1975. Applicant: ROBERT TASSO, doing business as, FIVE STAR TOWING, 3757 New York Avenue, Seaford, N.Y. 11783. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen, and repossessed motor vehicles*, and *replacements* thereof (except mobile homes or house trailers designed to be drawn by passenger automobiles), by use of wrecker equipment, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140927 (Sub-No. 2), filed May 5, 1975. Applicant: FREDERICK J. CAREY, JR., doing business as, F. J. CAREY, JR. TRANS., 35 Brett Street, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in dump vehicles, from Everett, Mass., to Jersey City, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 140935, filed April 24, 1975. Applicant: COLLEGE PARK TRANSFER AND STORAGE CO., INC., 37 Q Street SW., Washington, D.C. 20025. Applicant's representative: John Klapac, 7406 Dartmouth Ave., College Park, Md. 20740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of shipments having a prior or subsequent movement, in containers beyond the points authorized, and further restricted to the performance of pick up and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments, between the District of Columbia, Prince Georges, Montgomery, Howard, Baltimore, and Baltimore City Counties, Md., and Loudoun, Fairfax, Prince Williams, Fauquier, and Stafford Counties, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Baltimore, Md.

No. MC 140937, filed May 2, 1975. Applicant: GO LINES, INC., 8023 E. Slauson Avenue, Suite 6, Montebello (L.A.), Calif. 90640. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles; burlap articles; paper articles; and materials, equipment and supplies*, used or useful in the sale, manufacture and distribution of plastic articles, burlap articles, and paper articles (except commodities in bulk), from Santa Ana, Calif., to points in California, Oregon, Washington, Idaho, Utah, Wyoming, Montana, Arizona, Nevada, Colorado, New Mexico, North Dakota, South Dakota and Kansas, restricted to the transportation of traffic moving under a continuing contract or contracts with PPD Corporation, at Newark, N.J.

NOTE.—Applicant holds common carrier authority in MC 136386 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 3647 (Sub-No. 462), filed April 30, 1975. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Essex County, N.J. (except Irvington, N.J.), Passaic County, N.J., Ft. Lee, Englewood, Teaneck and Hackensack, N.J., and Paramus, N.J., on and south of New Jersey Highway 4 and extending to points in the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 89037 (Sub-No. 8), filed April 23, 1975. Applicant: CONTINENTAL PACIFIC LINES, doing business as, CONTINENTAL PACIFIC TRAILWAYS, 1501 South Central Avenue, Los Angeles, Calif. 90021. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Alameda, Colusa, Contra Costa, Glenn, Napa, Sacramento, San Francisco, Shasta, Siskiyou, Solano, Tehama and Yolo Counties, Calif., and extending to points in the United States (including Alaska, but excluding Hawaii); and (2) *passengers and their baggage*, in one-way sightseeing and pleasure tours, beginning at points in Alameda, Colusa, Contra Costa, Glenn, Napa, Sacramento, San Francisco, Shasta, Siskiyou, Solano, Tehama and Yolo Counties, Calif., and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 140393 (Sub-No. 1), filed May 2, 1975. Applicant: GEM TOURS, INC., 325 West Anapamu Street, Santa Barbara, Calif. 93101. Applicant's representative: J. Robert Andrews, 112 East Victoria Street, Santa Barbara, Calif. 93101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Santa Barbara or Los Angeles, Calif.

No. MC 140917, filed April 18, 1975. Applicant: JAMES E. YOUNG, 29 North McKee Road, Dover, Del. 19901. Applicant's representative: Ned Davis Associates, 4 The Green, Dover, Del. 19901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, in sightseeing and pleasure tours, beginning and ending at Dover, Del. and extending to points in Virginia, Pennsylvania, Maryland, New Jersey, Delaware, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dover, or Wilmington, Del., Philadelphia, Pa. or Washington, D.C.

BROKER APPLICATION

No. MC 130319, filed April 28, 1975. Applicant: SENIOR RAMBLERS, LTD., a Corporation, Rural Route No. 1, Mapleton, Ill. 61547. Applicant's representative: Carl F. Reardon, 444 East Washington Street, East Peoria, Ill. 61611. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Mapleton, Ill., to sell or offer to sell the transportation of *Groups of passengers and their baggage*, in charter operations, in sightseeing and pleasure tours, for persons who are members of the Illinois Association of Senior Citizens, by motor, rail, water and air carriers, from Mapleton, Ill., to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or any other city reasonably close to Peoria, Ill.

FREIGHT FORWARDER APPLICATIONS

No. FF 469, filed May 1, 1975. Applicant: IVORY FORWARDING, INC., 8035 Woodward Avenue, Detroit, Mich. 48202. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by rail, motor, water and express, in the

transportation of (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles,* between points in the United States (including Hawaii, but excluding Alaska), restricted in (b) to the transportation of import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. FF 61 (Sub-No. 1), filed April 23, 1975. Applicant: SHELDON FORWARDING CO., a Corporation, 170–190 Main Street, Holyoke, Mass. 01040. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder,* through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, on the one hand, and, on the other, points in the United States including Alaska and Hawaii, and excluding Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Springfield, Mass., Hartford, Conn., Boston, Mass., Albany, N.Y., or New York, N.Y.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14492 Filed 6-4-75;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Institutional Planning as a Condition of Participation in Medicare

Title 20—Employees' Benefits

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

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Institutional Planning as a Condition of Participation in Medicare

On August 12, 1974, there was published in the FEDERAL REGISTER (39 FR 28903) a notice of proposed rule making with proposed amendments to Subparts J, K, L, and S of Regulations No. 5 (20 CFR Part 405), regarding implementation of section 234 of Pub. L. 92-603 (86 Stat. 1412) entitled "Institutonal Planning Under Medicare." Interested parties were given until September 11, 1974, to submit written comments or suggestions thereon. Comments and suggestions received thereto and changes in the proposed amendments are summarized below.

The substantive comments received recommended that: (1) the preamble to the proposed regulations should be changed to encourage providers to seek consultation with the officially constituted, designated State and areawide comprehensive health planning agencies rather than put the onus on the planning agencies to initiate consultation; (2) since there is no statutory relationship between section 234 (institutional planning) of Pub. L. 92-603 and section 221 limitation on federal participation for capital expenditures) of Pub. L. 92-603, the preamble should be changed to eliminate any reference that implies that such a relationship exists; (3) there should be a more precise definition of what constitutes a capital expenditure plan; (4) hospitals and home health agencies participating in the Medicare program should be required to submit their operating budget and capital expenditure plan to the designated State and areawide health planning agencies for review and approval; (5) Joint Commission on Accreditation of Hospitals (JCAH) and American Osteopathic Association (AOA) accredited hospitals should be deemed in compliance with the institutional planning requirement; and (6) since hospitals are not capable of developing a 3-year capital expenditure plan, a 1-year plan would be more appropriate.

The first two of these comments deal with the preamble to the earlier notice of proposed rule making; they do not relate to any of the substance of the regulation. The comments reflect that unintended inferences were drawn from the preamble. It was neither intended that planning agencies be obliged to initiate consultation contacts with providers nor that providers be obliged to submit their institutional plans for planning agency review. Nor was it intended to link administration of the institutional planning amendment to administration of the separate amendment calling for a limitation on federal participation for capital expenditures when such expenditures meet disapproval by the planning agencies. The preamble to the earlier notice intended, expressly, to note the difference between the two provisions but to stress that providers are expected to devise institutional plans which are realistic in the sense of being compatible with what the other amendment may require. In pursuit of this compatibility, providers were adised that they wre free to consult with the designated comprehensive health planning agencies which take part in administering the other amendment. These comments require no change in the regulation.

The third comment indicates that a more specific definition of a capital expenditure plan is desired. We have modified the regulations to more particularly define "capital expenditure" to enable providers to know what expenditures are to be included in the plan.

The following summarizes those substantive comments that were not accepted:

(1) The suggestion that Medicare providers be required to submit their operating budgets and capital expenditure plans for review and approval to designated State and areawide health planning agencies was not accepted because of express Congressional intent that neither the government nor any of its agencies review any operating budget or capital expenditure plan for substance. The intent of Congress was to assure that Medicare providers carry on budgeting and planning on their own.

(2) The suggestion that hospitals accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association should be deemed in compliance with the institutional planning requirements was not accepted. Section 234(h) of Pub. L. 92-603 added to section 1865 of the Social Security Act the provision that hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) would not be deemed to meet the requirement relating to institutional planning. The legislative history also clearly indicates that JCAH hospitals would be required to meet the requirements relating to institutional planning. While JCAH hospitals are deemed to meet health and safety requirements which JCAH also requires, JCAH does not require the maintenance of an institutional plan as a condition of accreditation. Also, AOA does not require the maintenance of such a plan as a condition of accreditation.

(3) We do not agree that providers do not have the capacity to prepare a 3-year plan for capital expenditures. In any case, the statute specifically requires that a hospital, skilled nursing facility, or home health agency have a capital expenditure plan for at least a 3-year prospective period.

Various editorial changes have been made for the purpose of clarity.

Except for the changes noted above, the amendments are adopted as proposed.

(Secs. 1102, 1861(z), and 1871, 49 Stat. 647, as amended, 86 Stat. 1413, and 79 Stat. 331; (42 U.S.C. 1302, 1395x(z), and 1395hh))

Effective date. These amendments shall be effective on July 7, 1975.

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

Dated: April 25, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 22, 1975.

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

Regulations No. 5 of the Social Security Administration (20 CFR PART 405) is further amended as set forth below.

1. Section 405.1021 is amended by deleting paragraph (i)(3) and by adding a new paragraph (j) to read as follows:

§ 405.1021 Condition of participation-governing body.

* * * * *

(j) *Standard: Institutional planning.* The hospital, under the direction of the governing body, prepares an overall plan and budget which provides for an annual operating budget and a capital expenditure plan.

(1) *Annual operating budget.* There is an annual operating budget which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items (except that it is not required that there be prepared, in connection with any budget, an item by item identification of the components of each type of anticipated income or expense).

(2) *Capital expenditure plan.* (i) There is a capital expenditure plan for at least a 3-year period (including the year to which the operating budget described in paragraph (j)(1) of this section is applicable), which includes and identifies in detail the anticipated sources of financing for, and the objectives of, each anticipated expenditure in excess of $100,000 for items which would, under generally accepted accounting principles, be considered capital items. In determining if a single capital expenditure exceeds $100,000, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, modernization, expansion, or replacement of land, plant, building, and equipment are included. Expenditures directly or indirectly related to capital expenditures, such as grading, paving, broker commissions, taxes assessed during the construction period, and costs involved in demolishing or razing structures on land are also included. Transactions which are separated in time but are components of an overall plan or patient care objec-

tive are viewed in their entirety without regard to their timing. Other costs related to capital expenditures include title fees, permit and license fees, broker commissions, architect, legal, accounting, and appraisal fees; interest, finance, or carrying charges on bonds, notes and other costs incurred for borrowing funds.

(ii) If the anticipated source of such financing is, in any part, the anticipated reimbursement from title V (Maternal and Child Health and Crippled Children's Services) or title XVIII (Health Insurance for the Aged and Disabled) or title XIX (Grants to States for Medical Assistance Programs) of the Social Security Act, the plan states:

(a) Whether the proposed capital expenditure is required to conform, or is likely to be required to conform, to current standards, criteria, or plans developed pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to meet the need for adequate health care facilities in the area covered by the plan or plans so developed;

(b) Whether a capital expenditure proposal has been submitted to the designated planning agency for approval pursuant to section 1122 of the Social Security Act (42 U.S.C. 1320a–1) and implementing regulations.

(c) Whether the designated planning agency has approved or disapproved the proposed capital expenditure if it has been so presented.

(3) *Preparation of plan and budget.* The overall plan and budget is prepared under the direction of the governing body of the hospital by a committee consisting of representatives of the governing body, the administrative staff, and the medical staff of the hospital.

(4) *Annual review of plan and budget.* The overall plan and budget is reviewed and updated at least annually by the committee referred to in paragraph (j)(3) of this section under the direction of the governing body of the hospital.

2. Section 405.1121 is amended by revising the introductory material and paragraph (f) to read as follows:

§ 405.1121 Conditions of participation-governing body and management.

The skilled nursing facility has an effective governing body, or designated persons so functioning, with full legal authority and responsibility for the operation of the facility. The governing body adopts and enforces rules and regulations relative to health care and safety of patients, to the protection of their personal and property rights, and to the general operation of the facility.

* * * * *

(f) *Standard: Institutional planning.* The skilled nursing facility, under the direction of the governing body, prepares an overall plan and budget which provides for an annual operating budget and a capital expenditure plan.

(1) *Annual operating budget.* There is an annual operating budget which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items (except that it is not required that there be prepared, in connection with any budget, an item by item identification of the components of each type of anticipated income or expense).

(2) *Capital expenditure plan.* (i) There is a capital expenditure plan for at least a 3-year period (including the year to which the operating budget described in paragraph (f)(1) of this section is applicable), which includes and identifies in detail the anticipated sources of financing for, and the objectives of, each anticipated expenditure in excess of $100,000 for items which would, under generally accepted accounting principles, be considered capital items. In determining if a single capital expenditure exceeds $100,000, the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to the acquisition, improvement, modernization, expansion, or replacement of land, plant, building, and equipment are included. Expenditures directly or indirectly related to capital expenditures, such as grading, paving, broker commissions, taxes assessed during the construction period, and costs involved in demolishing or razing structures on land are also included. Transactions which are separated in time but are components of an overall plan or patient care objective are viewed in their entirety without regard to their timing. Other costs related to capital expenditures include title fees, permit and license fees, broker commissions, architect, legal, accounting, and appraisal fees; interest, finance, or carrying charges on bonds, notes and other costs incurred for borrowing funds.

(ii) If the anticipated source of such financing is, in any part, the anticipated reimbursement from title V (Maternal and Child Health and Crippled Children's Services) or title XVIII (Health Insurance for the Aged and Disabled) or title XIX (Grants to States for Medical Assistance Programs) of the Social Security Act, the plan states:

(a) Whether the proposed capital expenditure is required to conform, or is likely to be required to conform, to current standards, criteria, or plans developed pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to meet the need for adequate health care facilities in the area covered by the plan or plans so developed;

(b) Whether a capital expenditure proposal has been submitted to the designated planning agency for approval pursuant to section 1122 of the Social Security Act (42 U.S.C. 1320a–1) and implementing regulations.

(c) Whether the designated planning agency has approved or disapproved the proposed capital expenditure if it has been so presented.

(3) *Preparation of plan and budget.* The overall plan and budget is prepared under the direction of the governing body of the skilled nursing facility by a committee consisting of representatives of the governing body, the administrative staff, and the medical staff (or chief medical officer, or patient care policies advisory group as described in § 405.1122 (a)) of the skilled nursing facility.

(4) *Annual review of plan and budget.* The overall plan and budget is reviewed and updated at least annually by the committee referred to in paragraph (f)(3) of this section under the direction of the governing body of the skilled nursing facility.

3. Section 405.1221 is amended by adding a new paragraph (f) to read as follows:

§ 405.1221 Condition of participation-organization, services, administration.

* * * * *

(f) *Standard: Institutional planning.* The home health agency, under the direction of the governing body, prepares an overall plan and budget which provides for an annual operating budget and a capital expenditure plan.

(1) *Annual operating budget.* There is an annual operating budget which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items (except that it is not required that there be prepared, in connection with any budget, an item by item identification of the components of each type of anticipated income or expense).

(2) *Capital expenditure plan.* (i) There is a capital expenditure plan for at least a 3-year period (including the year to which the operating budget described in paragraph (i)(1) of this section is applicable), which includes and identifies in detail the anticipated sources of financing for, and the objectives of, each anticipated expenditure in excess of $100,000 for items which would, under generally accepted accounting principles, be considered capital items. In determining if a single capital expenditure exceeds $100,000, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, modernization, expansion, or replacement of land, plant, building, and equipment are included. Expenditures directly or indirectly related to capital expenditures, such as grading, paving, broker commissions, taxes assessed during the construction period, and costs involved in demolishing or razing structures on land are also included. Transactions which are separated in time but are components of an overall plan or patient care objective are viewed in their entirety without regard to their timing. Other costs related to capital expenditures include title fees, permit and license fees, broker commissions, architect, legal, accounting, and appraisal fees; interest, finance, or carrying charges on bonds, notes and other costs incurred for borrowing funds.

(ii) If the anticipated source of such financing is, in any part, the anticipated reimbursement from title V (Maternal

and Child Health and Crippled Children's Services) or title XVIII (Health Insurance for the Aged and Disabled) or title XIX (Grants to States for Medical Assistance Programs) of the Social Security Act, the plan states:

(a) Whether the proposed capital expenditure is required to conform, or is likely to be required to conform, to current standards, criteria, or plans developed pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to meet the need for adequate health care facilities in the area covered by the plan or plans so developed;

(b) Whether a capital expenditure proposal has been submitted to the designated planning agency for approval pursuant to section 1122 of the Social Security Act (42 U.S.C. 1320a–1) and implementing regulations; and

(c) Whether the designated planning agency has approved or disapproved the proposed capital expenditure if it has been so presented.

(3) *Preparation of plan and budget.* The overall plan and budget is prepared under the direction of the governing body of the home health agency by a committee consisting of representatives of the governing body, the administrative staff, and the medical staff (if any) of the home health agency.

(4) *Annual review of plan and budget.* The overall plan and budget is reviewed and updated at least annually by the committee referred to in paragraph (i)(3) of this section under the direction of the governing body of the home health agency.

4. Section 405.1901 is amended by revising paragraph (b) to read as follows:

§ 405.1901 The certification process.

* * * * *

(b) Hospitals currently accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or by the American Osteopathic Association (AOA) are deemed to meet all of the conditions of participation, except the requirements for utilization review as described in section 1861(e)(6) and the institutional planning requirements as described in section 1861(z) of the Act and any standard promulgated by the Secretary which is higher than the requirements for accreditation as specified in section 1861(e)(9) of the Act, and, in the case of tuberculosis and psychiatric hospitals, the additional staffing and medical records requirements considered necessary for the provision of intensive care. Notwithstanding that a hospital is accredited by the JCAH or the AOA, it may be subject to a survey by State and/or Federal survey personnel. In such cases a copy of the latest JCAH or AOA survey report will be released to the Secretary (on a confidential basis) with the hospital's concurrence. If the hospital declines to authorize such release, it will lose its deemed status and will be subject to the regular State agency survey procedure. Such surveys will be conducted on a sample basis to validate the JCAH and AOA accreditation process or in response to substantial allegations or evidence of a condition adverse to the health and safety of patients in an accredited hospital. If such a survey reveals noncompliance with one or more of the conditions of participation established in or pursuant to title XVIII of the Act, the hospital must come into compliance with such condition(s).

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

AEROSOL DRUG AND COSMETIC PRODUCTS CONTAINING ZIRCONIUM

Proposed Determination

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 310, 700]

AEROSOL DRUG AND COSMETIC PRODUCTS CONTAINING ZIRCONIUM

Notice of Proposed Rule Making

The Commissioner of Food and Drugs proposes to determine that any aerosol drug or cosmetic product containing zirconium is a new drug or an adulterated cosmetic. Interested persons have until September 3, 1975 to submit comments.

Pursuant to procedures promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), a review of the safety and effectiveness of over-the-counter (OTC) drugs has been undertaken by the Food and Drug Administration (FDA).

Notice inviting submission of data and information, published and unpublished, and other information pertinent to the safety and effectiveness of OTC antiperspirant products was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391). The Panel on Review of Antiperspirant Drug Products has reviewed the submissions of data and other information regarding the use of antiperspirant products containing zirconium.

The Commissioner of Food and Drugs received, on April 29, 1975, a report of the OTC Antiperspirant Panel on aerosol antiperspirants containing zirconium.

In its report, the Panel indicates that the benefit from using drug and cosmetic aerosol products containing zirconium is insignificant when compared to the risk. The Panel notes that zirconium-containing aerosol antiperspirants are not more effective than non-aerosolized antiperspirants containing zirconium or aluminum salts. The Panel further states that there is little evidence that consumers can perceive a difference between any of the aerosolized or nonaerosolized products under conditions of actual use. The Panel concludes that there is so little benefit to be derived from the use of zirconium-containing areosol antiperspirants when there are far safer aerosolized and nonaerosolized antiperspirants, that it is unjustified to subject even a few individuals to such a risk.

On the basis of the Panel's report, the Commissioner tentatively concludes that aerosol products containing zirconium cannot be considered generally recognized as safe (GRAS) for use in drug and cosmetic products. Therefore, he proposes that any drug product containing zirconium in an aerosol form should be classified as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)), implemented by § 310.3 (g) and (h)(5) (21 CFR 310.3 (g) and (h)(5)). Section 310.3(h)(5) states "The newness of a drug may arise by reason (among other reasons) of: (5) The newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended, or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug." The Commissioner has reached this tentative conclusion because of the above noted safety issues in the Panel's report and because the aerosolized form of zirconium was not on the market in 1962 as required under section 107(c)(4) of the 1962 amendments to the Federal Food, Drug, and Cosmetic Act (Pub. L. 87-781 (21 U.S.C. 321 note)) in order to qualify for exemption from the amendments. Under this proposal, any zirconium-containing aerosol antiperspirant will, therefore, be considered a new drug for which a new drug application (NDA) pursuant to section 505 of the act and Part 314 (21 CFR Part 314) is required.

The Commissioner, based upon the same safety considerations, also proposes that aerosol products containing zirconium are deleterious substances which may render any cosmetic product injurious to users. Accordingly, any such cosmetic product would be deemed to be adulterated under section 601(a) of the act.

Although the Panel's report concerned itself only with aerosol antiperspirants containing zirconium, the Commissioner is of the opinion that, without evidence to the contrary, no aerosol drug or cosmetic product containing zirconium can be considered as generally recognized as safe. Therefore, the Commissioner tentatively concludes that the proposed regulation shall extend to any aerosol drug or cosmetic product containing zirconium including, but not limited to, antiperspirants.

The Panel recommends that action to remove aerosol products containing zirconium be implemented expeditiously and not await the full procedural review that has been established for OTC drug products in § 330.10 (21 CFR 330.10). Accordingly, on the basis of the Panel's concerns, the lack of toxicologic data adequate to the establishment of a safe level for use, the availability of other safer agents, the adverse benefit-to-risk ratio, and the recommendation for prompt action to remove these products from all drug and cosmetic products, the Commissioner has determined that the action he proposes regarding the use of these zirconium-containing aerosol products shall be taken through this notice of proposed rule making. The Commissioner tentatively has concluded that any delay in action regarding the use of these drug and cosmetic products is unjustified in view of the Panel's report and the evidence now at hand that such use cannot be generally recognized as safe and is contrary to the public interest.

However, because the major safety issue is attributable to prolonged use, the Commissioner at this time does not anticipate that a recall of previously marketed zirconium-containing aerosol drug and cosmetic products is necessary to protect the public health. It is the intention of the Commissioner that the effective date of the final regulation will be 30 days after publication in the FEDERAL REGISTER. Accordingly, under the provisions of this proposal, such products shipped in interstate commerce after the effective date of the final regulation which are not in compliance with the regulation will be regarded as not an approved new drug or, if the product is a cosmetic, as adulterated under section 601(a) of the act and subject to regulatory action.

If published as proposed, the final regulation regarding the use of these zirconium-containing aerosol products will apply to all drug and cosmetic products until such time as new evidence on their safety results in amendment of a monograph to be established for OTC antiperspirant products pursuant to the OTC drug review procedures under § 330.10.

In accordance with § 330.10(a)(2), all data and information concerning OTC zirconium-containing aerosol antiperspirant drug products submitted for consideration by the Advisory Review Panel have been handled as confidential by the Panel and the Food and Drug Administration. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration, on or before July 7, 1975, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to the Food and Drug Administration, Bureau of Drugs, Division of OTC Drug Evaluation (HFD-510), 5600 Fishers Lane, Rockville, MD 20852.

The conclusions and recommendations contained in the April 29, 1975 report of the Advisory Review Panel on OTC Antiperspirant Drug Products for antiperspirant products containing zirconium are as follows:

The Commissioner appointed the following panel to review the data and information submitted, and to prepare a report on the safety and effectiveness and labeling of OTC antiperspirant drug products pursuant to § 330.10(a)(1):

E. William Rosenberg, M.D., Chairman
J. Wesley Clayton, Ph.D.
Charles A. Evans, M.D., PhD.
Zenona Wanda Mally, M.D.
Jane M. Rosenzweig, M.D.
Robert J. Scheuplein, Ph.D.
Eli Shefter, Ph.D.

The Panel was first convened on March 15, 1974 in an organizational meeting. Working meetings have been held on April 25-26, July 9-10, August 8-9, September 19-21, October 31 to November 2, December 16-17, 1974, and January 30-31, March 24-25, and April 24-25, 1975.

Two non-voting liaison representatives serve on the Panel, Ms. Marsha Gardner, nominated by an ad hoc group of consumer organizations and Robert Giovacchini, Ph.D., nominated by the Cosmetic, Toiletry and Fragrance Association.

Ms. Mary Bruch, an employee of the Food and Drug Administration, serves as Executive Secretary to the Panel. Lee Geismar, an employee of the Food and

Drug Administration, serves as Panel Administrator, Gary Trosclair, R.Ph., served as Drug Information Analyst until November 1974 followed by Joe Hussion, R.Ph.

In addition to the Panel members and liaison representatives, the Panel has utilized the advice of the following consultants:

Dov Boros, Ph.D.
George Comstock, M.D.
Helen Dickie, M.D.
Robert Drew, Ph.D.
William Epstein, M.D.
Robert Jones, M.D.
Michael Lebowitz, M.D.
Lollie Marchant
W. G. Spector, M.D.
Irwin Stolloff, M.D.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or the Panel's request:

Harold Baer, Ph.D.
Edwin V. Buehler, Ph.D.
Robert Choate
Ron Crytal, M.D.
Kenneth Ericson
Leon Golberg, M.D., D. Sc., Ph.D.
Leonard Harber, M.D.
Lester B. Hardy, Ph.D.
Clark Hoffman, Ph.D.
Herman Jass, Ph.D.
Frank Johnson, M.D.
William Jordan, M.D.
Albert M. Kligman, M.D.
Adalbert Koestner, D.V.M., Ph.D.
Edwin Larsen, Ph.D.
Bertil Magnusson, M.D.
Henry C. Maguire, Jr., M.D.
Howard I. Maibach, M.D.
Joseph Page, Esq.
Herbert Stokinger, Ph.D.
Hans Weill, M.D.
Ronald Wulf, Ph.D.

No person who so requested was denied an opportunity to appear before the Panel.

The Panel has thoroughly reviewed the literature, and the various data submissions, has listened to additional testimony from interested parties and has considered all pertinent data and information submitted through April 25, 1975 in arriving at its conclusions and recommendations.

The purpose of the OTC Antiperspirant Panel is to advise the Food and Drug Administration on the safety and effectiveness of currently marketed OTC antiperspirant drug products.

The Commissioner of Food and Drugs has stated that because self-medication is essential to the nation's health care system, it is imperative that over-the-counter drugs be safe, effective and adequately labeled. He further stated, "FDA accepts as necessary and desirable the tradition of self-medication . . . The consumer in turn has every right to expect that the OTC drugs he buys are safe and well labeled, and that they will perform as the manufacturer claims."

One of the specific charges to the Panel is: "To make recommendations to the Commissioner of Food and Drugs regarding those agents, their amounts, and combinations thereof, which based upon the available data, are not considered safe and effective . . ." The Panel acting under this charge has sent to the Commissioner its recommendation of March 25, 1975 that zirconium-containing aerosol antiperspirants be placed in OTC Category II and that appropriate steps be taken to withdraw these agents from interstate commerce until the safety testing adequate to secure the approval of an NDA has been performed.

The Panel has prepared the following in further explanation and support of these recommendations:

A. Guidelines

The Panel's recommendations were made within the framework of the following regulations pursuant to the OTC drug review procedures identified in § 330.10.

1. *Safety.* Means a low incidence of adverse reactions or significant side effects under adequate directions for use and warnings against unsafe use as well as low potential for harm which may result from abuse under indications of widespread availability. Proof of safety shall consist of adequate tests by methods reasonably applicable to show the drug is safe under the prescribed, recommended, or suggested conditions of use. This proof shall include results of significant human experience during marketing. General recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data (Ref. 1).

2. *Effectiveness.* Means a reasonable expectation that in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed. Proof of effectiveness shall consist of controlled clinical investigations as defined in § 314.111(a)(5)(ii) (21 CFR 314.111(a)(5)(ii)), unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. Investigations may be corroborated by partially controlled or uncontrolled studies, documented clinical studies by qualified experts, and reports of significant human experience during marketing. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered. General recognition of effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data (Ref. 1).

3. *The benefit-to-risk ratio.* The benefit-to-risk ratio of a drug shall be considered in determining safety and effectiveness, and further, as stated in paragraph 62 of the preamble to the final order establishing the procedures for classification of OTC drugs published in the Federal Register of May 11, 1972 (37 FR 9464), "any drug which claims to be effective must have some pharmacologic action whether it is beneficial, aggravates an already existing condition, or results in an adverse reaction or side effect. In every instance the Panel must evaluate whether, balancing the benefits against the risks, the target population will experience a beneficial rather than a detrimental effect. Where little or no benefit is obtainable, of course, little or no risk is acceptable" (Ref. 1).

4. *General recognition of safety.* Only those drugs that are generally recognized as safe and effective and that are not misbranded may be lawfully marketed without an NDA. In § 330.10(a)(4)(i), the basis for general recognition is stated: "General recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data."

The Panel has been charged with making the determination of whether or not specific antiperspirant drug products are generally recognized as safe and effective and not misbranded. The judgment of the Panel has been based on the following criteria: (a) factual information available from the scientific literature; (b) factual information available from FDA, from manufacturers of antiperspirant drug products, from producers of raw materials which are used in antiperspirant drug products and from companies engaged in testing antiperspirant drug products; (c) the informed judgment of knowledgeable experts testifying at open sessions of the Panel; and (d) the experience and informed judgment of the Panel members themselves.

B. Other Attributes of Antiperspirant Drug Products

The Panel's charge with respect to both effectiveness and risk-benefit is to consider the "pharmacological effect of the drug"; for antiperspirant drug products, this is the antiperspirant action as measured by the degree of inhibition of axillary sweating.

The Panel has therefore concluded that the aesthetic attributes of the product per se or any other characteristics of the product per se that do not bear directly on the safety claims or efficacy are not relevant to this discussion. Such characteristics were considered only in terms of their impact on the overall safety or on the effectiveness of the antiperspirant drug product.

The specific form of the antiperspirant (aerosol, cream, lotion, or roll-on) or its method of application (by aerosol spray, by spray, by applicator or by hand) was considered when it related directly to safety or effectiveness.

C. Risk-Benefit and the Safety of the Antiperspirant Drug Products

The Panel is specifically charged with balancing risk and benefit in its determination of the safety and effectiveness of antiperspirant drug products. The Panel has concluded that if a significant benefit is obtained by the users of effective antiperspirant drug products, some degree of risk is acceptable.

The degree of risk considered acceptable in the use of an antiperspirant is a

matter of judgment. Some insight into the Panel's judgment on this matter may be found in its consideration of the topical zirconium-containing antiperspirants.

The Panel recognized distinct differences in the safety of topically applied versus aerosolized zirconium-containing compounds. Many adverse reactions to topically applied antiperspirant formulations include reports of irritation, stinging, rashes, boils, lumps and other manifestations of allergic and nonallergic contact dermatitis. Nonetheless, the Panel has tentatively agreed on the safety of topically applied, nonaerosolized, zirconium-containing antiperspirants because:

1. *Adverse reaction.* These adverse reactions are ordinarily not serious and are reversible.

2. *Site of reaction.* These reactions occur locally at the site of application where they are to be expected, where they are visible and where, once detected, they can be treated and the product discontinued.

3. *Incidence.* The incidence of such adverse reactions is extremely low, of the order of 6 per million units sold.

4. *Body burden.* Because these are applied topically, the entrance of zirconium-containing particles into the body is reduced virtually to zero when the skin's barrier is intact.

5. *Effectiveness.* This topically applied antiperspirant is reasonably effective.

6. *Misuse.* The Panel recommends that adequate labeling be provided to warn against applying the product to open, broken or abraded skin where the skin's barrier is breached. But even if this warning is ignored by the consumer, and the product is misused, the Panel believes the consequences will not be unreasonably severe.

The Panel believes that the risks of the non-aerosolized product are inherent in the effective use of the drug and are therefore unavoidable; other topically applied, nonaerosolized antiperspirants give comparable adverse reactions. Overall, the impact of these adverse reactions on the health of the target population is not large; these reactions are ordinarily not serious, they are reversible and their incidence is extremely low.

The Panel has not addressed the question of whether or not the ability to reduce underarm perspiration is an important social or occupational problem. The desirability of using antiperspirant drug products for this purpose is regarded as a personal decision by the individual consumer.

D. Alternative Convenience Forms and Risk-Benefit

It is possible that antiperspirant drug products which are proven equally effective may not be judged equally safe. It may happen that a larger degree of risk is incurred by the use of an alternative convenience form of the product; e.g., a different method of application or a different formulation with the same active ingredient. Such alternative forms may be designed to achieve a more acceptable product, a product of greater convenience, or simply one with greater consumer appeal. The Panel concludes that adequate safety may be a reasonably broad area which defines an equally broad area of minimal risk. As long as the safety of the product is considered adequate, in terms of the benefit achieved by its use, there would seem no need to insist that only the single safest form be marketed.

However, the Panel believes it is appropriate to consider comparative safety or the safety offered by alternative forms of the product when a substantial question of safety exists in a specific "convenience form." An alteration in the form of a drug product which may substantially compromise its safety without offering a compensating improvement in effectiveness seems to the Panel to be an instance where the following comment applies: "Where little or no benefit is obtainable, of course, little or no risk is acceptable" (Ref. 1).

When such a question of safety exists, the Panel concludes that the existence of safer and equally effective products must have weight in the determination of acceptable risk or adequate safety. The prospect of the acceptance of an unnecessary risk in one form of a product when forms that are generally recognized as safe are available, is significant to a consideration of risk-benefit.

E. Historical Development

Zirconium compounds were first used as antiperspirants in the 1950's when sodium zirconium lactate was incorporated into a deodorant stick. Soon after introduction of this compound into the American market, users developed small, flesh-colored, indolent papules (small elevations of the skin) in the axillae. Papules would occur in streaks in a configuration which could be explained by a reaction to some material introduced along cuts induced by shaving. Shelley and Hurley (Ref. 2) concisely reviewed the experience of American dermatologists with this new clinical entity (Refs. 3 through 9). Histologically these papules resembled the so-called granuloma seen in sarcoidosis, a disease which can affect many organs of the body and is of unknown cause.

Several years later a different zirconium salt, zirconium oxide, was introduced for use on the skin, this time as a treatment for poison ivy dermatitis. Again, the areas of skin treated with the zirconium oxide cream developed small papules which, when biopsied, revealed epithelioid-cell granulomas (Refs. 10 through 14). It had thus been established that two zirconium products, sodium zirconium lactate and zirconium oxide, could cause sarcoid-like granulomas when introduced into human skin.

Although attempts to produce comparable skin granulomas in animals were unsuccessful, it was possible to reproduce the disease regularly in man. Shelley and Hurley (Ref. 9), and Epstein (Ref. 15) concluded on the basis of their studies that the mechanism responsible for zirconium granulomas in man depended on allergic hypersensitivity. The conclusion that zirconium-induced granulomas were a reaction of allergic hypersensitivity was based on the course of the disease, the time required for elicitation of a positive response, the individual's varied reaction and the minute, microgram dose required to elicit the response. Definitive supportive evidence in the form of sophisticated in vitro immunological techniques was not then available for the study of this process. The absence of a suitable laboratory test animal also limited the amount of investigation which was then possible.

As will be discussed later, while the allergic hypersensitivity mechanism remains a probable one, it is by no means out of the question that other mechanisms now known to account for granuloma formation might also be operative for zirconium-induced granulomas. Because sarcoid-like lung disease may result from the inhalation of many substances, the Panel has been particularly concerned about the safety aspects of zirconium-containing aerosol antiperspirants. In addition to the cases of skin granuloma due to sodium zirconium lactate and zirconium oxide reported above, the Panel considers the following reports of disease induced by these and other zirconium compounds pertinent to this discussion.

F. Published Scientific Reports

1. Epstein (Ref. 15) produced granulomas in three sensitized individuals with several zirconium compounds. These included zirconium carbonate, zirconium oxychloride, mixtures of zirconium oxychloride and glycerine, zirconium lactate and zirconium chlorhydrate. The intact zirconium-aluminum-glycerine complex did not produce skin granulomas in any of these individuals.

2. Obermayer (Ref. 17) reported a case of axillary granuloma. The cause and effect relationship with the woman's deodorant was not conclusively shown. At the time of this report only one zirconium-containing antiperspirant was marketed and it contained zirconium-aluminum-glycine complex.

3. Prior, Cronk, and Ziegler (Ref. 18) exposed rabbits to a mist containing very high concentrations of sodium zirconium lactate daily for 6 weeks. At the end of that time all test animals showed effects in the lungs such as bronchiolar abscesses, lobular type pneumonia or peribronchial granulomas. Prior's work has been criticized on the basis of the very high concentrations of sodium zirconium lactate (49,000 milligrams/cubic meter of air) used in this test. It is possible that a simple overload of the rabbits' respiratory system was responsible for many of the changes seen.

4. The same criticism cannot be levied, however, at the studies of Brown et al. (Ref. 19). Brown and his associates treated groups of 10 guinea pigs, 10 rats, and 10 hamsters for a period of 225 days by inhalation exposure to either 15 or 150 mg/cubic meter of air of zirconium lactate, to 15 mg/cubic meter of air of barium zirconate, or to room air. In the animals exposed to room air, no signifi-

cant changes were seen. In the animals exposed to zirconium lactate at a concentration of 150 mg/cubic meter of air, the lungs showed more pathological changes. These included pleural thickening, thickening of alveolar walls, and localized deposition of round cells in subpleural areas. Changes in the bronchi and bronchioles were minimal. Of even more interest were changes seen in the animals who were exposed to the lower dose of 15 mg/cubic meter of air. Marked pathological changes similar to those seen in the group receiving the higher dose were observed, but the animals receiving the lower dose had these changes to a much greater degree. In addition to the more severe changes in the animals treated with the lower dose, were findings in the lungs of these animals of a number of giant cells, although no granulomas. Animals treated with barium zirconate at a concentration of 15 mg/cubic meter of air developed comparable pathological changes. These were even more substantial than those produced by zirconium lactate. The general pathological picture in the lungs of these animals was one of a chronic interstitial pneumonitis with associated hypertrophy of the media of the arterioles, which in some cases had led to complete occlusion of the vessels. It was noted that removal of some of the animals from the dust exposure for a period of 3 months did not cause any marked regression in the lung pathology.

Studies attempting to define an immunologic mechanism for production of these pathologic changes were not conducted. The finding of more severe changes in animals exposed to a lower rather than higher dose, however, suggests that such might be a possible explanation. Whether immune mechanisms or other factors are involved, the medical experience with pneumoconiosis (a chronic fibrous reaction in the lungs eventually resulting in reduced lung function) includes instances in which people living in the neighborhood of a beryllium processing plant had more severe disease than the beryllium workers themselves (Ref. 20).

Investigators in one submission (Ref. 21) noted the fact that Brown, et al., amidst all the changes they produced in their experimental animals, did not observe formed granulomas. The Panel's interpretation of Brown et al. was different. The Panel is concerned about the possibility of zirconium-induced serious lung disease which begins with inflammation and goes on to produce fibrosis. The fully formed sarcoid-like granuloma, such as was seen in the skin, may not regularly appear in the lung even under the same sort of stimulus as produced the skin granuloma. Furthermore, the finding of giant cells suggests that comparable mechanisms may be operating because giant cells are characteristically found in granulomatous reactions.

5. An even more significant report was made available to FDA (Ref. 22). In this study, cynomolgus monkeys were exposed to an aerosol of an antiperspirant spray whose active ingredient was a complex of aluminum chlorhydrate and zirconium chlorhydrate. This product's composition was similar to one marketed zirconium-containing aerosol antiperspirant and differed from the other only in the absence of glycine. The test protocol specified the monkeys be exposed to the zirconium-containing aerosol antiperspirant for 15 seconds every 5 minutes for a period of 20 minutes in the morning and again in the afternoon. The test was continued for 90 days. The results in the monkeys' lungs showed "histopathologic pulmonary findings of granulomatous reactions in the terminal bronchioles." The analysis of the changes was of a "terminal bronchiolitis, with an inflammatory response exemplified by increased macrophagic activity."

6. Shelley (Ref. 23) studied the effect of the injections of several metal salts into the external ear of mice. Changes described as cartilaginous dysplasia (cartilage abnormality) were produced by the injections of zirconyl chloride or hafnium oxychloride, but not by a variety of other metal salts including aluminum chloride, beryllium sulfate, cadmium acetate, chromium potassium sulfate, cobalt chloride, and nickel chloride. Shelley concluded that the effects of zirconium and hafnium salts appeared to be unique and predictable. Even though some may consider this work irrelevant to the zirconium-containing aerosol antiperspirant issue, it does show a further toxicity of a zirconium compound.

7. Brackhanova and Shkupko (Ref. 24) found that zirconium hydride given in an intratracheal dose at 15 mg to rats caused pneumoconiosis. The effect was five to six times less severe than that caused by silicon dioxide. Silicon dioxide is recognized as a fibrogenic dust.

8. Mogilevskaja (Ref. 25) found that aerosols which contain metallic zirconium and zirconium dioxide produced a mild fibrogenic (formation of fibrotic tissue) reaction in rats. Inhalation of soluble zirconium salts produced further damage as well as a general toxic reaction. The changes were interpreted as being those suggestive of a tissue response arising from a low grade irritant.

C. The Relationship of Inhaled Particles, Lung Disease, Granulomas and Fibrosis

The problem of lung disease caused by inhaled aerosols is a complicated one which has recently received much attention. Parkes (Ref. 26) provided a recent comprehensive review of much of this material. A much more detailed treatment of theoretical aspects of the problem may be found in the symposium on inhaled aerosols edited by Lourenco (Ref. 27). The study of human disease caused by inhaled particles is a dynamic and rapidly moving field. The traditional tools of the epidemiologist and the morphologist are now being augmented by those of immunologists, electron microscopists, physical chemists, and others. For example, Miller et al. (Ref. 28) described a patient with no known exposure to pathogenic dust in whom electron microscopy revealed asbestos in amounts too small to be seen with a light microscope. The same group (Ref. 29) reported a patient with sarcoid-like disease in whom minute amounts of talc were established as the probable cause of disease.

Those papers and comparable ones cited in previous references point clearly to the conclusion that forms of pulmonary disease heretofore considered idiopathic (of unknown causation) must now be studied carefully for possible environmental causes. A review of this literature reveals also the substantial difficulty involved in ascribing causality of a sarcoid-like lung disease to various environmental agents.

In current medical practice, a substantial amount of recognized granulomatous disease is of unknown cause. The term sarcoidosis is applied to one group of granulomatous changes whose cause is unknown but in which the clinical course often conforms to a recognizable pattern.

Since its tendency to induce granulomas is crucial to the Panel's concern about zirconium, the Panel will summarize very briefly what is meant by the term granuloma. The granuloma (Ref. 30) is considered to be a distinctive form of inflammatory reaction which results when cells of the mononuclear phagocyte system encounter some substance they are unable to eliminate effectively.

The cells of the mononuclear phagocyte system are scavenger cells, widely dispersed throughout the body. It is now recognized that they are all derived from a common precursor (source) cell in the bone marrow. Depending on where they are located in the body, they take on different appearances and are called by different names. These locations and names include circulating blood (monocytes), connective tissue (histiocytes), liver (Kupffer cells), lungs (alveolar macrophages), lymph nodes (free and fixed macrophages), bone marrow (macrophages), and serous cavity (pleural and peritoneal macrophages). The osteoclast of bone tissue and the microglial cells of the nervous system are possibly also cells of this type. The term granuloma is used for the lesion produced by those cell aggregates when organized in a particular fashion.

As long as these cells are effectively able to remove foreign substances from their respective tissue, no cell aggregation occurs. It is thought that in at least three instances this effective elimination of foreign substances may be impaired and cells derived from mononuclear phagocytes aggregate.

One such instance occurs when the foreign substance has low biological activity for which there is no effective mechanism of elimination. Here the mononuclear phagocytic cells become stuffed with material that resists the cell's degradative enzyme system. These cells are immobile, resistant, long-lived macrophages which do not divide. These cells store the offending substance, often over a prolonged period. The granuloma thus formed is metabolically relatively inactive and has been termed a "low turnover" granuloma.

A different form of granuloma occurs in two other instances. In one of these, the foreign substance is toxic to the scavenger cell and damages it, releasing further toxic material into the tissue. In the other, the foreign substance acts as an allergen and brings cells of the body's immune system into play. In both of these cases, when the foreign substance is toxic or when it acts as an allergen, the resulting granuloma is characterized by a metabolically active derivative of the mononuclear phagocyte called the epithelioid cell and also by a form called the giant cell. Such granulomas are now termed "high turnover" granulomas.

Unlike the low turnover granulomas in whose cells the offending agent is easily found, the cells of the high turnover granulomas usually do not reveal the presence of the causative agent. The epithelioid cell granuloma has thus been more difficult to study and understand. More recently, however, it has been found that present techniques of immunology have helped to clarify the nature of high turnover granulomas caused by immune mechanisms (Ref. 30).

Of considerable interest is the recent observation that the mononuclear phagocytic cells of the granuloma produce a substance which acts as a stimulant to nearby connective tissue fibroblast cells. These fibroblasts are stimulated to produce more collagen, the basic fiber of connective tissue (Ref. 30). This effect of granuloma cells on fibroblasts would seem to explain the tendency of chronic granulomatous disease of the lung to result in a condition called pulmonary fibrosis. In this condition the required mobility of the breathing process is interfered with by excessive amounts of connective tissue in the lung .

H. The Panel Statement of November 27, 1974

The previous discussion of the nature of granulomas was taken from the Panel's statement of November 27, 1974. That statement was based on the Panel's assessment of the zirconium-containing aerosol antiperspirant problem. It was written following the review of pertinent literature and after a 2-day open session in which a number of invited distinguished experts in the fields of granuloma pathology and pathophysiology and of pneumoconiosis participated. These experts answered the Panel's questions for 2 days. A transcript of that session is available (Ref. 30). All these experts emphasized that further testing was required. At no time during the 2-day open session would any of the experts state that, in their opinion, zirconium-containing aerosol antiperspirants were generally recognized as safe.

Following the open session with the testimony of experts and after a careful review of submissions of zirconium-containing aerosol antiperspirants and their respective ingredients, the Panel issued a statement on November 27, 1974, which expressed concern about the safety of zirconium-containing aerosol antiperspirants. It was the opinion of the Panel that some zirconium-containing particles would be inhaled from the use of these zirconium-containing aerosol antiperspirants, and that there was inadequate information about the fate of inhaled zirconium-containing particles once they reached the lung. The Panel noted a lack of information about how particles were excreted, at what rate, and whether they broke down into products releasing zirconium in forms which might be allergenic or toxic in other ways. The Panel was unconvinced, in view of the brief history of the use of zirconium-containing aerosol antiperspirants, that long term use in susceptible subjects would not result in development of pulmonary fibrosis. The Panel concluded that tests to measure the immunogenic potential of zirconium-containing aerosol antiperspirants had not been done. The Panel was not satisfied with the follow-up that had been made on users who had complained of respiratory difficulty after exposures to zirconium-containing aerosol antiperspirants. At that time, the Panel discussed the zirconium-containing aerosol antiperspirants in light of what they perceived as benefit-to-risk considerations. It was pointed out that comparable degrees of control of underarm perspiration could be achieved either with zirconium-containing cream products or, in fact, with the most effective forms of aluminum chlorhydrate-containing rollons. Although consumers would be expected to want the most active antiperspirants available, it by no means seemed clear that consumers could always perceive the kinds of difference in activity that could be determined in laboratory studies. The majority of users, for instance, preferred aerosol sprays of aluminum chlorhydrate to creams or rollons containing the same ingredients, even though the latter were somewhat more effective than the sprays.

Although the Panel had voted at its November meeting to place zirconium-containing aerosol antiperspirants in Category II (not generally recognized as safe) the Panel agreed, when requested by industry, to express its concerns and position with a statement and to defer a decision until industry could respond.

I. Assertion of Safety From Representatives of Industry

On December 16 and 17, 1974, representatives of industry presented their reasons for believing that zirconium-containing aerosol antiperspirants did not present a hazard to health. Their case was supported by supplemental submissions (Ref. 31). Because these submissions represent the basis for industry's assertion that zirconium-containing aerosol antiperspirants are safe, the Panel's analysis is set forth in the following sections.

Four main conclusions were offered by industry as follows:

1. Aerosol antiperspirants containing zirconium-aluminum-glycine complex have shown no potential for producing granulomas of the lungs.

2. Zirconium-aluminum-glycine complex is cleared from the lung by the mucociliary escalator (natural lung clearance mechanism whereby hair-like projections called cilia transport particles out of the lung) and is eliminated through the gastrointestinal tract.

3. Zirconium-aluminum-glycine complex does not contain zirconium chlorhydrate.

4. Zirconium-aluminum-glycine complex does not break down in the lung.

Particular attention will now be paid to these four points and their supporting data; later comment will be made generally on other portions of these submissions and also on the other supplemental submissions.

1. "Aerosol antiperspirants containing zirconium-aluminum-glycine complex show no potential for producing granulomas of the lungs."

It is the Panel's opinion that this statement, viewed in the most favorable light possible, can only be described as conclusory and not supported by specific data. In the Panel's considered view, published reports of disease induced by several zirconium salts, the testimony of experts about the risks of inhaling zirconium-containing aerosol antiperspirants and some aspects of the submissions themselves are sufficient to justify the contrary conclusion: a real possibility exists that zirconium-aluminum-glycine complex will induce lung disease.

2. "Zirconium-aluminum-glycine complex is cleared from the lung by the mucociliary escalator and eliminated via the gastrointestinal tract."

Three experiments in the submission are adduced to support this assertion. They are as follows:

(i) Each of 2 rabbits was intratracheally infused (Ref. 32) with solutions containing either 0.5, 5.0, or 50 mg of zirconium-aluminum-glycine complex, or 0.073, or 7.3 mg of sodium zirconium lactate (volume of solution not provided). The 2 animals dosed with 50 mg of zirconium-aluminum-glycine complex were sacrificed 5 days after dosing. All other animals were sacrificed 15 days after dosing. Lung tissue was obtained from all animals and was examined by an electron microscope x-ray analyzer for the presence and distribution of zirconium and aluminum.

Ashed samples from some (an undisclosed number) of the rabbits were examined for zirconium. Zirconium was detected only in the group dosed with 7.3 mg of sodium zirconium lactate. The experimenter concluded that, even at an exaggerated dose of 50 mg, zirconium-aluminum-glycine complex is cleared from the lung within 5 days, whereas sodium zirconium lactate is not cleared even after 15 days. From the submission it is not clear how many rabbits were used in the experiment since either 6 or 12 animals were present at the beginning and only 4 or 8 were reported on at the end. Similarly, the experiment promised data on six different solutions of zirconium-aluminum-glycine complex and sodium zirconium lactate, but presented results for only four solutions. The concentrations of the solutions were not given nor was the actual technique of intratracheal infusion used described. It is not

clear whether the final ashed samples listed represent pooled or individual samples. This experiment, as described, does not support the conclusion that zirconium-aluminum-glycine complex is cleared from the lung by the mucociliary escalator and eliminated via the intestinal tract.

(ii) In another experiment 75 mg of powdered zirconium-aluminum-glycine complex was intratracheally infused into 2 rabbits. One animal was sacrificed within a few minutes after dosing; the other after 16 hours. The trachea and lungs were removed and sectioned. The tissue was ashed and analyzed for both zirconium and aluminum by x-ray fluorescence. The results showed that the zirconium-aluminum-glycine complex had been substantially cleared from the lung in 16 hours and that the zirconium-aluminum-glycine complex remaining after 16 hours was in the upper portion of the lung, indicating that the material is being cleared by the mucociliary escalator.

The Panel agrees that properly conducted powder insufflation experiments of the type described are useful. But such experiments can show only how materials presented to the lungs by powder insufflation may be distributed and cleared. Aerosolized particles of respirable size and characteristics can be distributed within the lung in a manner completely different from those introduced by powder insufflation. This is not a minor technical point but a major reason for substantial investments in inhalation toxicology by industrial firms and test laboratories. Particles produced by a propellant system would be expected to have typical characteristics which are quite different from powdered material for insufflation; for example, different particle size and surface characteristics. This, in turn, would influence the amount of material that reaches the lower lung. Propellant generated particles would be more likely to reach the deepest portions of the lung because of their smaller particle size characteristics.

Lung retention studies of insoluble aerosol particles, including zirconium oxide, have shown effective half-lives of 1000 days in the lungs of beagle dogs (Ref. 30 and 33). The major portion of zirconium-aluminum-glycine complex particles are expected to be insoluble. In general, the class of insoluble particulate aerosols are more likely to remain in the lung than relatively soluble aerosols (Ref. 30). The Panel cannot accept conclusions about the safety of zirconium-aluminum-glycine complex aerosol products without definitive measurements of pulmonary retention times as well as the anatomic distribution of zirconium-containing aerosol antiperspirant particles in the respiratory tract.

(iii) The clearance of zirconium-aluminum-glycine complexes from the lung was investigated in another pilot study. According to the submission: "Guinea pigs were intratracheally infused with doses of either 0.8 or 7.7 mg of zirconium as zirconium-aluminum-glycine complex, which are 200,000 to 500,000 times that of human exposure. The material used was radiolabeled with zirconium^{95} (radioactive zirconium). The absorption, distribution, and elimination of zirconium-aluminum-glycine complex was followed by radioactive analysis of all tissues and excreta."

These experiments are cited to show that when aqueous solution of zirconium-aluminum-glycine complex are introduced into the lungs of guinea pigs, there is minimal systemic absorption, and that essentially all of the zirconium-aluminum-glycine complex is found in the lung, gastrointestinal tract, and feces. It is claimed further that levels in the gastrointestinal tract and feces indicate that the material is being cleared by the mucociliary escalator.

The Panel agrees that for intratracheally infused solutions of zirconium-aluminum-glycine complex, the results support the assertion that there is minimal systemic absorption. This is not proof of the complete lack of systemic absorption, nor is it proof that absorption, if it occurs, may not produce disease. Since these solutions were intratracheally infused, little can be concluded from the experiment regarding the clearance of aerosolized particles. This experiment is cited to support the general conclusion that zirconium-aluminum-glycine complex is cleared from the lungs by the mucociliary escalator and then from the gastrointestinal tract, but this conclusion is clearly unsupported for aerosolized particles. Furthermore, even for intratracheally infused particles, the experimental results ignore the real possibility of clearance by the general circulatory system via the lymphatics, blood, and bile. Statements that the mucociliary escalator can effectively clear respired particles can be made about almost any respiratory inhalant if the particle size is in a specific range. The well known ability of many inhalants to produce lung disease should be proof that the mucociliary escalator mechanism cannot be relied on for complete protection. Since reliance was placed on the ability of the mucociliary escalator to clear inhaled zirconium-containing aerosol antiperspirants from the lung, it must be emphasized further that this mechanism cannot be relied upon to totally remove inhaled particles of zirconium-containing aersol antiperspirants because of particle size differences and solubility factors.

This problem is discussed in a current reference source (Ref. 26) on inhalation-induced lung disease:

> Both inert and cytotoxic insoluble particles which are deposited in the conducting airways above the terminal bronchioles are eliminated either in a free (that is, extracellular) state or within macrophages via the mucociliary "escalator" and are expectorated in sputum or swallowed usually about 12 hours after inhalation. However, in the gas exchanging region distal to the terminal bronchioles, the behavior of inert and cytotoxic particles appears to be different.
>
> Inert particles deposited in alveoli tend to remain in the alveolar area and to be eliminated mainly by the bronchial route. They are engulfed by macrophages which migrate from the alveoli over the nonciliated zone of the respiratory bronchioles to the mucociliary "escalator" in the terminal bronchioles. It is not understood how they are able to bridge this gap but it has been suggested (Ref. 34) that a proximal movement of surfactant may be responsible. Particles lodged in the interstitium may be carried by macrophages in tissue fluids to the lymphatics whence they travel to intrapulmonary and hilar lymph nodes, but others are retained, or "stored," in the interstitial site for years.
>
> Smaller insoluble particles tend to travel to hilar lymph nodes more quickly than larger ones, but quartz particles reach the lymphatics more rapidly than non-toxic particles, such as titanium oxide, of similar size (Ref. 34). Furthermore, some small particles may pass into the blood stream; this explains the occasional presence of silicotic lesions in the liver and spleen and other organs.
>
> The efficiency with which insoluble dusts are removed from the lung varies, therefore, according to whether they are inert or cytotoxic as well as upon the load or concentration of particles imposed upon the elimination routes. Soluble particles dissolve readily and pass into the capillary blood or, possibly, are bound to lung tissue proteins; hence, if they are toxic they may cause damage either systemically or locally.
>
> The process by which inert and cytotoxic dusts pass from the alveolar lumen into the alveolar wall or its adjacent interstitium is obscure. Breaching of the wall by damage to Type I pneumocytes is thought to occur by some workers (Ref. 35) but is denied by others. There is experimental evidence to show that particles may penetrate into the alveolar wall without the mediation of phagocytic cells (Ref. 36) and that this tends to occur where alveoli are in opposition to bronchiolo-vascular bundles.

The Panel concluded that studies of the hilar and regional lymph nodes are essential because they are often involved in sarcoid-like pulmonary disorders. It therefore seems mandatory that examination of these nodes be included in studies of the clearance and distribution of zirconium-containing aerosol antiperspirants.

A much more detailed analysis of the problem of removal of aerosolized products from the lung is given by Morrow (Ref. 37). That article is comprehensive, and contains 130 references; it cannot be summarized briefly but deserves attention in this context.

The Panel has already commented about the technical problems in the experiments designed to show that the mucociliary mechanism can be expected to remove all inhaled particles of zirconium-aluminum-glycine complex. A brief review of Morrow's work and the accompanying paper by Green (Ref. 38) would indicate that such an inclusive statement as "zirconium-aluminum-glycine complex is cleared from the lung by the mucociliary escalator and eliminated via the gastrointestinal tract" cannot be supported in light of the present level of knowledge about how inhaled materials are removed from the lung. The Panel would emphasize again that certainly much of the inhaled zirconium-aluminum complex is removed from the lung by the mucociliary escalator mechanism. But, based on the substantial amount of current information, it is unlikely that all could be removed that way, nor do the studies cited prove it.

This major portion of the claimed basis for safety made to the Panel must be regarded as unsupported by the evidence.

3. The third of these four assertions states: "Zirconium-aluminum-glycine complex does not contain zirconium chlorhydrate." A similar statement appears in another submission (Ref. 22).

In the latter submission, the statement is made that the zirconium-aluminum complex product in question does not contain zirconium chlorhydrate. In each case the Panel will assume that the meaning of the statement is that the final zirconium-containing antiperspirant product is a complex of aluminum and zirconium and no longer contains zirconium chlorhydrate. The implication of this statement is that the zirconium-aluminum-chlorhydrate complex, with or without glycine, thus formed is a unique new entity which will remain intact. The thrust of the statements in OTC Volumes is that zirconium-aluminum-glycine complex is such a product. Evidence cited in another submission states that the zirconium-aluminum complex product described therein is equally as stable as zirconium-aluminum-glycine complex and no more likely to yield zirconium chlorhydrate (Ref. 22).

Submissions state that zirconium-aluminum-glycine complex or zirconium-alumium complex will not hydrolyze to zirconium chlorhydrate. This is a reasonable concern since zirconium chlorhydrate was found to produce a granuloma when injected by skin test into a patient previously sensitized to zirconium lactate (Ref. 39).

As will be shown, the Panel is uncertain about the nature of the zirconium derivative product(s) which may be derived from zirconium-aluminum-glycine complex or zirconium-aluminum complexes when they are introduced into the body. In a report (Ref. 31), it was shown that when zirconium-aluminum-glycine complex is mixed in vitro with human blood serum "the solubilization of aluminum and zirconium by blood serum appeared to be a real effect." The investigator was unable to characterize these solubilized aluminum and zirconium products further except to indicate that they were of a high molecular weight.

Whether or not zirconium-aluminum-glycine complex "contains" zirconium chlorhydrate seems less to the point than the fact that zirconium-aluminum-glycine complex will release some solubilized zirconium product upon contact with serum.

Since many conclusions have been drawn with reference to zirconium's chemical reactions, further analyses of submissions relative to zirconium chemistry are as follows:

Ultracentrifugation studies on zirconium-aluminum complexes and zirconium-alumium-glycine complexes show that these complex molecules exist as polymeric species (a high molecular weight compound formed by the combination of simpler molecules). A wide range of polymeric sizes with an average molecular weight of 2000 daltons (defined as a unit of mass, 1.65×10^{-24} gm) was shown to be present in aqueous solutions of zirconium-aluminum-glycine complex under ambient, i.e., normally fluctuating, conditions by use of the analytical ultracentrifuge. As the pH of the zirconium-aluminum-glycine complex solution is increased (decreasing acidity), there is a tendency to increase the amount of higher molecular weight species until, at a pH between 5 and 6 (slightly acidic), the material gels. Though the structure of the insoluble gels has not been established, the experimental evidence reported suggests that it is an extremely high molecular weight polymer. The polymerization process appears to be reversible.

A number of studies were carried out to examine the stability of zirconium-containing aerosols under differing conditions. In the case of zirconium-aluminum-gylcine complexes, such investigations were carried out in a number of stressing systems such as phosphate buffer at pH 7 (neutral solution), simulated serum electrolyte at pH 7.4 (slightly basic), macrophage lysate (obtained by exposing rabbit lung macrophage to ultrasonic waves), viable macrophage (concentration determined to be 6 to 7×10^6 cells/ml), hamster lung homogenate and rabbit lung surfactant. The general procedure in these experiments was to incubate the zirconium-aluminum-glycine complex in the particular system and then analyze the supernatant solution of the filtered system for the presence of zirconium and aluminum. The results reported suggest that zirconium-aluminum-glycine complex is not broken down into soluble species of low molecular weight. These studies were not capable of determining any insoluble or high molecular weight zirconium complexes of organic materials in the stressing systems.

The stability of zirconium-aluminum-glycine complex and zirconium-aluminum complex gels in the physiologic pH range (7 to 8) was studied as a function of lactate ion. It was found that when the molar ration of lactate ion to zirconium was increased above 3 (that is, more than 3 lactate ions to every zirconium ion), a substantial degree of solubilization of zirconium and aluminum took place. When the ratio was below 3, the amount of aluminum and zirconium detected in the supernatant solution (solubilized material) was minute but above zero at the limit of the analytical procedure; that is, 5 parts per million (ppm) for aluminum and 1 ppm for zirconium.

In one series of stability studies on zirconium-aluminum-glycine complexes, the commercial aerosol products were tested. In these studies the aerosolized materials of two commercial products were sprayed into centrifuge tubes and a variety of buffer solutions at pH 7.4 were added. In addition, tests with pooled human blood serum were carried out. The results show that while the hydrolysis of zirconium-aluminum-glycine complexes does not take place in the buffer systems it does take place in blood serum. The approximate order of the solubilization effect in human serum was zirconium-aluminum-glycine complexes, 44 ppm of complex solubilized; a commercial zirconium-aluminum-glycine complex product, 42 ppm of complex solubilized; zirconium chlorhydrate, 37 ppm of complex solubilized; another commercial zirconium-aluminum-glycine product, 10 ppm of complex solubilized. These numbers are the average concentration in ppm of aluminum plus zirconium in these studies. "The solubilization of aluminum and zirconium by blood appeared to be a real effect," the investigator said (Ref. 38). Results of centrifugation of the serum solutions suggest that the majority of the soluble zirconium and aluminum species were of molecular weight greater than 5000 daltons; however, a significant amount of soluble species were below this size. The experimenter who carried out this study pointed out that although the concentration of solubilized aluminum generally exceeded that of zirconium, occasionally the opposite situation occurred. This would suggest nonuniformity in the breakdown by serum of gelled zirconium-aluminum-glycine complexes. This experiment points out the urgency in finding out which materials present in blood enable it to hydrolyze zirconium-aluminum-glycine complexes. Do similar species exist in other organs: for example, the lung?

The aluminum and zirconium in zirconium-aluminum-glycine complexes and zirconium-aluminum cimplexes will react with alizarin red to form distinctly colored complexes. It is likely that many other organic species will interact with these zirconium-containing antiperspirants to form coordination complexes. It is not inconceivable that some proteins in the body might coordinate with a degraded fraction of a zirconium-containing antiperspirant and become antigenic (Ref. 30).

Charged molecular species will migrate in an electrical field toward either the positive or negative electrode. Cationic species which are positively charged move toward the negatively charged electrode (cathode). Likewise, anionic species are negatively charged and will move toward the positively charged electrode (anode). Aluminum chlorhydrate, zirconium chlorhydrate, zirconium-aluminum-glycine, and zirconium-aluminum complexes are all cationic species while sodium zirconium lactate is anionic.

The electrophoretic mobility, i.e., the characteristic of a molecular species to move toward a particular electrode, is altered by the presence of lactate with the various zirconium-containing antiperspirants. This may be suggestive of some molecular interaction. Only at very high lactate concentrations was some of the zirconium-aluminum-glycine converted to an anionic form.

Another series of experiments was carried out to determine what happens when aerosolized particles of a zirconium-aluminum-glycine complex are deposited on aqueous surfaces which are representative of animal tissue. The results suggest that the buffer capacity of the

zirconium-aluminum-glycine complex is sufficient to overcome the buffer capacity of the medium in the immediate vicinity of the particle, thus facilitating its diffusion into the surrounding medium. It is possible that at this diffusional interface, in a biological medium, the zirconium-aluminum-glycine complex might be susceptible to degradation even though the pH of the medium is in the physiological range.

There is clearly a need to investigate the types of interactions that can take place between zirconium-containing antiperspirant and other compounds in tissue proteins.

The Panel was presented with evidence that there may be distinct differences in the toxicological behavior of different zirconium-containing aerosol antiperspirants (Ref. 45). There is thus a definite need to have an analytical procedure which can distinguish between these materials.

The stability of zirconium-containing aerosols was examined in the presence of lung homogenates under conditions in which the tissue was not metabolically active. It is the metabolically active lung tissue that is of major concern to the Panel. Whether or not the viable lung is capable of altering the structure of zirconium-containing aerosols is a question that has not been adequately addressed in any of the submissions to the Panel. Though zirconium-containing aerosols incubated in the lung homogenates (Ref. 31 and 42) show no solubilization of zirconium-containing aerosol, one must be aware that the metabolically active lung tissue will produce considerable amounts of lactate (Ref. 31). Lactate has been shown to break down zirconium-containing antiperspirants in nonbiological systems (Ref. 31) where the lactate to zirconium ratio is high. That small particles of zirconium-containing antiperspirants reaching the lung experience lactate/zirconium ratios which are high remains to be demonstrated.

4. The fourth assertion in the submission, "Zirconium - aluminum - glycine complex did not break down in the lung," has been touched on already in the previous discussion about zirconium chemistry in paragraph I.3. of this preamble. It was pointed out in that discussion that the critical factor was that when mixed with serum, zirconium-containing glycine complex does solubilize. In this regard, the comments of Morrow (Ref. 37) are pertinent.

In discussing mechanisms of alveolar clearance Morrow says, "However, it has been clearly demonstrated that the terms 'insoluble' or 'soluble' based on *in vitro* measurements (usually in water) are often meaningless in terms of the biological behavior of the substance including its removal from the lung."

The solubilization of zirconium from zirconium-aluminum-glycine complexes in the presence of serum provides evidence to the contrary. Detailed analysis of the evidence regarding the breakdown of zirconium-aluminum-glycine complex in the lung shows that degradation of zirconium - aluminum - glycine complex does occur in human blood serum after spraying of commercial products into centrifuge tubes containing various buffers. The solubilization of zirconium-aluminum-glycine complex in human blood serum is a real effect, as emphasized by the experimenter himself.

In the opinion of the Panel, that particular study is extremely important because it demonstrates that the zirconium-aluminum-glycine complex is capable of being degraded by body fluids, that is, human serum. This is especially true in light of the fact that any zirconium-aluminum-glycine complex particle reaching the alveoli can readily come in contact with human serum.

Another study was designed to show the effect of hamster lung homogenate on zirconium-aluminum-glycine complex stability. In this study, zirconium-aluminum-glycine complex was incubated with hamster lung homogenates, and subsequently the supernatant of the filtered system was analyzed for the presence of zirconium and aluminum by x-ray emission spectroscopy. The results indicate that zirconium-aluminum-glycine complex is not broken down into soluble species of low molecular weight. The Panel accepts the conclusion from this study. In view of solubilization of zirconium-aluminum-glycine complex by serum, however, the Panel believes that the conclusions cannot be extrapolated to indicate that zirconium-aluminum-glycine complex is stable in an intact lung. For this reason, the importance of using viable, metabolically active lung tissue cannot be overemphasized.

Zirconium-aluminum-glycine complex was incubated with rabbit lung surfactant in another experiment. The Panel agrees with the conclusion that there appears to be no interaction between lipids and zirconium-aluminum-glycine complexes or between lipids and sodium zirconium lactate. The Panel also agrees with the conclusion that the lipid distribution in lipid extracts from rabbit lung is not changed by incubation with either zirconium - aluminum - glycine complexes or sodium zirconium lactate. From this same experiment, it seems that sodium zirconium lactate does not interfere with the lung surfactant lipid either, even though sodium zirconium lactate is known to be biologically active and granulomatogenic. For this reason, the absence of a positive result with zirconium-aluminum-glycine complex is not convincing evidence of biological inactivity.

The Panel concludes that the preceding set of studies performed to show inactivity of zirconium-aluminum-glycine complex under physiologically active conditions was not conclusive. Specifically, the Panel pointed out that in the single most representative tissue fluid, serum, the zirconium-aluminum-glycine did solubilize, releasing zirconium and aluminum species of high molecular weight. Also, the failure to demonstrate biological reactivity of sodium zirconium lactate in another experiment casts doubt on the conclusion about zirconium-aluminum-glycine complex.

The Panel is impressed with the fact that a series of various buffers of salts did not degrade zirconium-aluminum-glycine complex, but that when serum, a biological fluid, is used, zirconium-aluminum-glycine complex is broken down. Examined in this light, the lengthy submission of December 16 and 17, 1974 is unconvincing because: (i) Statements about the absence of potential for granuloma production appear to be unsubstantiated.

(ii) The claim that zirconium-aluminum-glycine complex is removed by the mucociliary escalator is true to a degree, but it does not suggest the amount that is removed, the other mechanisms involved, or what the rate of removal would be from the lung.

(iii) The fact that zirconium chlorhydrate is or is not a degradation product of zirconium-aluminum-glycine complex is less important than the evidence that small, zirconium-containing products may be released from zirconium-aluminum-glycine complexes.

(iv) The statement that zirconium-aluminum-glycine does not break down in the viable lung is not supported by the evidence in the submission itself and is made unlikely by the fact that zirconium-aluminum-glycine complex is partially solubilized by serum.

J. Further Analysis of Submissions

A close reading of the submission raises further questions about the submitted data.

1. *Inhalation toxicity testing.* Another area in which the data were inadequate concerned the details of inhalation toxicity testing.

A number of subchronic inhalation tests of 90-day duration on various zirconium complexes were conducted using monkeys. Some of these were reported as producing no effects in the lungs of the exposed animals. The data from these studies are summarized in the following table:

TABLE I.—*Summary: 90-day inhalation tests*

Chamber conditions	Number of monkeys per test group	Product tested	Dose dispensed from can into chamber (grams)	Analytical conclusions in chamber, filter weight, Milligram per lambert	Histopathologic effects	Exposure conditions
Essentially static	6	ZAR [1]	33	0.034	None	2 30 s bursts per day, followed by 15 m retention time in chamber.
Do.	6	Vehicle control	33.2	0	do	Do.
Do.	6	ZAR [2]	31.6	0.035	Negative in this study, positive in other studies.	Do.
Do.	6	ZAR [1]	Not determined	0.03	None	Do.
Do.	6	Vehicle control	do	0	do	Do.
Do.	6	ZAR [2]	do	0.029	Negative in this study, positive in other studies.	Do.
Do.	6	ZAR [1]	35.39	0.024	None	Do.
Do.	6	Vehicle control	38.29	0	do	Do.
Do.	6	ZAG [3]	30.5	0.011	do	Do.
Dynamic	8	ZAR [2]	64.6	0.108	Positive effects	4 15 s bursts, twice a day (a.m., p.m.) 7 d per week.
Do.	8	ZAR [2]	59.7	0.108	do	Do.
Do.	8	Control	0	0		Do.
Do.	8	ZAG [3]	58.6	0.043	None	Do.
Do.	8	ZAR [2]	Not determined	0.071	Positive effects	Do.
Do.	8	ZAR [2]	do	0.052	do	Do.
Do.	8	Control		0		Do.
Do.	6	ZAG [4]	73.3	0.033	None	Do.
Do.	6	ZAG [3]	63.8	0.04	do	Do.
Do.	6	Control	0	0		Do.
Essentially static	3	ZAG [3]	Approximately 11	Not determined.	None [5]	3 10 s bursts per day.
Do.	3	Control			do [5]	
Do.	3	ZAG [3]	Approximately 11	Not determined.	do [5]	Do.
Do.	3	ZAG [3]	Approximately 60	do	do [5]	3 100 s bursts per day.
Do.	3	Control	0	0	do [5]	

[1] Newly marketed zirconium-aluminum complex.
[2] Recalled zirconium-aluminum complex.
[3] Marketed zirconium-aluminum-glycine complex.
[4] New nonmarketed zirconium-aluminum-glycine complex.
[5] High background pulmonary disease.

One series of tests with zirconium-aluminum complex (0.10 mg/liter) produced adverse effects in monkeys exposed in a dynamic chamber. These effects have been described as mild bronchiolitis. In addition, pre-granulomatous cellular changes were reported. When zirconium-aluminum-glycine complex was tested in the same study, no effects were found. However, the analytic concentration of zirconium-aluminum-glycine complex in this study was less than one-half that of the complex producing the effect. The complex producing the effect was positive at several lower concentration levels (0.071 to 0.052 mg/liter).

In contrast, when another different complex of aluminum and zirconium from a different manufacturer and the zirconium-aluminum complex that produced the adverse effect described above were tested in a simple exposure level at 0.03 mg/liter in a chamber with essentially static conditions, no effect was found with either complex.

The results of these studies emphasized that changing the exposure concentrations and the chamber conditions changed the effects attained. Further, these data, taken together, appear to demonstrate a dose-response relationship.

The inhalation tests performed with the marketed zirconium-aluminum-glycine complex products were tested in an essentially static chamber with two exposure levels. Because only three monkeys were used per test group, in contrast to the other tests employing six or eight animals per group, the results should be considered preliminary. No adverse effects were observed in the test animals except for pigment formation from mites in the lungs and subsequent reaction to it. Pneumonitis was observed in the lungs of control and test monkeys. No other lung changes were reported. The high background of pulmonary pathology and the small number of animals make the study inadequate to support safety of the zirconium-aluminum-glycine complex products.

A new, unmarketed zirconium-aluminum-glycine complex was tested for 90 days in a dynamic type chamber at 0.03 to 0.04 mg/liter with a larger group of animals and employed the previously mentioned marketed zirconium-aluminum-glycine complex as a comparative control. In this 90-day study, no adverse effects attributable to either product were observed in the lungs.

Although neither of these zirconium-containing aerosol antiperspirant products that contain zirconium-aluminum-glycine complex produced toxic effects, the Panel does not accept this as adequate proof of safety, considering the intended use of the product. Specifically, this test did not utilize positive comparative controls, did not vary dose levels to establish a dose-response relationship, and was not of sufficient duration. While these studies do not show a toxic effect, they cannot predict the long term hazard that the Panel believes can be found only if long term toxicity testing is done.

The Panel concludes that adequate animal inhalation tests should use an appropriate and adequate number of animals and extend for a longer period of time than 90 days. Also, the animals should be free of complicating background disease to facilitate detection of effects. Dynamic chamber conditions that allow adequate exchange of respiratory gases should be employed, with exposure concentrations chosen to determine a dose-response relationship.

Even though numerous animal inhalation studies have been reported, the lack of a variety of concentrations needed to produce toxic effects in animals was noted in all submissions. The sophistication already available (Ref. 37) in aerosol testing was not reflected in most inhalation studies submitted to the Panel. The Panel would stress careful selection of an animal species for the particular effect being studied. An extrapolation from studies in a single species to man is frequently misleading.

The cynomolgus monkeys have often been used as test animals, and though less prone to lung infestation than the Rhesus monkey, background effects similar to possible effects from zirconium-containing aerosol antiperspirants still make unequivocal conclusions difficult. Since toxic effects with zirconium-containing aerosol antiperspirants have been found in monkeys, this species will likely be one that is selected for study. However, more than one species should be tested.

In some studies, the amount delivered into the chamber was the only parameter known. Because the actual dose inhaled by the animal is dependent on the duration of the spray, the particle size distribution, the breathing rate, the volume of the animal, and the degree of absorption, chamber concentration per se does not sufficiently describe the dose in the animal. Sometimes animals hold their breath and will not breathe for the first few seconds of the burst, adding further complexity to estimation of the dose. The more exactly any of the variables can be controlled, the better. The

Panel would agree with most laboratories that do aerosol studies (Refs. 30 and 33) and who recommend dynamic chambers and include accurate dose determination.

In a number of the studies reported, head-only exposure was chosen and the burst was followed by a 15 minute post exposure in the chamber. The Panel would suggest the exposure of the whole body with animals retained in the chamber.

Toxicology testing should include both positive and negative controls to establish the validity of the test. Dose levels should be varied until effect levels are found; once known effect levels are determined, they can be utilized for the estimation of safety factors. Also, only by using dose levels high enough to produce toxic effects is it possible to be sure of all the sites where toxic effects may be seen. Many of these submitted studies did not include an exposure level high enough to produce an effect, and in many cases only one exposure level was utilized. The value of any chronic or subchronic, one-dose study is questionable. Conclusory statements from the test results are meaningless in such cases, especially when an insufficient number of animals, with background disease hard to distinguish from the expected effect, are used.

2. *Granuloma formation.* The Panel would not agree that low-turnover granulomas occur only after extreme overdosing with particulate material, when the mononuclear phagocytic system is presented with particulate material which is neither toxic nor degradable. If the response is a long-lived accumulation of immobilized lymphocytic cells, the reaction, called a low-turnover granuloma by Professor Spector, ensues (Ref. 30). Testimony before the Panel indicates that repeated exposures to insoluble particulate aerosols like zirconium-aluminum-glycine complex are likely to result in the accumulation of these particles in the lung. One cannot dismiss the possibility of granuloma formation based on the assertion that a dose from a single exposure is very small when 30 or 40 years' use of these products can be estimated.

In order to accept industry's proposition that zirconium-aluminum-glycine complex has no potential for producing low-turnover granuloma, the Panel would require data not yet at hand; that is, data demonstrating that, following long periods of use, there is no accumulation of particles in the deep lung.

3. *Safety versus toxicity testing.* The Panel would support the thesis throughout its guidelines that modern toxicologic research dictates that the experiment determine the dose response curve of a material, even if in animal species, so that safety factors can be estimated when normal usage and potential misuse of the product are considered. Studies performed without effect doses in the dosing regimen are not useful for determining a dose response relationship.

This concept contrasts with the older, long held concept of safety testing. In such testing, some multiple of the use level was chosen—normally the use level was used also—and if no toxic effects were observed, the material was considered safe.

4. *Skin irritation and sensitization tests.* The routine tests such as the Draize-Shelanski Test are established and have been routinely run on products to be topically applied (Refs. 50 and 58). The results from a number of these are reported in submissions. The Panel reviewed these procedures and devoted an entire meeting to an extensive discussion with a number of recognized experts (Ref. 40). The experts stated, and the Panel concurs, that for predicting identification of moderate irritants and sensitizers, some mechanism for maximizing the test must be developed. In general, the experts and the Panel concluded that the currently used tests would easily pass a moderate sensitizer. Maximization of a test to achieve predictive reliability can be done by irritation of the skin to assure penetration of the antigen, occlusion, increase in induction dose, increase in time of exposure, the addition of biologically active compounds such as Freund's adjuvant to the test material (in animals) or combinations of these. For this reason, the Panel has adopted the position that the submitted tests would not be considered as adequate support of lack of potential for irritancy or sensitization in use.

Zirconium compounds present a special problem in topical testing because of the potential for possible topical granuloma production. One published case (Ref. 12) and numerous consumer complaints describing lumps leave the Panel unconvinced that rare topical granulomas do not occur. Detailed followup of such cases is suggested elsewhere in this document.

A limited number of skin tests in individuals previously sensitized to zirconium have been performed. The number of subjects—three—used in these tests has been understandably low because of the availability of only a small population of potential test individuals who had been previously sensitized to either sodium zirconium lactate or zirconium oxide.

5. *Acute aerosol tests.* (i) Eye irritation tests have been performed with negative results.

(ii) a mouse aerosol irritation test has shown that zirconium-aluminum-glycine complex is a mild to moderate pulmonary irritant by inhalation.

(iii) Acute aerosol tests have been performed repeatedly using a 4-hour exposure with eight 30-second bursts. Some of the tests lacked control groups, and often when controls were used, the animals appeared sick so conclusions were difficult to draw. About the only reasonable conclusion is that guinea pigs or other animals exposed to these dose levels did not die rapidly or in large numbers as a result of the dosing.

It can also be concluded that most animals survived the test conditions; where histologic tests were done and effects were seen, there was confusion caused by high background disease in the control animals.

6. *Sub-chronic aerosol inhalation testing.* The basic aerosol toxicity test has been the one described by Draize, using a 5- or 6-liter static chamber (Ref. 59). More sophisticated techniques of aerosol testing have been developed in the last three decades and better methods are now available.

It should be noted that no aerosol testing whatever was reported for one zirconium-aluminum-glycine complex containing aerosol until a year after it was initially marketed in August 1971. The first aerosol inhalation test with this product reported to the Panel was dated August 1972.

7. *Adequacy of 90-day test period.* The submission of December 16 to 17, 1974, cited a statement by the Society of Toxicology made to the Food and Drug Administration concerning the adequacy of 90-day toxicology studies as determinants of long term effects (Ref. 31). This statement points out that ". . . we believe that the most significant toxicity for drug purposes can be detected at the exaggerated dosages used in toxicological testing from other than microscopic examination of organs. While microscopic examination of tissues is certainly necessary to establish a no-effect dose or safe dose, toxicity is dictated by changes in clinical pathology, body weights, behaviour, or general appearance at the high dose levels." The statement says, "To solidly establish meaningful parameters of safety evaluation usually requires completion of phases I and II in the clinic with appropriate toxicological studies in animals . . . It seems to us that each drug must be evaluated individually, and in the course of the development of the drug that it is the common practice to initiate new animal studies in light of new information." The Panel notes that the Society of Toxicology statement is concerned primarily with the type and adequacy of animal studies run prior to, and concurrent with, phases I and II (human clinical testing) and not with final medical/toxicological clearance of a drug for national introduction. The Panel believes that in light of a specific toxicological potential, those studies required to elucidate that specific problem must be conducted. This is in keeping with experts (Refs. 33 and 42) who, when testifying before the Panel, concluded that lifetime studies might be indicated to determine the potential of these complexes to produce granulomatous or fibrogenic pulmonary disease.

The Panel would not agree that a 90-day subchronic study, even a well-designed and executed one, would necessarily predict the potential for long term granuloma or fibrosis development (Refs. 43, 19 and 33).

The Society of Toxicology statement, as made to the Hearing Clerk in response to proposed FDA guidelines on another matter before the agency, commented primarily on standardized toxicology studies and mentioned some obvious exceptions such as carcinogenicity studies. The Panel believes that an exception would have been made in the Society's statement had animal studies for either

hypersensitivity granuloma production or fibrotic lung disease been considered.

Experts testifying about occupational exposure studies involving interstitial fibrotic lung disease stated that it is often decades after exposure that the fibrotic disease surfaces, although some signs may be seen prior to the end of the first decade. As an example, these experts suggested the need to keep exposed dogs longer than 2 years.

An expert witness before the Panel (Ref. 33) indicated that if studies are performed in which animals are exposed for the purpose of determining granuloma or fibrotic response, he considered it necessary to do lifetime studies in the animals. He also recognized that this presents difficulty in clearing products for marketing in reasonable time periods.

Longer term studies were identified as particularly important when consideration is given to a large population that may be at special risk by virtue of already existing impairment of lung function; for example, asthmatics, emphysema patients or even heavy smokers. The normal animal is virtually always used in inhalation toxicity testing. However, an animal model of proliferative lung disease has been described (Ref. 42). The response of such animals when additionally exposed to zirconium-containing aerosol antiperspirants for long periods of time would provide more pertinent information regarding the possibly increased risk of lung disease to that portion of the consumer population who may be at greater risk.

8. *Particle size determination.* A wide variety of values has been reported for the size distribution of the particles released when zirconium-containing aerosol antiperspirants are sprayed. Values in the submissions range from 50 percent of particles less than 5.5 microns to 6 percent less than 5.5 microns. It is particles in this size range that are of particular concern to the Panel because they are capable of reaching the distal portions of the lung.

Holography and various impaction techniques such as the Anderson Sampler have been utilized. Experts and references in the literature emphasize the importance of an impaction technique for particle sizing when particles are inhaled and deposition is by impaction in the lung (Ref. 44).

It has become evident to the Panel that some portion of aerosol particles produced from use of these products are in the respirable range (below 5.5 microns in size). They are capable of being inhaled and deposited in the alveoli of the deep lung. The panel does not have data on the retention times, mechanism of clearance, or times of clearance for these particles. Because zirconium-containing aerosol antiperspirants produce relatively insoluble particles, evidence in the references just cited indicates that the clearance time may be long, that the amount may increase from daily dosing, and that clearance may result in deposition of particles in the lymph nodes. Time and effort will have to be expended before the details of the required information will be available.

Much research in aerosols has been possible because the conditions of aerosol generation can be well controlled by the use of mono-dispersed aerosols (aerosols generated with uniform particle size). This can be accomplished by examining the ingredient, first in a simple vehicle (mono-dispersed particles) and then in the formulated product (poly-dispersed particles). In this way, the dose, aerosol decay and characteristics of the aerosolized respirable particles can be better understood in both systems.

9. *Cytotoxicity (cell toxicity).* Experiments were reported in several submissions (Ref. 31) designed to show that zirconium - aluminum - glycine complex and zirconium-aluminum complex would be unlikely to act as cytotoxic agents. The Panel's analysis of these data are as follows:

The test of the effects of zirconium-aluminum-glycine complex on lung macrophages in vitro (Ref. 31) was undertaken as a pilot study to provide data on these effects and to compare zirconium-aluminum-glycine complex with two compounds claimed to have detrimental effects on macrophages (Ref. 45). Essentially, the tests consisted of challenging macrophages isolated from the lungs of rabbits with solutions of zirconium-aluminum-glycine complex, sodium zirconium lactate, and beryllium sulfate and then examining the viability and morphology of the treated cells.

It is claimed that the results of this study indicate that zirconium-aluminum-glycine complex does not affect lung macrophage viability or function and that zirconium-aluminum-glycine complex is phagocytized intact and is not degraded by lysosomal enzymes (Ref. 31). These studies are also used to support the more general conclusions stated at the open meeting of the OTC Antiperspirant Panel on December 16, 1974 that "Aerosol antiperspirants containing zirconium - aluminum - glycine complex show no potential for producing granulomas of the lungs" (Ref. 31).

The Panel's comments about these cytotoxicity tests are that, in the submitted data, zirconium-aluminum-glycine complex does not display any qualitative or quantitative difference from sodium zirconium lactate. Sodium zirconium lactate is a known sensitizer and has produced granuloma in human skin and in the lungs of test animals. For this reason it was included as a positive control, assuming that sodium zirconium lactate would reduce the viability of cells exposed to it. Since there was no statistical difference between the results obtained from zirconium-aluminum-glycine complex and those from sodium zirconium lactate, the test must be interpreted as inconclusive.

There was a considerably greater variation in the standard deviation in the data for zirconium-aluminum-glycine complex than in the blank controls. This was pointed out at the open session by one of the invited experts who suggested that such variation could be caused by some experiments in which increased cell death occurred when cells were exposed to the zirconium-aluminum-glycine complex. No explanation was offered for this wide variation. Several experts invited by the Panel and an industry consultant present at the open session concluded that these cell viability studies are not conclusive about the cytotoxicity of zirconium-aluminum-glycine complex. The Panel concurs in this assessment.

The Panel agrees with the stated conclusions offered with the protein synthesis experiment in which zirconium-aluminum-glycine complex and sodium zirconium lactate appeared to stimulate protein synthesis to varying degrees and where concentrations of beryllium sulfate greater than 10 mg/ml appeared to induce a toxic effect. However, the Panel does not agree that one can draw the conclusion that both zirconium-aluminum-glycine complex and sodium zirconium lactate are inert. These experiments are inadequate, and support no conclusions about the cytotoxicity of zirconium-aluminum-glycine complex or sodium zirconium lactate except, possibly, that these two compounds are less cytotoxic than beryllium sulfate.

Furthermore, study of intracellular protein synthesis within the macrophages exposed to zirconium-aluminum glycine complex and sodium zirconium lactate showed increased protein synthesis. Although in these tests sodium zirconium lactate at high concentrations showed some indications of inducing focal hyperplasia, zirconium-aluminum-glycine complex and zirconium aluminum complex did not. An increase of lysosomal enzymes in the supernatant fluid or of degranulation within the cell was not looked for. Without such studies, it cannot be logically stated that the ingested particles were not under active attack by intracellular mechanisms.

The Panel agrees that both zirconium-aluminum-glycine complex and sodium zirconium lactate-treated cells appeared normal at the ultrastructural level in comparison with the macrophages exposed to beryllium sulfate. However, the Panel concludes that this is all that the test indicates. This assessment was also offered at the open meeting on December 16, 1974, by experts. Since sodium zirconium lactate is known to produce granulomas in human skin and in the lungs of experimental animals, the Panel concludes that this test is inappropriate and inconclusive with respect to assessing zirconium - aluminum - glycine complex proclivity toward granuloma formation.

The Panel agrees that the x-ray microprobe analyses of zirconium-aluminum-glycine complex exposed macrophages showed that the elemental zirconium and aluminum ratio of zirconium-aluminum-glycine complex was maintained after the particles had been phagocytized by the macrophage. The zirconium and aluminium ratio determined from these analyses is consistent with that in the zirconium-aluminum-glycine complex, but can also be consist-

ent with any number of smaller molecular weight decomposition products of zirconium-aluminum-glycine complex. Therefore, the Panel does not agree that this experiment proves that some zirconium-aluminum-glycine complex had not been chemically altered within the cell. This demonstrates a point made several times in open sessions, namely, that a definitive analytical technique for fingerprinting zirconium-aluminum-glycine complex is essential.

10. *Intratracheal infusion of zirconium-aluminum-glycine solution in hamster lungs.* Histopathological examination of the lungs of hamsters intratracheally infused with three concentrations of zirconium-aluminum-glycine complex was performed. The submitter explained that the results were preliminary but that the only effects noted were characteristic of nonspecific irritation (Ref. 31).

The investigator reports that 24 hours after the first dose (0.2 ml of 0.4-percent zirconium-aluminum-glycine solution) hemorrhaging and edema were evident. One to 2 days after the second innoculation, congestion, hemorrhaging, edema, and macrophage proliferation were histologically observable. The Panel believes that these data do not support conclusions that zirconium-aluminum-glycine complex is inert. Appropriate controls for evaluating possible histological changes indicative of pregranulomatous lesions were not included. The Panel would be interested in learning how this inflammation would compare with that produced by sodium zirconium lactate on the one hand and aluminum chlorhydrate on the other. Without such comparative controls the Panel believes that the information from this experiment does not provide adequate evidence about the question of whether zirconium-aluminum-glycine complex is incapable of producing granulomatous lesions.

11. *Antigenicity/hypersensitivity.* Preliminary attempts were made (Ref. 31) to produce delayed skin hypersensitivity in albino guinea pigs by single injections of complete Freund's adjuvant and either beryllium sulfate, sodium zirconium lactate or zirconium-aluminum-glycine complex. The results were that neither zirconium-aluminum-glycine complex nor sodium zirconium lactate produced a positive skin reaction but that beryllium sulfate did produce delayed skin hypersensitization in six of nine animals. These data are cited as evidence that zirconium-aluminum-glycine complex has no granulomatogenic potential.

The Panel disagrees. Since in this system sodium zirconium lactate, a known skin sensitizer, did not produce sensitization, the Panel must conclude that the test system was inadequate to reveal the sensitizing potential of suspect zirconium-containing compounds.

Expert testimony at an open meeting (Ref. 33) pointed out that "singleshot" attempts at induction of hypersensitivity are often inadequate. Repeated exposures were recommended instead. It was also suspected by these experts that the 10- to 17-day induction periods allowed in these experiments were possibly too few or too short to induce sensitization. The Panel concurs with these comments. Even with a potent sensitizer like beryllium sulfate, sensitization required a series of 12 biweekly injections (Refs. 46 and 43).

In vitro macrophage inhibition factor tests were performed using sensitized, isolated guinea pig peritoneal macrophages (Ref. 31). The presented data are described as preliminarly, and it is stated that no conclusions can be drawn. Nonetheless, this data is cited as evidence for the general conclusion that zirconium-aluminum-glycine complex is not antigenic.

The percent of inhibition in the controls is significant, raising serious doubt as to the validity of these observations. The goal of such a study should be to test for potential sensitization in humans. Blood lymphocytes from zirconium sensitized patients could serve in a test of this kind. It also would be important to find out how zirconium-aluminum-glycine complex previously incubated in human blood and other biologic fluids performed in these tests.

The Panel agrees that these data are preliminary and believes that it is inappropriate to draw any conclusions at this time. Further, the Panel concludes that these data cannot be used to support any conclusion asserting the nonantigenicity of zirconium-aluminum-glycine complex.

The necessity of showing that zirconium-containing aerosol antiperspirants are not antigenic is crucial in any attempt to establish their safety. This is especially important in the light of recent studies which suggest that mucosal surfaces provide a uniquely active site for the development of immunologic hypersensitivity (Ref. 60). The Panel can only conclude that not enough attention has been concentrated on problems of antigenicity and hypersensitivity. In fact, the studies submitted do not seem to be designed to discover the potential antigenicity of the test materials. Rather, the studies seem representative of the safety testing discussed earlier in this document and, therefore, are not consistent with toxicologic evaluation. The Panel cannot agree with the stated or implied conclusions that zirconium-aluminum-glycine complex or zirconium-aluminum complex have been proven to have no potential antigenicity.

12. *Acute inhalation studies in guinea pigs.* In one submission (Ref. 31), the results of acute inhalation studies are cited as evidence to support an assertion that zirconium-aluminum-glycine complex has no potential for the production of low-turnover granuloma.

The dose administered in these acute inhalation studies in guinea pigs was achieved by 8- to 30-second bursts over a 4-hour period followed by a 14-day observation period.

The Panel seriously questions an attempt to test for histologic evidence of granuloma formation 14 days after a single high dose. The Panel believes that this is clearly too short a period to find evidence of fibrotic response. Reeves and Krivanek (Ref. 43) took 16 months to produce evidence of fibrosis in inhalation studies in guinea pigs.

Acute inhalation studies are not the kind of studies to use as a model for animal studies to detect formation of low- or high-turnover granulomas. Many of the experts consulted stated that in developing or studying granuloma models they would not rely on this type of study to predict the potential of a compound to produce low-turnover granuloma because this disease is chronic in nature and develops slowly. Thus, the conclusion that the results of these studies provide evidence to show that zirconium-aluminum-glycine complex has no potential to produce low-turnover granulomas is unwarranted.

13. *Complaint file examinations.* A further source of concern to the Panel came from examination of complaint files voluntarily submitted to FDA (Ref. 47).

On October 1, 1973, one manufacturer voluntarily recalled a zirconium-containing aerosol antiperspirant containing zirconium chlorhydrate and aluminum chlorhydrate after the product produced a mild bronchiolitis in monkeys in an aerosol inhalation test. In a meeting called with another manufacturer to discuss their zirconium-containing aerosol antiperspirant formulation containing zirconium-aluminum-glycine complex, FDA asked them to submit their complete complaint file to FDA. This file showed 249 complaints received by the manufacturer of that aerosol antiperspirant from the introduction of the product in June 1973 until October 1973.

When this file was reviewed by the FDA physicians, they recommended follow-up on specific cases. The follow-up was to include interviews of patient and physician by FDA inspectors. The inspectors visited these persons and verified the details of the complaints. The decision was made at that time in FDA that it would be impossible to evaluate these complaints unless more complete baseline data on comparable complaint data with aerosolized aluminum sprays were available. Such information was requested, but not enough was received by FDA to draw a conclusion. At that time, FDA personnel turned their files over to the Panel for evaluation.

At the same time, FDA also requested complaint information from manufacturers of aluminum-containing aerosol, cream, roll-on and various other formulations. Although the number of complaints was not as high as is optimal for a baseline, some conclusions as to the type and relative frequency of complaints can be made for nonzirconium-containing aerosol antiperspirants and for nonaerosolized antiperspirants.

FDA again requested the complaint files from the producer of zirconium-aluminum-glycine complex for their zirconium-aluminum - gylcine - complex-containing formulation covering the period from October 1, 1973 to November 13, 1974. At this time, FDA also requested all of the complaint files on second zirco-

nium-aluminum-glycine complex formulation marketed by the same zirconium-aluminum-glycine complex manufacturer from its introduction nationally in August 1971 to the present. All of these were submitted to FDA and to the Panel; 406 complaints were received on the first product and 213 complaints on the latter.

These complaint files have been read by Panel members. They asked for additional follow-up material on specific cases. This was provided in a further voluntary submission to FDA. One submitter of complaint files has suggested to the Panel that every product category has a baseline rate of adverse reactions as well as specific types of reactions. It was further suggested that zirconium-containing aerosol antiperspirant complaint data be examined in the light of up-to-date information on adverse reaction complaints for the complete antiperspirant category. Attempts have been made by FDA to collect these data but only a small amount of such data were submitted.

Panel members have analyzed the complaint data. The number of complaints involving coughing, choking or respiratory distress recorded for two marketed zirconium-containing aerosol antiperspirants constituted 13 and 18 percent of all complaints received. The baseline data compiled for aluminum-containing aerosol antiperspirants showed 0.4 percent (1/245) in the period 1972 to 1973. In this same period, another product recorded 5 percent (3/55) choking symptoms.

Based on these admittedly limited data, the Panel concluded that there were significantly more complaints of respiratory distress with zirconium-containing aerosol antiperspirants than with other aerosol antiperspirants.

One of the claims stressed most to support the safety of presently marketed zirconium-containing aerosol antiperspirants is that they have a proven record of safety after widespread use. The Panel would conclude that this claim can be supported only with stringent follow-up of consumer complaints.

Most of the complaint reports were terminated with a physician's recommendation that no follow-up was indicated. From the Panel's reading of these reports, it is not clear if the physicians who reviewed these cases and recommended no further follow-up were the consumer's own physicians or physicians in the employ of the supplier of the zirconium-containing aerosol antiperspirant product. It is assumed they were the latter.

If there is a positive correlation between the use of zirconium-containing aerosol antiperspirants and initiation or exacerbation of specific lung pathology, it can be found only with precise, thorough and complete retrospective examinations of adverse reaction complaints of respiratory distress. Based on this limited follow-up, the Panel cannot accept as proof of safety, claims about the innocuousness of marketed zirconium-containing aerosol antiperspirants.

The Panel recognizes that the protocol for follow-up found in the complaints submitted to them was based on a standard for consumer complaints used for cosmetic products. However, the Panel does not consider this type of follow-up adequate to support assessment of hazard in the consideration of general recognition of safety for over-the-counter drug use.

K. Differences Among Zirconium-Containing Aerosol Antiperspirants

A further complication that faced the Panel as it tried to weigh the relative risks associated with the use of zirconium-containing aerosol antiperspirants had to do with the question of how different one zirconium-containing aerosol antiperspirant was from another. The data submitted about zirconium-aluminum-glycine complex repeatedly stressed the uniqueness of zirconium-aluminum-glycine complex as if to separate it from all other zirconium-containing aerosol antiperspirants. On the other hand, the zirconium-aluminum complex submission suggested that in no way could the zirconium-aluminum complex product be shown to be less safe. The possibility that all zirconium-containing aerosol antiperspirants might be safe was contradicted by the experience with a product that had caused disease in monkeys (Ref. 23). The Panel was then faced with the fact that at least one zirconium-containing aerosol antiperspirant was not safe; it had to decide if all other zirconium-containing aerosol antiperspirants or just one other zirconium-containing aerosol antiperspirant was safe.

Because of the difficulty in characterizing the various zirconium antiperspirant products and because the nature of the OTC review process is to write a monograph about ingredients that can be formulated into products, the Panel concluded that the OTC monograph route was not the proper way to insure safety of zirconium-containing aerosol antiperspirants. A better procedure appeared to be the investigational new drug/new drug application (IND/NDA) route in which the manufacturer of a product is able to test his own product in its finished formulation and, based on the results of those tests, apply to FDA for permission to market. In that way, even if some zirconium-containing aerosol antiperspirants were not safe, if a manufacturer could, in fact, provide data to convince FDA that his particular product was safe, he could receive permission to market.

L. Meeting of January 31, 1975

Following this analysis of the industry submission, the Panel voted, on January 31, 1975, to categorize zirconium-containing aerosol antiperspirants in Category II on the basis that they could not be generally recognized as safe (Ref. 48). At the same time, the Panel stated that it believed that the major risks associated with zirconium-containing aerosol antiperspirants would be primarily those of long term use. The Panel did not suggest a product recall but did state, "The continued marketing of these products should be contingent upon the vigorous pursuit of safety testing by industry. The Panel plans to provide guidelines for those tests it considered essential."

M. Attempt To Define Guidelines

At its meeting on March 24 to 25, 1975, the Panel set out to define those guidelines which it thought, if followed by industry, might allow continued marketing of zirconium-containing aerosol antiperspirants without subjecting the large numbers of users of these products to an unwarranted risk. At that time, the Panel realized that it was the assessment of industry that the preliminary categorization of zirconium-containing aerosol antiperspirants into Category II by an FDA advisory panel would not only allow companies already marketing zirconium-containing aerosol antiperspirants to continue to do so for some months or years until the administrative process was complete, but would also not deter other manufacturers from bringing zirconium-containing aerosol antiperspirants to market. The implications of this situation were that an even larger number of users would be subjected to whatever were the potential risks of exposure to zirconium-containing aerosol antiperspirants. Nevertheless, the Panel proceeded to try to work out what it thought would be the kind of testing that would be reassuring.

The Panel developed guidelines for zirconium-containing aerosol antiperspirants. The tests are outlined in five parts, consisting of single contact exposure, sensitization, chronic health effects, special studies and human studies:

1. *Single contact exposure studies.* These studies should be designed to determine the acute toxicity of the formulation by various routes of administration and define dose response relationships. The dosage should be administered by the oral, skin, and intraperitoneal routes. In terms of the inhalation route, the concentration necessary to produce toxic symptoms in the animal within a day should be established. If necessary, the option to increase the number or duration of exposure in the acute inhalation study should be considered. Irritation studies of the eye, mucous membranes and skin should be carried out with the formulation. In these acute toxicity studies, as in all other studies in animals, it is difficult to select a single animal model which would be most appropriate. The Panel stresses that no matter which animals are selected for the proposed studies, comparative controls must be run simultaneously. These would include both positive and negative control materials.

2. *Sensitization tests.* Tests should be run in animals to predict the capacity of a formulation to produce delayed hypersensitivity in man. Among the approaches pursued for these purposes are:

(i) *Animal tests.* Guinea pig maximization test (Ref. 49).

(ii) *Human tests.* When moving from allergenicity testing in animals to humans, the reliability of the Draize test

is improved if the concentration of the allergen is increased (Refs. 50 and 51). The 21-day repeated patch test or an adaptation of the Kligman maximization test (Ref. 52), in which the concentration of sodium lauryl sulfate is reduced, were suggested by a group of experts with whom the Panel met in September 1974 (Ref. 40). These experts expressed the opinion that the formulation be tested in addition to the ingredients comprising it.

(iii) *In vitro tests.*

a. Lymphocyte transformation (Ref. 45).

b. Macrophage migration inhibition (Ref. 53).

c. Serum antibody measurements.

3. *Chronic health effects.* Studies of the products should be of sufficient duration to obtain dose response information so that safety factors for any aerosol product can be calculated. These tests should be designed to determine potential toxicological effects both at the site of intended application (skin) and in the respiratory system. The Panel suggests that the repeated skin contact studies should be a minimum of 90 days' duration. The dosages should be applied to both the abraded and unabraded skin of the test animals. The range of dosages should cover the normal use level and include two higher concentrations, and if possible, one which produces a toxicological effect.

The measurements which the Panel feels are important so that safety of the test material can be assessed are as follows:

(i) Percutaneous absorption.

(ii) Distribution, metabolism, and excretion.

(iii) Appropriate function studies conducted serially, to measure physiological changes.

(iv) Hematology and urine analysis to check biochemical functions.

(v) Complete histopathological examination, including organ weights, gross observation, and histology.

A reasonable animal for such a study would be the rabbit. However, other animals such as the guinea pig could be used. Comparative controls should also be employed.

Aerosolized particles produced by propellant systems will usually contain a significant fraction of respirable particles. It is thus exceedingly important to assess the safety factors regarding inhalation of these products over long periods of time.

The major factors that must be considered in developing an inhalation protocol are the mechanics of the inhalation test system, the pulmonary anatomy and physiology of the test animal, and the expected toxicity of the material. There are a number of test systems presently being utilized (Ref. 54 and 55). There are two basic aerosol chamber designs: the dynamic and static chamber systems. The animals in a static chamber system are exposed to the test aerosol in a closed environment; animals breathe only air present in the chamber. The dynamic chamber system permits the aerosol particles to be continuously swept through the chamber at a constant rate. The dynamic chamber makes experimental control of aerosol concentration more reliable. In testimony before the Panel (Ref. 33), Dr. Robert Jones, an expert in aerosol testing, stated that a dynamic chamber is preferable in toxicological studies. A description of the type of inhalation testing chambers is the subject of an FDA report (Ref. 56).

The question arises whether the whole body or just the head of the animal should be exposed to the aerosol particles in tests. Whole body exposure of the animal would more closely approximate the types of contact usually associated with aerosol products. It is thus the more logical way to carry out the repeated inhalation studies.

The choice of an animal species to be used for the chronic inhalation studies depends on the types of information desired. For example, 90-day inhalation studies with a zirconum-containing antiperspirant formulation using rabbits and rats showed no evidence of granuloma formation in the lung, but cynomolgus monkeys give positive results (Ref. 23). Beagle dogs appear to be good models to measure retention times (Ref. 33). Mongrel dogs have been suggested as good models for comparative studies of respiratory and systemic immunologic reaction (Ref. 57).

Prior to initiation of the long term inhalation testing, a dose-ranging study of approximately 30 days should be carried out to estimate the effect concentration to be used in the chronic study.

The length of study should reflect the duration of exposure of the aerosol product when used by the public. It is the Panel's opinion that these studies should expose the animals for a minimum of 6 months. Some animals in the test series should be held for 3 months following their exposure period. Longer test periods may be necessary in instances where the material is suspected of being granulomatogenic or fibrogenic. A study of the effect of beryllium sulfate on animal lungs took 16 months to produce such effects (Ref. 43).

The exposure levels of the test material should range from a high concentration dose level to the normal use level of the product. Three concentration levels are recommended with at least the highest level producing a toxicological effect. Along with the test product, two comparative controls should be used: a negative control and a positive control.

The Panel suggests the following comparative controls for possible use in these studies.

(i) Aluminum chlorhydrate.

(ii) Sodium zirconium lactate.

(iii) Beryllium sulfate.

(iv) Zirconium oxide.

(v) Commercially available products.

(vi) A zirconium-aluminum-glycine complex or zirconium-aluminum complex.

A number of measurements to gauge any alteration in the normal biochemistry and physiology of the test animals is important. Therefore, hematological tests, urine analysis, appropriate pulmonary function tests, pathology and slit lamp examination of the eyes should be carried out serially on the animals.

The metabolism, distribution and excretion of the test materials should be an integral part of these studies. It may be appropriate to use radiological test materials for such studies.

Information about the pathology produced by the test materials should be obtained from serial sacrifice of the animals and examination of their organs (gross and microscopic examination). The amount of test material present in the lung should be determined to detect any increasing burden to the lung during prolonged inhalation of the product.

4. *Special studies.* A series of special studies is felt to be warranted in the case of aerosol materials that will be used for prolonged periods. These are:

(i) Animal tests for granuloma formation (in vivo).

(ii) Pilot inhalation study to evaluate alveolar macrophage responses.

(iii) A study with rats to evaluate effects on reproduction pathology of exposed rats. Study should be carried out for 2 to 3 generations of the animals.

(iv) Microbiological tests to examine whether microorganisms on the skin surface or in the respiratory tract can alter the chemical nature of the antiperspirant materials.

(v) Experiments in exposed animals to detect any potential of the antiperspirant ingredients to produce teratogenesis, mutagenesis, and carcinogenesis.

(vi) In vitro studies with lung tissue to learn if the antiperspirant materials can be chemically altered or if the zirconium-containing aerosol antiperspirants alter the biochemical or physiologic activities of the lung.

5. *Studies in human subjects.* A series of studies in human subjects should take place only after the previous animal tests have shown that the test product has a large margin of safety. These human studies should consist of skin irritation/sensitization tests and metabolism studies which measure the distribution of active ingredients in blood, urine, and feces. If previous experiments lead to a suspicion that there may be pulmonary effects, pulmonary function tests should be carried out, and bronchial lavage should be performed to remove macrophages which might be tested for the presence of zirconium compounds.

When test marketing of the product is initiated, close surveillance is required to collect any adverse reactions that may occur. Questionnaires should be circulated to the public to learn the incidence of adverse effects. There should be complete medical follow-ups on all complaints resulting from product use. This would be especially important when complaints are suggestive of pulmonary involvement.

The Panel believes that an adequate evaluation of such subjects should include, although not be limited to, a chest X-ray and pulmonary function tests that

would reveal impaired gas exchange or early fibrosis. An appropriate battery of tests would include, but not be limited to:

(i) Tests of volumes and capacity.
a. Forced vital capacity (FVC).
b. Forced expiratory volume, 1 second (FEV).
c. Mid-maximal expiratory flow (MMEF).
(ii) Peak flow.
(iii) Diffusion of carbon monoxide.
(iv) Blood gases.

Where feasible, tests should also include these more sensitive techniques:

(v) Flow volume loops.
(vi) Closing volumes.

Where there is a question of the early changes of fibrosis, it would be desirable to utilize plethysmographic techniques for:

(vii) Frequency dependent compliance or resistance.

Also, the patient's white blood cells should be challenged in vitro with suitable zirconium-containing antigens to reveal the possibility of zirconium hypersensitivity. Skin testing with appropriate zirconium compounds should be performed on patients presenting respiratory or skin complaints.

Should any one of these tests or an especially clear history of association of signs or symptoms with exposure to zirconium-containing aerosol antiperspirants be positive, the Panel would then recommend that the patient be examined by a specialist in chest diseases and that fibre-optic bronchoscopy should be performed to examine the smaller bronchioles for suggestive signs of early granulomatous changes. Pulmonary macrophages should be obtained for further testing against possible zirconium antigens.

Because of the importance of finding out if zirconium-containing aerosol antiperspirants actually could cause human lung disease and because of the hope of finding such cases while still early and reversible, the tests, while difficult, did not seem unreasonable.

After outlining this test protocol, there was a lengthy discussion questioning whether, if tests of this magnitude and duration are required, the Panel had the right to subject a large segment of the American public to these agents that had already been determined by the Panel as not generally recognized as safe.

At this point, the Panel paused to review what had been outlined as a basis for those tests which might serve to provide reasonable evidence about the safety of zirconium-containing aerosol antiperspirants.

N. Implication of the Proposed Guidelines

First, it had become apparent that the Panel would not be satisfied with negative animal test results on zirconium-containing aerosol antiperspirant products unless many of those tests had been run also with sodium zirconium lactate, zirconium chlorhydrate, aluminum chlorhydrate, zirconium oxide, and aluminum-containing aerosol antiperspirants as comparative controls and, furthermore, unless various time dose factors had been used to produce measurable drug effects for at least some of the agents tested. Unless this were done, as has been pointed out in the preceding discussion of previous submissions (Ref. 31 and 22), it would be impossible to know if the test system employed were capable of showing toxic potential of the compound.

Unfortunately, most of these tests have not yet been done in the described manner. In practical terms, it may well take a period of some months before the precise methodology for these tests is worked out. Also, many of the animal tests would take a long time. Brown et al. (Ref. 19) took 225 days to produce disease in animals; Reeves and Krivanek (Ref. 43) took 16 months with a beryllium salt to produce fibrosis, and beryllium compounds are well known to be highly dangerous in human beings. When one adds a substantial amount of development time, some of the other 1- and 2-year tests the Panel outlined, and then adds to that the time required to analyze test results, it becomes apparent that a substantial part of the evidence required could not, even under the best circumstances, be available until after a prolonged period.

Were the marketing of zirconium-containing aerosol antiperspirants to be allowed while testing progressed, as suggested by the Panel on January 30 and 31, 1975, it is apparent that many millions of consumers would experience a prolonged exposure to products already characterized as not generally recognized as safe. Should some of the proposed tests reveal a tendency of zirconium-containing aerosol antiperspirants to produce disease, a great many consumers would have unnecessarily been exposed to the risk of developing lung disease.

The second major implication of the proposed testing guidelines concerned the kinds of human studies the Panel had agreed it would need to provide evidence about the safety of zirconium-containing aerosol antiperspirants. The kind of damage zirconium-containing aerosol antiperspirants might produce in human beings is likely to be insidious and hard to detect. The Panel was agreed that there would be no question about advising the Commissioner to order the immediate cessation of sale of these agents if it could be demonstrated that they had, in fact, produced a case of disease. The question was, however, what would constitute a case. Not fibrosis; fibrosis takes years to develop and could not be expected to be seen so soon after the introduction of zirconium-containing aerosol antiperspirants. The early changes induced by zirconium-containing aerosol antiperspirants, were there any, would be hard to find. Certainly they could not be found unless they were sought. The Panel perceived that they would have to be looked for in three ways:

(i) In users who had complained about symptoms.

(ii) In human volunteers with appropriate informed consent who agree to expose themselves to exaggerated doses of zirconium-containing aerosol antiperspirants so that tests of macrophage function, pulmonary function and hypersensitivity could be conducted.

(iii) By means of an epidemiological investigation of the antiperspirant use patterns of various patients appearing in clinics with complaints akin to sarcoidosis and/or pulmonary fibrosis.

This kind of testing would require a major effort, not only by industry but also by large groups of physicians and scientists.

The Panel recognized that the kind of work-up outlined was far more than is ordinarily followed upon receipt of a consumer complaint by industry. It would not, however, seem excessive for a complaint by a patient in a Phase II trial of an investigational new drug.

At the same time, the Panel recognized that investigational new drugs in Phase II or III trials are not dispensed freely, even among patients under careful medical supervision. Such drugs are not used unless the patient's rights are fully protected and monitored by a patient's rights committee, and there is a provision in most cases for written, informed consent.

It was this realization that continued marketing of zirconium-containing aerosol antiperspirants would constitute, in effect, a very prolonged clinical trial without the informed consent of the test subjects that then brought the Panel to consider asking the Commissioner to take steps to have zirconium-containing aerosol antiperspirants withdrawn from interstate commerce until they had been granted approval of an NDA.

Q. Review of the Problem

In the discussion of that question, the elements of benefit/risk were once again raised. The Panel has deemed several factors essential in its analysis of this judgment.

Certain zirconium compounds have caused human skin granulomas and toxic effects in the lungs and other organs of experimental animals.

Zirconium-containing complexes are the active agents in some aerosol antiperspirants now being sold and in others being readied for marketing.

When used in aerosol form, some zirconium will reach the deep portions of the lungs of users of these products.

The lung is an organ, like skin, subject to the development of granulomas.

Unlike the skin, the lung will not reveal the presence of granulomatous changes until they have become advanced and, in some cases, perhaps permanent.

The Panel was unable to find adequate evidence to support assurances that zirconium-containing aerosol antiperspirants would not produce hidden lung disease in some subjects.

Such evidence will be difficult to obtain and, in any case, cannot be available quickly.

Earlier in this report the Panel has given its analysis of the risk-benefit considerations involved in nonaerosolized zirconium-containing antiperspirants.

The conclusion there was that these nonaerosolized antiperspirants are reasonably safe.

A similar analysis of zirconium-containing aerosol antiperspirants leads to a different conclusion. The two kinds of zirconium-containing products are compared point by point, as follows:

1. *Adverse reactions.* The possible adverse reactions (lung granuloma and ensuing pulmonary fibrosis) would be severe and probably not reversible. A lump or rash in the underarm is minor compared with a progressive, worsening lung disease.

2. *Site of injury.* Unlike that of the topically applied zirconium-aluminum-glycine complex antiperspirant, the adverse effect of zirconium-containing aerosol antiperspirant can be expected to occur both in the underarm area and in the lung. The Panel contends that the consumer cannot be expected to anticipate this latter adverse effect. He cannot be warned to discontinue the use of the product or see his physician when lung granuloma develops. He is unaware of any ill effect until it is possibly too late to repair the the damage. Lung granuloma disease is an unnecessary risk to assume in the use of zirconium-containing antiperspirants; it is not inherent in their effective use; on the contrary, it is an unnecessary risk associated with the aerosol method of application.

3. *Incidence.* The incidence of adverse reactions using zirconium-containing aerosol antiperspirants are classified as follows:

(i) *Underarm.* The incidence of allergic or non-allergic contact dermatitis and irritation reactions are extremely low, similar to reaction to the nonaerosolized zirconium-containing aerosol antiperspirant.

(ii) *Bronchial.* The incidence of bronchial distress is low. However, from complaint files it appears that bronchial distress is greater for zirconium-containing aerosol antiperspirants than for nonzirconium-containing aerosolized antiperspirant sprays. There are no complaints of bronchial distress from the use of cream or roll-on antiperspirant drug products, including those containing zirconium-aluminum-glycine complex.

(iii) *Deep lung.* The incidence of lung granuloma in users of zirconium-containing aerosol antiperspirants is unknown, but it may well be low. If zirconium-containing aerosol antiperspirants are permitted to be marketed, an annual sale of well over 100 million units can be expected. Even a very low incidence of disease could result in a substantial number of cases of granulatomous lung disease annually in the population at risk.

4. *Body burden.* Because zirconium-containing aerosol antiperspirants contain particles in the respirable range, zirconium-aluminum-glycine complex-containing particles can enter the body. Over the course of years this quantity of zirconium-aluminum-glycine or zirconium-aluminum complex may accumulate and produce undesirable effects other than lung granuloma. The Panel cannot predict exactly what the effects will be, if any, from long term, low-dose inhalation of zirconium-aluminum-glycine complex or zirconium-aluminum complex particles. There is no risk to the lungs or to the internal organs when antiperspirant drug products including zirconium-aluminum-glycine complex are applied as creams or roll-ons, since the intact skin prevents the entry into the body of virtually all zirconium-aluminum-glycine complex particles.

5. *Effectiveness.* Zirconium-containing aerosol antiperspirants appear to be possibly more effective in laboratory hot room tests than those aerosolized antiperspirants formulated with aluminum chlorhydrate alone. Zirconium-containing aerosol antiperspirants are not more effective than nonaerosolized zirconium-aluminum-glycine complex antiperspirants. Several nonaerosolized antiperspirant drug products formulated with aluminum salts appear to be equally effective as zirconium-aluminum-glycine complex-containing antiperspirants in laboratory tests. There is little evidence that consumers can perceive any difference between any of these products under conditions of actual use.

The Panel concluded that the risks involved in the use of zirconium-containing aerosol antiperspirants are unsupportable in view of the benefits likely to be derived from their use. Safer antiperspirant drug products are available which achieve comparable perspiration control with no risk of pulmonary disease.

P. Recommendation

The Panel recommends to the Commissioner in light of the preceding discussion, that:

1. All zirconium-containing aerosol antiperspirants be placed in Category II (not generally regarded as safe) and,

2. Because conclusive testing to establish the safety of zirconium-containing aerosol antiperspirants might take years to accomplish, and because in that time millions of consumers would be unnecessarily subjected to risk, the Commissioner should take immediate steps outside of the normal OTC drug review process to stop movement of these agents in interstate commerce until the safety testing has been done adequately to secure the approval of an NDA.

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Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 601(a), 701(a); 52 Stat. 1052–1055, as amended (21 U.S.C. 355, 361(a), 371(a))) and under authority delegated him (21 CFR 2.120), the Commissioner proposes that Parts 310 and 700 be amended as follows:

1. In Part § 310, by adding a new § 310.510 to Subpart E to read as follows:

§ 310.510 Use of aerosol drug products containing zirconium.

(a) Aerosol products containing zirconium have been used in over-the-counter (OTC) drug products as antiperspirants. Based upon the lack of toxicological data adequate to establish a safe level for use and the adverse-benefit-to-risk ratio, such aerosol products containing zirconium cannot be considered generally recognized as safe for use in drug products. The benefit from using aerosol drug products containing zirconium is insignificant when compared to the risk. Safer alternative antiperspirant products are available.

(b) Any aerosol product containing zirconium is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application pursuant to section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD-1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that such preparations are safe for the purpose intended.

(d) Any such drug product shipped in interstate commerce after the effective date of the final regulation that is not in compliance with this section is subject to regulatory action.

2. In Part 700, by adding a new § 700.16 to Subpart B to read as follows:

§ 700.16 Use of aerosol cosmetic products containing zirconium.

(a) Based upon the lack of toxicological data adequate to establish a safe level for use, aerosol products containing zirconium are considered deleterious substances which may render any such cosmetic product injurious to users.

(b) Any aerosol cosmetic product containing zirconium is deemed to be adulterated under section 601(a) of the Federal Food, Drug, and Cosmetic Act.

(c) Any such cosmetic product shipped in interstate commerce after the effective date of the final regulation is subject to regulatory action.

Because § 330.10(a)(2) of the OTC drug review regulations provides 30 days before all data can be made public, and since such data will be needed to adequately comment upon this proposed regulation, the Commissioner has determined that it is in the public interest to provide 90 days for public comment.

Interested persons may, on or before September 3, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 29, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75–14549 Filed 6–4–75;8:45 am]

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PART IV

DEPARTMENT OF LABOR

Office of the Secretary

■

SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Summer Program for Economically Disadvantaged Youth Under Title III of the Act

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Summer Program for Economically Disadvantaged Youth Under Title III of the Act

Pursuant to section 702(a) of the Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839), which authorizes the Secretary of Labor to prescribe such rules, regulations, guidelines and other published interpretations as he deems necessary to carry out the provisions of this Act, the following regulations are published in order to provide for the implementation of the Summer Program for Economically Disadvantaged Youth, authorized by Title III, Section 304(a)(3) of the Act.

The following regulations are promulgated as a replacement for the present regulations published on August 26, 1974, under Part 97, Subpart A of this title. These regulations shall become effective July 7, 1975.

As these regulations relate to public property, loans, benefits or contracts, they have been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 USC 553(a)(2). The policy of the Department of Labor as stated in 29 CFR 2.7 is not to use this exception as a basis for not giving opportunity for notice and comment. In this case, in order to effect promptly the purposes of a summer program under the Comprehensive Employment and Training Act, it is contrary to the public interest to delay the issuance of these regulations to the extent necessary for the preparation, receipt and evaluation of the comments. Accordingly, they are not issued for comments prior to publication in their final form.

Nevertheless, although these regulations are being published in final form and are made effective July 7, 1977 it is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received until 30 days following the effective date, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. Meanwhile, however, in the interest of expediting the program, these regulations shall remain in force until amended.

Interested persons are invited to submit comments, data or arguments to: Assistant Secretary for Manpower, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213, Attention: Pierce A. Quinlan, Associate Manpower Administrator for the Office of Manpower Development Programs.

The revised Part 97, Subpart A, which shall become effective reads as follows:

Sec.

§ 97.1 Scope and purpose.

(a) This Subpart A contains the policies, rules, and regulations of the Department in implementing and administering a Summer Program for Economically Disadvantaged Youth (hereinafter referred to as the Summer Program) authorized by Title III, section 304(a)(3), of the Comprehensive Employment and Training Act (hereinafter referred to as the Act).

(b) Programs funded under this Subpart A shall be designed by summer sponsors, defined in § 97.4, to provide summer employment and other activities and services described under Title I of the Act.

(c) Subpart A should be read in conjunction with revised Parts 94, 95, 96, and 98 of this Title published in the FEDERAL REGISTER on May 23, 1975. The provisions of Parts 95 and 96, however, apply to this Subpart A only as indicated in specific sections of these regulations. The definitions of Part 94 and the provisions of Part 98 shall apply to this Subpart A, unless otherwise indicated in specific sections of these regulations.

(d) The Division of Indian Manpower Programs in the Office of National Programs shall have field responsibility for all matters pertaining to funds allocated to Indian summer sponsors for programs funded under this Subpart A. All references to ARDM in this Subpart A shall be read as Director, Division of Indian Manpower Programs, when pertaining to programs for Indian summer sponsors.

§ 97.2 Allocation of funds.

(a) The funds available under this Subpart A shall be allocated by the Secretary to summer sponsors, defined in § 97.4, based upon the criteria set forth in paragraphs (b), (c), and (d) of this section.

(b) Allocation of funds for summer sponsors who are prime sponsors under Title I of the Act shall be based on the following formula:

(1) Fifty percent of such funds shall be allocated on the basis of each sponsor area's proportion of the funds allocated for the 1974 Summer Program for Economically Disadvantaged Youth, exclusive of recreation and transportation support program funds;

(2) Thirty-seven and one-half percent of the funds shall be allocated based on the ratio of the annual average number of unemployed persons in the sponsor's area in 1974 to the total annual average number of unemployed persons in the United States in that year;

(3) Twelve and one-half percent of the funds shall be allocated based on the ratio of the number of adults in low income families in the sponsor's area to the total number of adults in low income families in the United States; and

(4) To the extent that funds are available, allocations shall be adjusted by the Secretary to insure that no prime sponsor area receives less enrollment opportunities than were provided under the 1974 Summer Program for Economically Disadvantaged Youth.

(c) The total funds for Indian summer sponsors shall be allocated based on the ratio of the number of Indian youth 14 through 21 years of age in the eligible Indian summer sponsor's area to the total number of Indian youth 14 through 21 years of age in all Indian summer sponsor areas, except that adjustments in the allocations shall be made to insure that to the extent funds are available, no area receives less enrollment opportunities than were provided under the 1974 Summer Program for Economically Disadvantaged Youth.

(d) The total allocation to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be equal to the same percentage of the funds allocated to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands under the 1974 Summer Program for Economically Disadvantaged Youth.

§ 97.3 Use of FY 1974 Summer Program funds.

Unexpected FY '74 Summer Program funds, regardless of whether they are currently found in Title I grants or grants funded under this Subpart A, must be utilized for appropriate summer activities and expended in accordance with these regulations in the same area in which these funds were originally allocated.

§ 97.4 Eligibility for funds.

Funds under this Subpart A shall be allocated by the Secretary to summer sponsors. Summer sponsors are:

(a) Prime sponsors designated to operate FY 1976 programs under Title I of the Act; and

(b) Indian reservations and organizations determined eligible for prime sponsorship under Title VI of CETA.

§ 97.5 Preapplication for Federal assistance.

An eligible summer sponsor who is a prime sponsor under Title I of the Act and is interested in receiving financial assistance shall submit a Preapplication for Federal Assistance form Part I, prescribed in Federal Management Circular (FMC) 74–4 to the ARDM and the appropriate State and substate A–95 clearinghouse(s) (See OMB Circular A–95). To facilitate the earliest implementation of the Summer Program, an eligible summer sponsor should file a Preapplication for Federal Assistance as soon as possible.

§ 97.6 Program planning; planning council.

(a) Eligible summer sponsors who are prime sponsors under Title I of the Act shall, to the degree feasible and within the time constraints imposed by these regulations, utilize appropriate prime sponsor planning councils established pursuant to § 95.13 of this title in the planning and review of the Summer Program.

(b) Eligible Indian summer sponsors shall to the degree feasible and within the time constraints imposed by these regulations utilize appropriate prime sponsor planning councils established pursuant to § 97.113 of this title in the planning and review of the Summer Program.

§ 97.7 Application for grants; standards for reviewing grant applications.

(a) A program shall be undertaken under this Subpart A, upon execution of an agreement between a summer sponsor and the ARDM. Upon receipt of a Preapplication for Federal Assistance, the ARDM shall send a grant application package to each eligible summer sponsor. The grant application shall be submitted to the ARDM not later than a date set by the ARDM, unless the ARDM, for good cause, permits an extension of time.

(b) An eligible summer sponsor which is a prime sponsor under Title I of the Act shall provide a copy of its grant application for the purpose of commenting thereon to the appropriate State and substate A–95 clearinghouse(s), at the same time as it submits its application to the ARDM. The copy sent to the clearinghouse(s) shall be accompanied by the following statement: "Due to the time constraints on implementation of the Summer Program funded under the Comprehensive Employment and Training Act, the grant application is being submitted to the clearinghouse(s) and the Department of Labor simultaneously. Clearinghouses are requested to forward any comments directly to the Assistant Regional Director for Manpower."

(c) Each grant application shall be reviewed by the appropriate ARDM using all the standards described in §§ 95.17(a) and (b)(1), (7), (8), and (9).

§ 97.8 Assistance by the Director, Division of Indian Manpower Programs.

Indian applicants eligible under this Subpart A may request technical assistance from the Director of Indian Manpower Programs in the preparation and submission of a grant application for or the implementation of a program funded under this Subpart A. Requests for assistance should be addressed to: Director, Division of Indian Manpower Programs, 601 D Street, NW., Washington, D.C. 20213.

§ 97.9 Application approval and disapproval.

Each grant application shall be approved or disapproved under the provisions and conditions described in §§ 95.18 and 95.19 of this title.

§ 97.10 Use of alternative sponsor and services by the Secretary.

If a grant application is not filed, or is denied, or terminated, the Secretary may make provisions for the use of an alternative sponsor, or provide services himself, as described in § 95.20 of this title.

§ 97.11 Content and description of grant application.

The grant application consists of the following items:

(a) Part I of the Application for Federal Assistance (Non-construction programs), contained in FMC 74–4.

(b) Narrative Description of the Summer Program consisting of:

(1) A policy statement on the purpose and goals of the program;

(2) A description of the number and characteristics of the participants to be served, at a minimum to include (a) sex and (b) age group: 14–15, 16–17, 18–21;

(3) A description of the methods to be used to recruit, select and determine the eligibility of participants;

(4) A description of the management and administrative plan; and

(5) A discussion of the cost plan, including an explanation of how administrative costs were determined.

(c) CETA Summer Plan which provides data on the estimated number of participants and accrued expenditures.

(d) A single Public Service Employment Occupational Summary form shall be submitted for all work experience, public service employment, and on-the-job training positions. The comparison of wages shall not be included.

§ 97.12 Exemption from comment and publication procedures relating to submission of grant application.

In order to facilitate the earliest possible implementation of the Summer Program and due to the limited time frame of the program, a summer sponsor need not publish a summary of its grant application for comment and publication in the area newspaper(s).

§ 97.13 Modification of the grant agreement; modification of the CETA Summer Plan.

(a) When a prime sponsor desires to modify the duration or allotment of a grant, the sponsor shall submit to the ARDM a revised Application for Federal Assistance Form, Part 1, and a revised CETA Summer Plan to account for the change in funds. A denial by the ARDM of a sponsor's request for a modification shall be subject to the appeal procedures set out in Part 98 of this title.

(b)(1) A modification to the CETA Summer Plan is necessary if the cumulative number of individuals to be served is proposed to be increased or decreased by 15 percent or more.

(2) A summer sponsor desiring a modification as defined in paragraph (b)(1) of this section, shall submit a revised CETA Summer Plan and an explanation of the proposed changes to the ARDM. The ARDM shall notify the sponsor of approval or disapproval within 10 days of receipt of the proposed modification. An appeal of such determination may be obtained through the procedures set out in Part 98 of this title.

(c) An ARDM may initiate a modification as described in § 95.22(e)(1). If the sponsor disagrees with the ARDM's decision to initiate a modification, it may initiate a hearing pursuant to § 98.47 of this title.

§ 97.14 Basic responsibilities of sponsors.

A sponsor of a program funded under this Subpart A shall be responsible for:

(a) Following the provisions described in § 95.31 (a), (b), (e), and (f) of this title;

(b) Establishing priorities for receipt of assistance authorized under the Summer Program by taking into account the significant segments represented among economically disadvantaged youth residing within its jurisdiction;

(c) Designing programs which are, to the maximum extent feasible, consistent with every participant's fullest capabilities; and

(d) Maintaining accounting records in accordance with §§ 98.12 and 98.13 of this title.

§ 97.15 Eligibility for participation.

(a) Each participant in a program funded under this Subpart A shall be at the time of enrollment:

(1) Economically disadvantaged, as defined in § 94.4(t) of this title; and

(2) A youth, 14 years of age through 21 years of age.

(b) Citizenship shall not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program. However, no services shall be provided to illegal aliens (those who do not have a bona fide Alien Registration Receipt form, or cannot present other documentation from the Immigration Service allowing them to seek employment).

(c) Special consideration shall be given to the needs of veterans as described in § 95.32(e)(1) of this title.

(d) Title I participants who were enrolled in in-school programs during the school year preceding the Summer Program and who at the time of their enrollment into the Title I program met the criteria of paragraph (a)(1) of this section are eligible for participation in the Summer Program.

§ 97.16 Types of manpower services available in the Summer Program.

(a) A program funded under this Subpart A may include any activity or service specified in § 95.33 of this title.

(b) Operating conditions and allowable expenditures applicable when Summer Program funds are used for public service employment are the same as those used for this activity when Title II funds are used, as set out in Subpart C of Part 96 of this title, except that the following sections shall not apply: §§ 96.20, 96.21 (e), 96.22, 96.23(b)(13), 96.26(a)(1), (b), and (c), 96.27, 96.28, 96.35(a), 96.36(c), and 96.37.

§ 97.17 Participant benefits.

(a) Participants in classroom training in programs funded under this Subpart A shall receive allowances as described in § 95.34 of this title and workers' compensation protection as provided in § 98.24 of this title.

(b) Participants in on-the-job training in programs funded under this Subpart A shall receive wages as specified in § 95.35 (a)(3) or (a)(5), of this title, as applicable, and shall be assured of appropriate workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(c) Participants in public service employment shall be paid wages as required by § 96.34 of this title, and shall be assured of workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(d) Participants in work experience shall receive wages at a rate of pay based on such factors as the type of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that a participant's hourly rate of pay shall be at least the higher of the minimum wage prescribed for similar employment by State or local law or an hourly wage of $2.10 an hour. However, wages in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be consistent with the Federal, State, or local law otherwise applicable. Participants in work experience activities shall be assured of workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(e) Participants enrolled in services to participants, other manpower activities, or combined activities shall be compensated as specified in § 95.33(d)(5)(iv), (6)(ii), and (7)(ii) of this title.

§ 97.18 Worksite standards.

(a) No participant under 18 years of age shall be employed in any occupation which the Secretary has found, pursuant to his authority under the Fair Labor Standards Act, to be particularly hazardous for persons between 16 and 18 years of age (See Subpart E of Part 570, of this title).

(b) Participants who are 14 and 15 years of age will participate only in accordance with the limitations imposed by §§ 570.31 to 570.35 of Subpart C of Part 570 of this title.

(c) No participant shall be compensated for more than 40 hours of work per week.

§ 97.19 Training for lower wage industries and relocation of industries.

No participant may be enrolled in any activity or service in any lower wage industry job as set forth in § 95.36 of this title.

§ 97.20 Cooperative relationships between sponsors and other manpower services.

Each summer sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies as described in § 95.37 of this title.

§ 97.21 Nepotism.

(a) The provisions of § 98.22 of this title regarding nepotism apply to summer sponsors who are prime sponsors under Title I of the Act.

(b) The provisions of § 98.22 (a) and (b) of this title regarding nepotism apply to Indian summer sponsors except as modified by paragraphs (c), (d), and (e) of this section.

(c) No Indian summer sponsor or subgrantee under this Subpart A shall hire, or permit the hiring of, any person in a position funded under this Subpart A if a member of that person's immediate family is employed in an administrative capacity by the Indian summer sponsor. For the purposes of paragraphs (c), (d), and (e) of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister, and the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this Subpart A, or operational responsibility for the program.

(d) If a subgrantee under this Subpart A cannot hire program participants without an immediate family member being included, the Director, Division of Indian Manpower Programs may waive the requirement of paragraph (c) of this section if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(e) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the eligible applicant shall follow the tribal rule in lieu of this policy.

§ 97.22 Nondiscrimination in Indian Programs under this Subpart.

Section 98.21 shall be applicable to Indian programs funded pursuant to this Subpart A, except to the extent that such provisions conflict with 42 U.S.C. 2000e (b).

§ 97.23 Subgrants in Indian Programs under this Subpart.

In addition to the requirements as set forth in § 98.27 concerning subgrants, Indian summer sponsors may require that subgrantees agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant in accordance with 42 U.S.C. 2000e–2(i).

§ 97.24 Reporting requirements.

Each summer sponsor shall submit the following reports to the ARDM:

(a) An end-of-summer report based on the accounting records required under §§ 98.12 and 98.13 of this title; and

(b)(1) A Quarterly Summary of Participant Characteristics for the Summer Program. This report is the Quarterly Summary of Participant Characteristics regularly submitted by sponsors of comprehensive manpower programs, but is to be labelled by the summer sponsors as the Quarterly Summary of Participant Characteristics for the Summer Program. The Summary is to be submitted to the ARDM with the end-of-summer report. The information for age characteristics on line 4 of the Summary, which refers only to those participants 18 and under, shall be broken out on the back of the report by the following age groups:

(i) 14–15 years;
(ii) 16–17 years; and
(iii) 18.

(2) The information required on the Summary shall also be submitted for informational purposes, for participants in summer programs funded with monies in the sponsor's title I grants. Such information shall be identified as approprite, as (i) Fiscal Year 1975, (ii) Fiscal Year 1976, and/or (iii) Fiscal Year 1974 Summer Program.

§ 97.25 Termination date for the Summer Program.

No program under this Subpart A shall continue beyond October 1, 1975.

Signed in Washington, D.C. this 30th day of May 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-14598 Filed 6-4-75;8:45 am]

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PART V

ENVIRONMENTAL PROTECTION AGENCY

■

AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Interim Standards for 1977 Light Duty Vehicles and Emission Standards for 1976 and Later Light Duty Vehicles and Trucks

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 377-5]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Interim Standards for 1977 Model Year Light Duty Vehicles and Emission Standards for 1976 and Later Model Year Light Duty Vehicles and Trucks

On June 22, 1974, the Energy Supply and Environmental Coordination Act of 1974 (ESECA) was signed into law. Pub. L. 93-319, 88 Stat. 246. It amended the Clean Air Act to continue the emission standards established by the Administrator for 1975 model year automobiles during the 1976 model year. As stated in the conference committee report, the effect of that amendment was to maintain in the 1976 model year a Federal 49-state standard of 1.5 grams per mile of hydrocarbons, 15 grams per mile of carbon monoxide and 3.1 grams per mile of oxides of nitrogen, and standards for California of 0.9 grams per mile of hydrocarbons, 9.0 grams per mile of carbon monoxide, and 2.0 grams per mile of oxides of nitrogen. These standards would apply to all automobiles produced by all manufacturers, whether or not any individual manufacturer had applied for or received a suspension under section 202(b)(5) prior to the enactment of the amendment. The previous statutory standard of 0.4 grams per mile of oxides of nitrogen was deferred until the 1978 model year, and a maximum emission standard for oxides of nitrogen of 2.0 grams per mile for 1977 model year vehicles was established. While the 1977 model year oxides of nitrogen standard is a maximum of 2.0 grams per mile nationwide, California retains the right under section 209 of the Clean Air Act to seek a waiver for a more stringent standard.

On March 5, 1975, the Administrator suspended the effective date of the 1977 model year emission standards for hydrocarbons and carbon monoxide for those manufacturers who requested such suspension. That determination is published in the March 14, 1975 (40 FR 11900) edition of the FEDERAL REGISTER.

As required by section 202(b)(5)(A) of the Clean Air Act, the decision also established interim standards for light duty vehicles to be sold in the 1977 model year. In order to ensure that these interim 1977 standards will be incorporated in proper form in the Code of Federal Regulations, they are being published in the form set out below.

The standards prescribed for 1977 model year light duty vehicles of manufacturers who have been granted a suspension are 1.5 grams per mile for exhaust hydrocarbons and 15 grams per mile for exhaust carbon monoxide. The 2.0 grams per mile oxides of nitrogen standard mandated by the ESECA for the 1977 model year remains in effect for all manufacturers.

This suspension did not affect the right of California under section 209 of the Clean Air Act to obtain a waiver of Federal pre-emption in order to enforce more stringent standards of its own. On May 20, 1975, the Administrator, acting on California's application, granted such a waiver and allowed California to establish and enforce emission standards for that state only of .41 grams per mile of exhaust hydrocarbons, 9.0 grams per mile of carbon monoxide, and 1.5 grams per mile of oxides of nitrogen for the 1977 model year. These, however, are California state standards only; the Federal standards which also apply to California vehicles in that model year are as set forth above. Since the California standards are more stringent, compliance with them automatically constitutes compliance with the Federal standards as well.[1]

The Energy Supply and Environmental Coordination Act of 1974 did not affect the status of light duty trucks regarding emission standards, since it only specified emission standards for "light duty vehicles", a term which the courts have read to exclude light duty trucks. *International Harvester Co.* v. *Ruckelshaus*, 478 F. 2d 615, 639-40 (C.A.D.C. 1973). These vehicles, accordingly, will continue to be subject to the 1975 exhaust emission standards contained at 40 CFR 85.175-1 (38 FR 21350, August 7, 1973). The amendments approved today will make that clear.

Part 85 of Chapter 1, Title 40 of the Code of Federal Regulations as applicable to 1976 and later model year light duty vehicles and 1976 and later model year light duty trucks is amended below. Since these requirements either restate existing law, restate the requirements of the Administrator's decision which is already in effect, or implement new statutory requirements imposed by the Energy Supply and Environmental Coordination Act of 1974, their publication in this form is made effective June 5, 1975.

These amendments are issued under the authority of section 202 of the Clean Air Act, as amended (42 U.S.C. 1857f-1).

Dated: June 2, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 85, Title 40 of the Code of Federal Regulations, applicable to light duty vehicles, diesel light duty vehicles, light duty trucks and diesel light duty trucks, is amended as follows:

1. Section 85.076-1 is revised as follows:

§ 85.076-1 Emission standards for 1976 model year vehicles.

With the exception of regulations set forth in 85.076, the standards and test procedures set forth in 85.075 remain applicable for the 1976 model year. Exhaust emissions from 1976 model year vehicles shall not exceed:

(a) *Hydrocarbons.* 1.5 grams per vehicle mile.

(b) *Carbon monoxide.* 15 grams per vehicle mile, except that the standard shall be 9.0 grams per vehicle mile for vehicles sold or offered for sale in the State of California.

(c) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

2. Section 85.077-1 is added to read as follows:

§ 85.077-1 Emission standards for 1977 model year vehicles.

With the exception of (1) the hydrocarbon, carbon monoxide, and oxides of nitrogen exhaust emission standards, and (2) regulations set forth in 85.077, the standards and test procedures set forth in 85.076 remain applicable for the 1977 model year.

(a) Exhaust emissions from 1977 model year vehicles shall not exceed:

(1) *Hydrocarbons.* 0.41 grams per vehicle mile.

(2) *Carbon monoxide.* 3.4 grams per vehicle mile.

(3) *Oxides of nitrogen.* 2.0 grams per vehicle mile.

(b) For those manufacturers who have been granted a suspension of the standards specified in paragraph (a) of this section, the following standards for exhaust emissions from 1977 model year vehicles shall apply:

(1) *Hydrocarbons.* 1.5 grams per vehicle mile.

(2) *Carbon monoxide.* 15 grams per vehicle mile.

(3) *Oxides of nitrogen.* 2.0 grams per vehicle mile.

3. Section 85.087-1 is added to read as follows:

§ 85.078-1 Emission standards for 1978 and later model year vehicles.

With the exception of (1) the oxides of nitrogen exhaust emission standard and, (2) regulations set forth in § 85.078, the standards and test procedures set forth in § 85.077 remain applicable for the 1978 model year. Exhaust emissions from 1978 and later model year vehicles shall not exceed:

(a) *Hydrocarbons.* 0.41 grams per vehicle mile.

(b) *Carbon monoxide.* 3.4 grams per vehicle mile.

(c) *Oxides of nitrogen.* 0.4 grams per vehicle mile.

4. Section 85.176-1 is revised as follows:

§ 85.176-1 Standards for exhaust emissions.

With the exception of regulations set forth in § 85.176, the standards and test procedures set forth in § 85.175 remain applicable for the 1976 model year. Exhaust emissions from 1976 model year vehicles shall not exceed:

(a) *Hydrocarbons.* 1.5 grams per vehicle mile.

(b) *Carbon monoxide.* 15 grams per vehicle mile, except that the standard shall be 9.0 grams per vehicle mile for vehicles to be sold or offered for sale in the State of California.

(c) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

5. Section 85.177-1 is added to read as follows:

[1] With a possible exception for the special case of vehicles to be sold at high altitudes. Here in individual cases the Federal standards may prove more demanding than the California ones. In such cases, of course, the Federal standards will govern.

§ 85.177–1 Standards for exhaust emissions.

With the exception of the hydrocarbon, carbon monoxide, and oxides of nitrogen exhaust emission standards, and regulations set forth in 85.177, the standards and test procedures set forth in § 85.176 remain applicable for the 1977 model year.

(a) Exhaust emissions from 1977 model year vehicles shall not exceed:

(1) *Hydrocarbons.* 0.41 grams per vehicle mile.

(2) *Carbon monoxide.* 3.4 grams per vehicle mile.

(3) *Oxides of nitrogen.* 2.0 grams per vehicle mile.

(b) For those manufacturers who have been granted a suspension of the standards specified in paragraph (a) of this section, the following standards for exhaust emissions from 1977 model year vehicles shall apply:

(1) *Hydrocarbons.* 1.5 grams per vehicle mile.

(2) *Carbon monoxide.* 15 grams per vehicle mile.

(3) *Oxides of nitrogen.* 2.0 grams per vehicle mile.

6. Section 85.178–1 is added to read as follows:

§ 85.178–1 Standards for exhaust emissions.

With the exception of the oxides of nitrogen exhaust emission standard, and regulations set forth in § 85.178, the standards and test procedures set forth in § 85.177 remain applicable for the 1978 model year. Exhaust emissions from 1978 and later model year vehicles shall not exceed:

(a) *Hydrocarbons.* 0.41 grams per vehicle mile.

(b) *Carbon monoxide.* 3.4 grams per vehicle mile.

(c) *Oxides of nitrogen.* 0.4 grams per vehicle mile.

7. Section 85.276–1 is revised as follows:

§ 85.276–1 Emission standards for 1976 model year light duty trucks.

With the exception of regulations set forth in § 85.276, the standards and test procedures set forth in § 85.275 remain applicable for the 1976 model year. Exhaust emissions from 1976 model year light duty trucks shall not exceed:

(a) *Hydrocarbons.* 2.0 grams per vehicle mile.

(b) *Carbon monoxide.* 20 miles per vehicle mile.

(c) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

8. Section 85.277–1 is added as follows:

§ 85.277–1 Emission standards for 1977 and later model year light duty trucks.

With the exception of regulations set forth in § 85.277, the standards and test procedures set forth in § 85.276 remain applicable for the 1977 and later model years.

9. Section 85.377–1 is revised as follows:

§ 85.377–1 Emission standards for 1977 and later model year diesel light duty trucks.

With the exception of regulations set forth in § 85.377, the standards and test procedures set forth in § 85.376 remain applicable for the 1977 and later model years.

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