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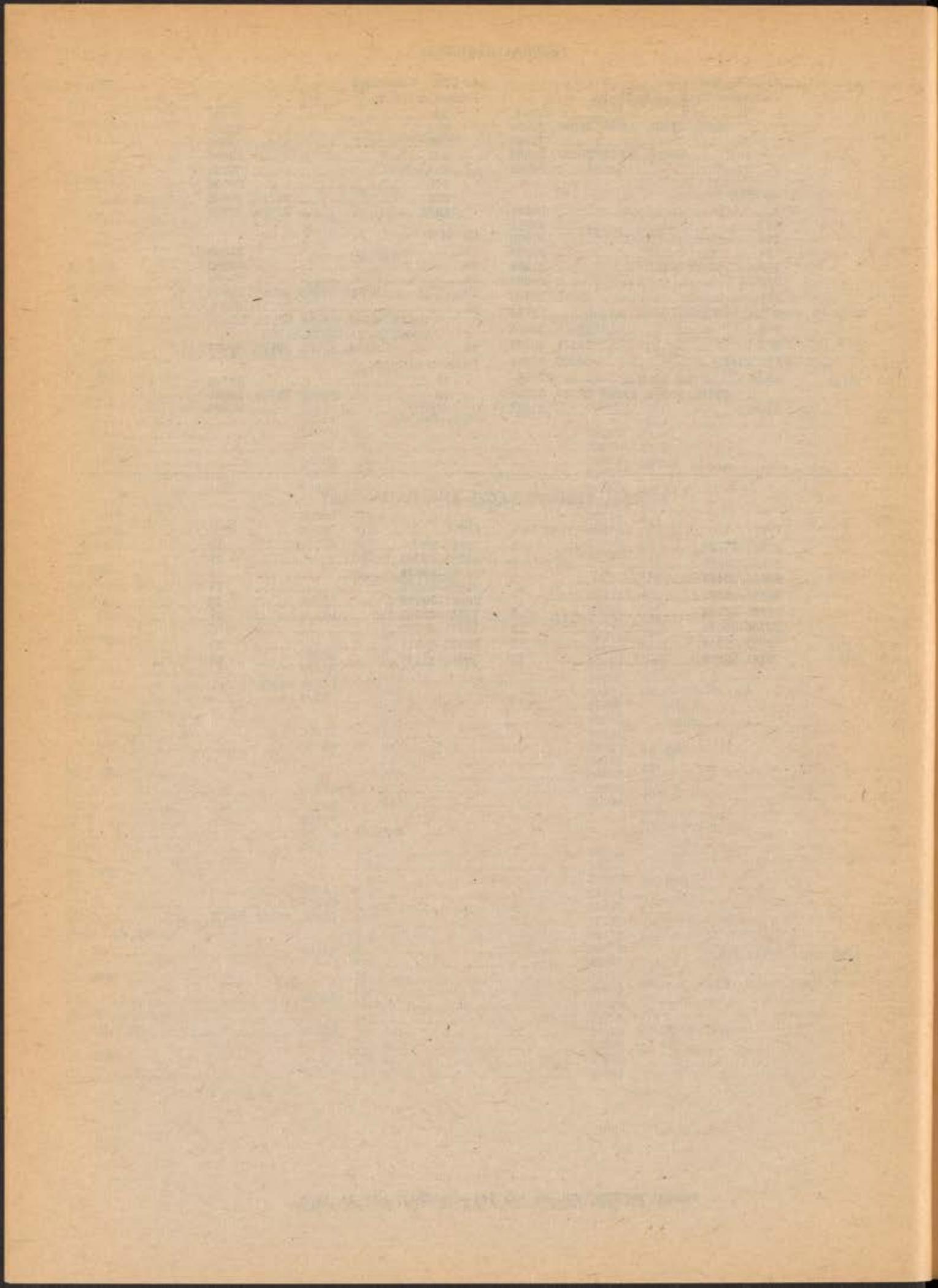
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# presidential documents

## Title 3—The President

### Correction

EDITORIAL NOTE: This Executive order, published at 40 FR 30615, July 22, 1975, is being reprinted to correct a typographical error.

Executive Order 11871

July 18, 1975

### Transferring the SCORE and ACE Programs From the ACTION Agency to the Small Business Administration

By virtue of the authority vested in me by Section 12 of the Small Business Act (72 Stat. 394, 15 U.S.C. 641), the Domestic Volunteer Service Act of 1973 (87 Stat. 394, 42 U.S.C. 4951 *et seq.*), Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. All functions, powers, and duties vested in the ACTION Agency or its Director under Title III of the Domestic Volunteer Service Act of 1973 (87 Stat. 404, 42 U.S.C. 5031, *et seq.*), which relate to a Service Corps of Retired Executives ("SCORE") and an Active Corps of Executives ("ACE") are hereby transferred to the Small Business Administration.

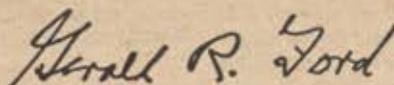
SEC. 2. All the functions, powers, and duties vested in the ACTION Agency or its Director under Title IV of the Domestic Volunteer Service Act of 1973 (87 Stat. 405, 42 U.S.C. 5041, *et seq.*), which are incidental to or necessary for the performance of the functions, powers, and duties transferred by Section 1 of this Order, are hereby transferred to the Small Business Administration.

SEC. 3. Nothing in this Order shall preclude the ACTION Agency or its Director from continuing, establishing, or conducting volunteer programs to carry out his other responsibilities as provided for in Title III or Title IV of the Domestic Volunteer Service Act of 1973.

SEC. 4. The authority of the President under Section 12 of the Small Business Act (15 U.S.C. 641) to provide for appropriate transfers of records, property, necessary personnel, and unexpended balances of appropriations and other funds in connection with the transfers provided by this Order is hereby delegated to the Director of the Office of Management and Budget, who shall take such action as he deems appropriate to enable the proper performance of the functions, powers, and duties transferred by this Order.

SEC. 5. The rights, privileges, and disabilities attaching to volunteers under Title III and Title IV of the Domestic Volunteer Service Act of 1973, and to Federal employees otherwise entitled to Civil Service protection and transferred hereunder, shall not be otherwise affected by this transfer.

SEC. 6. This Order shall be effective on the fifteenth day of July, 1975.



THE WHITE HOUSE,  
July 18, 1975.

[FR Doc.75-19172 Filed 7-21-75;9:57 am]

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Section 101 - The President's Office

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# rules and regulations

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

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

## Title 7—Agriculture

### 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

Notice is hereby given that the Department is further amending its regulations (published at 39 FR 17753, 39 FR 30475, 39 FR 32975, and 40 FR 24173) relating to tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to 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 U.S.C. 511, et seq.); the Agricultural Act of 1949, as amended (63 Stat. 1051, 7 U.S.C. 1421, et seq.); and the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U.S.C. 714 et seq.).

#### STATEMENT OF CONSIDERATION

Sales opportunity for the sale of undesignated tobacco is distributed amongst all of the warehouses in a marketing area with each warehouse receiving a share of undesignated sales opportunity in the same proportion as the warehouse's share of designated sales opportunity in that marketing area. This pro-rata distribution, taking into consideration the very small amount of tobacco which has not been designated, results in little opportunity for the producer, who has chosen not to designate his tobacco allotment, to sell a reasonable proportion of his allotment during any given week at a specific warehouse.

Section 29.9404(a)(3) of the regulations (7 CFR 29.9404(a)(3)) presently provides that extra selling time for undesignated tobacco, as defined in that section, may be made available by the Secretary to a warehouse, but only during the close-out period in any marketing area. In order to provide the Secretary with the discretion to be able to accommodate producers who choose not to designate their tobacco, a change must be made in the provisions of the current regulations. Section 29.9404(a)(3) of the regulation is, therefore, amended by eliminating the phrase "during the close-out period in a marketing area."

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:

(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 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;

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and 30-days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that this amendment is necessary to continue orderly marketing conditions in the flue-cured marketing area under the grower designation plan.

Therefore, good cause exists for making the amendments to the regulations effective July 24, 1975.

Signed at Washington, D.C., on July 18, 1975.

JOHN DAMGARD,  
Deputy Assistant Secretary.

[FR Doc.75-19219 Filed 7-23-75;8:45 am]

## CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 19]

### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

On January 22, 1975, there was published in the FEDERAL REGISTER (40 FR 3452) a proposed amendment to the regulations governing the National School Lunch Program. The main purpose of the proposed amendment was the implementation of Federal Management Circular 74-7 (FMC 74-7, 34 CFR Part 256, 39 FR 35787) which prescribes uniform administrative requirements for Federal grants-in-aid to State and local governments. State agencies affected by the proposed amendment advised the Department of Agriculture that the time allowed for public comment was insufficient for them to adequately assess the impact of the amendment on their operations. On March 5, 1975, a notice extending the period for public comments was published in the FEDERAL REGISTER (40 FR 10192).

The General Services Administration, which has overall responsibility for the implementation of FMC 74-7, has raised the threshold level for applicability of certain provisions of the procurement standards from \$2,500 to \$10,000. This amendment has been modified accordingly.

All of the public comments received have been carefully considered. The most substantive comments and recommendations, together with the resulting changes in the amendment or reasons for not accepting the suggestions, are set forth below.

Several respondents expressed general opposition to the proposed regulations because they feel that the existing child nutrition programs are not grant-type programs. In this regard, it should be noted that the proposed regulations do not alter the basic concepts of the child nutrition programs, nor do they change the basis on which they are funded or conducted.

A number of respondents expressed the view that the proposed effective date of July 1, 1975, is not practicable since most States have already established their budgets for fiscal year 1976, and the cost of compliance with the new audit requirement would impose a financial burden on State agencies. The provision requiring that State agencies and School Food Authorities be audited at least once every two years has been modified. State agencies will now have two years in which to develop a system for performing these audits. This system must be implemented by fiscal year 1978.

The substitution of the terms "payment" and "voucher" for "reimbursement" and "claim" was opposed by some respondents because of the impact on some States' financial procedures. In some cases, this would mean large scale reprinting of forms. This change was proposed to more accurately reflect the advance funding authority provided by current legislation. No alteration of existing management and funding systems was intended. To avoid inconveniencing State agencies, the substitution of the terms "payment" and "voucher" for "reimbursement" and "claim" will not be made. However, since advance funds as well as reimbursement are made available to School Food Authorities, the term "reimbursement" as used in this part is being redefined to include advance payments.

Fourteen respondents opposed the provision giving governors an opportunity to review and comment on the State Plan of Child Nutrition Operations. Most of the opposition was due to the fact that in many States the chief State school officer is an elected official in his own right. This provision is retained. It does not diminish the powers or responsibilities of chief State school officers. It merely gives the governor the opportunity to express his concerns on the relationship of the State Plan of Child Nutrition Operations to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions.

Five respondents opposed the elimination of the quantitative administrative review requirement. Since one reason for implementing FMC 74-7 was to provide State agencies with more flexibility in program administration, the quantitative administrative review requirement will not be retained. State agencies are still responsible for monitoring program performance and ensuring compliance with program regulations. States may continue to use the administrative review format, if they wish, or they can develop their own procedures tailored to their specific needs.

Several nonsubstantive changes have been made for the purposes of clarification and consistent treatment of similar provisions.

In addition to the items already discussed, this amendment will make the following changes in program regulations:

(1) State agencies will be responsible for prescribing the accounting records relating to their use of the Federal grants made to them under this part. These records must meet the general requirements of being accurate and current.

(2) The restrictions on advances of funds to School Food Authorities for April of each year will be dropped. The requirement that the amount of the advance is to be based on the reimbursement needed for 1 month's operations remains in effect.

(3) State agencies will be allowed to specify the data items on the application form and on the claim form used to reimburse School Food Authorities.

(4) The provision dealing with the disqualification of State agencies and School Food Authorities from future participation is clarified by requiring the Food and Nutrition Service to provide written notice and justification when a Federal grant is terminated for cause.

(5) Record retention requirements are modified to permit State agencies to maintain records in their original form or on microfilm.

(6) State agencies will disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

As a result of this amendment, many specific details of program administration will be left to State agency discretion. The Department's role in these areas will be to provide guidance rather than to dictate procedures. In this connection, the requirements now removed from these regulations may be viewed as acceptable practices which State agencies may modify to meet their own needs. The Department will provide appropriate guidance materials to State agencies to aid them in developing their own procedures.

Accordingly, this part is revised as set forth below.

1. The table of sections is amended by deleting the words "Administrative analyses" in § 210.17 and inserting in lieu thereof the words "Management evaluations", and adding a new § 210.19a entitled "Procurement standards."

2. § 210.2 is amended by adding a new subparagraph (n-2) to read as follows:

§ 210.2 Definitions.

(n-2) "Reimbursement" means financial assistance paid or payable to participating schools for lunches meeting the requirements of § 210.10, served to eligible children at rates assigned by the State agency, or FNSRO where applicable. The term "reimbursement" also includes financial assistance made available through advances to School Food Authorities.

3. § 210.4a is amended by amending paragraph (b) by deleting the word "and" before item (5), deleting the period at the end of the paragraph and inserting in lieu thereof a semicolon, and adding new items (6) and (7); and by adding a new paragraph (f); as follows:

§ 210.4a State Plan of Child Nutrition Operations.

(b) \* \* \* (6) a plan for the conduct of audits which shall: (i) state the frequency of audits of the State agency and School Food Authorities, and delineate the positive action to be taken during fiscal years 1976 and 1977, including the three-month period July 1, 1976 through September 30, 1976, to achieve an audit frequency of not less than once every two years by the beginning of fiscal year 1978 as set forth under § 210.17(a);

(ii) provide a description of the organization of the State agency in adequate detail to demonstrate the independence of the audit function; and (iii) provide a systematic method to assure timely and appropriate resolution of audit findings and recommendations; and (7) provide a plan to monitor program performance and measure progress in achieving program goals as set forth under § 210.14(a).

(f) The State agency shall give the Governor, or his delegated agency, the opportunity to comment on the relationship of the State Plan to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions. A period of 45 days from the date of receipt of the State Plan shall be afforded to make such comments.

4. § 210.5 is revised to read as follows:

§ 210.5 Method of payment to States.

(a) Funds to be paid to any State for general cash-for-food assistance or special cash assistance shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (1) obtain funds needed for reimbursement to School Food Authorities through presentation by designated State officials of an approved form in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (2) draw only such funds as are needed to pay claims certified for payment or to make authorized advances; and (3) use such funds without delay for the purpose for which withdrawn.

(b) The State agency shall release to FNS any Federal funds made available to it under the Program which are unobligated at the end of each fiscal year. Any such funds shall remain available to FNS for the purpose of the Program until expended. Release of funds by the State agency shall be made as soon as practicable, but in any event not later than 30 days following demand by FNSRO, and shall be reflected by a related adjustment in the State agency's Letter of Credit.

5. In § 210.7, paragraph (a) is revised to read as follows:

§ 210.7 Use of funds.

(a) Federal funds made available under the Program shall be used by State agencies, or FNSROs where applicable, to reimburse or make advance payment to School Food Authorities in connection with lunches served to children of high school grade or under in accordance with the provisions of this part. However, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount up to 1 per centum of the funds earned in any fiscal year under the Program. Advance payments to School Food Authorities may be made at such times and in such amounts as are necessary to meet current fiscal obligations.

6. § 210.8 is amended by revising paragraphs (b), (d) (1), and (d) (3); by deleting the words "FNSRO where applicable" in item 10 of paragraph (e) and inserting in lieu thereof the words "the Department"; and by revising the first sentence and items (13) and (14) of paragraph (e), and adding new items (16) and (17). The revised and added provisions read as follows:

§ 210.3 Requirements for participation.

(b) Applications shall solicit information in sufficient detail to enable the State agency to determine whether the School Food Authority is eligible to participate in the Program and extent of the need for Program payments.

(1) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the School Food Authority will need to meet its responsibilities pertaining to the financial management system and any other requirements prescribed by the State agency;

(3) The books and records of the food service management company pertaining to the school feeding operation shall be available, for a period of 3 years from the date of submission of a final Financial Status Report, for inspection and audit by representatives of the State agency, of the Department, and of the General Accounting Office at any reasonable time and place, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(e) The State agency, or the Department through FNSRO where applicable, shall enter into a written agreement with each School Food Authority for schools approved for participation in the Program. \* \* \* (13) Maintain a financial management system as prescribed by the State agency, or FNSRO where applicable; (14) Upon request, make all accounts and records pertaining to its lunch program available to the State agency and to FNS, for audit or administrative review, at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit; \* \* \* (16) Retain the individual applications for free and reduced price lunches submitted by families for a period of three years after the end of the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit; (17) Estimate, as of October 1 and March 1 of each year,

the number of children in the school who are eligible for free and reduced price lunches under the school's approved eligibility criteria for such lunches. The data used to make these estimates shall be maintained as part of the records to be retained by School Food Authorities.

7. In § 210.10, paragraph (a) (2) is revised to read as follows:

§ 210.10 Requirements for lunches.

(2) The kinds and amounts of foods specified in paragraph (a) (1) of this section are approximate amounts of foods to serve 10 to 12-year old boys and girls. If consistent with State policy, School Food Authorities may allow the younger children to be served lesser amounts of selected foods than are specified in paragraph (a) (1) of this section. School Food Authorities shall encourage the serving to older boys and girls of larger amounts of selected foods than are specified in paragraph (a) (1) of this section. The Department shall issue guidance materials for the use of State agencies and FNSROs on the amount of foods to be served children in the various age groups.

8. § 210.13 is revised by deleting the phrase "paragraphs (c) and (d)" in paragraph (a) and inserting in lieu thereof the phrase "paragraph (c)"; by deleting the phrase "paragraphs (b) and (d)" in paragraph (b-1) and inserting in lieu thereof the phrase "paragraph (b)"; by deleting and reserving paragraph (d); by deleting the last two sentences of paragraph (e); and by revising paragraph (b) to read as follows:

§ 210.13 Payment procedure.

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 210.14(g) (2). Claims for Reimbursement shall be filed with the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceeding the ending month. Claims for Reimbursement may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year.

(d) [Reserved]

9. § 210.14 is amended by deleting the term "§ 210.13(d)" in paragraph (a-1) and inserting in lieu thereof the words "this part"; by deleting the phrase "under § 210.13 (c) and (d)" in paragraph (a-3) and inserting in lieu thereof the phrase "under § 210.13(c)"; by deleting

and reserving paragraphs (b) and (f); by deleting the term "monthly" in paragraph (g) (3); by deleting the phrase "under § 210.13(d) and § 210.15a(d)" in paragraph (g) (4) and inserting in lieu thereof the phrase "under § 210.13(a) and § 210.15a(c)"; by revising paragraphs (a), (e), (g) (1), (g) (2) and (i). The revised paragraphs read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) Each State agency, or FNSRO where applicable, shall provide program assistance as follows:

(1) Each State agency, or FNSRO where applicable, shall provide consultative, technical, and managerial personnel to administer programs and monitor performance and to measure progress towards achieving program goals, as specified in the State Plan of Child Nutrition Operations provided for under § 210.4a of this part.

(2) To meet the minimum criteria for approval, the portion of the State Plan which deals with program assistance must include: (i) Objectives, (ii) reasons for the establishment of the objectives, (iii) methods to be used to accomplish the objectives, (iv) evaluation methods to be used in determining if the objectives are being met.

(3) Such assistance shall include visits to participating schools to ensure compliance with program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964.

(4) Documentation of such assistance on a form provided by FNS. Each State agency, or FNSRO where applicable.

(b) [Reserved]

(e) *Plentiful foods.* State agencies shall provide schools with information on foods available in plentiful supply, based on information provided by the Department.

(f) [Reserved]

(g) \* \* \* (1) Each State agency shall submit information on program operations and on commodity only programs on a form provided by FNS. Each State agency shall maintain current accounting records of program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Each State agency shall report information on the use of program funds to FNS on a form provided by FNS. Reports shall continue to be submitted on a regular basis after the end of the fiscal year to which they pertain until all un-

paid obligations have been liquidated at which time the next report made should be marked "Final" and submission discontinued for that fiscal year.

(1) State agencies shall require School Food Authorities to comply with applicable provisions of this part.

10. § 210.15 is revised to read as follows:

**§ 210.15 Review of operating balances.**

State agencies shall reduce or deny reimbursement to School Food Authorities which have, in the judgment of the State agency, operating balances which exceed their operating needs.

11. § 210.15a is amended by deleting the term "(13) (ii) (b), (13) (iii) and (13) (iv)" in paragraph (b); by deleting the phrase "in paragraphs (c), and (d) of this section" in paragraph (c-1) and inserting in lieu thereof the phrase "in paragraph (c) of this section"; by deleting paragraph (d); and revising paragraph (c) to read as follows:

**§ 210.15a Commodity only schools.**

(c) Each School Food Authority of a commodity only school shall report monthly to the State agency, or FNSRO where applicable, the following items: (i) the total number of lunches served meeting the lunch type requirements of this section; (ii) the total number of free lunches served to children meeting the school's approved eligibility criteria for such lunches; and (iii) the total number of reduced price lunches served to children meeting the school's approved eligibility criteria for such lunches. The reports for the months of October and March of each fiscal year shall be accompanied by an estimate of the number of children in each school that are eligible for free or reduced price lunches under the school's approved eligibility criteria for such lunches.

12. § 210.16 is amended by deleting and reserving paragraph (b) and revising paragraphs (a) and (d) to read as follows:

**§ 210.16 Claims against School Food Authorities.**

(a) State agencies shall disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

(b) [Reserved]

(d) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of three years after the date of the submission of a final Financial Status Report, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required

for the resolution of the issues raised by the audit.

13. § 210.17 is revised to read as follows:

**§ 210.17 Management evaluations and audits.**

(a) In accordance with the plan submitted under § 210.4a(b)(6), the State agency shall provide for audits of the funds and operations of the Program covered by this part, at the State and School Food Authority levels to be made with reasonable frequency but, beginning in fiscal year 1978, not less frequently than once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations and with the administrative requirements set forth in Appendix G of 34 CFR Part 256. Audits may be made by State agency internal auditors, by State Auditors General, by State Controllers, or by other comparable State audit groups; or by Certified Public Accountants or State licensed public accountants.

(b) While OA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) make audits on a state-wide basis, (2) perform on-site test audits, and (3) review audit report and related working papers of audits performed by or for State agencies.

(c) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(d) Each State agency shall provide FNS with full opportunity to conduct management evaluations (including visits to schools) of all operations of the State agency under the Program and shall provide OA with full opportunity to conduct audits (including visits to schools) of all operations of the State agency under the Program. Each State agency shall make available its records, including records of the receipt and expenditure of funds under such programs, upon a reasonable request by FNS or OA. OA shall also have the right to make audits of the records and operations of any school.

(e) In making management evaluations or audits for any fiscal year, FNS or OA, may disregard any overpayment which does not exceed \$35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations, or procedure as a minimum amount for which claim will be made for State losses generally. However, no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is substantial evidence of violation of criminal law or civil fraud statutes.

**§ 210.19 [Amended]**

14. § 210.19 is amended by inserting the following sentence before the last sentence of paragraph (a): "FNS shall promptly notify the State agency or School Food Authority in writing of any determination made under this paragraph and explain the reasons for the determination."

15. A new § 210.19a is added to read as follows:

**§ 210.19a Procurement standards.**

(a) *General purpose and scope.* This section provides standards for use by State agencies in establishing procedures for the procurement of supplies, equipment, and other services with Federal grant funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders. State agencies may use their own procurement regulations which reflect applicable State and local law, rules, and regulations, provided that procurements made with Federal grant funds adhere to the standards set forth in this section.

(b) The standards contained in this section do not relieve the State agency of the responsibilities arising under its contracts. The State agency is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of a grant. This includes, but is not limited to: disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the State or Federal authority that has proper jurisdiction.

(c) The State agency shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. The State agency's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State law, rules, or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the State agency's officers, employees, or agents, or by contractors or their agents.

(d) All procurement transactions of the State agency, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The State agency should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) The State agency shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the State agency to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(h) Positive efforts shall be made by the State agency to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed with Federal grant funds.

(i) The type of procuring instruments used (e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the Federal programs involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to subparagraph 4 of this paragraph is necessary to accomplish sound procurement. However, procurements of \$10,000 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State agency, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State agency.

(3) Any or all bids may be rejected when it is in the State agency's interest to do so, and such rejections are in accordance with applicable State law, rules, and regulations.

(4) Procurements may be negotiated by the State agency if it is not practicable or feasible to use formal advertising. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5,000 shall be referred to the Department for prior approval;

(iii) The aggregate amount involved does not exceed \$10,000;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(v) No acceptable bids have been received after formal advertising;

(vi) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(vii) Negotiation is otherwise authorized by applicable Federal or State law, rules, or regulations.

(k) Contracts shall be made by State agencies only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(l) The procurement records or files of State agencies for negotiated purchases in amounts in excess of \$10,000 shall provide at least the following pertinent information: (i) justification for the use of negotiation in lieu of advertising, (ii) contractor selection, (iii) the basis for the cost or price negotiated.

(m) A system for contract administration shall be maintained by the State agency to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(n) The State agency shall include provisions to define a sound and complete agreement in all contracts which it awards when the contract costs are to be borne by Federal funds.

(o) In awarding contracts the State agency must comply with the following requirements:

(1) The State agency's contracts shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts awarded by State agencies in excess of \$10,000 shall contain suitable provisions for termination by the State agency, including the man-

ner by which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Where applicable, all contracts awarded by State agencies in excess of \$10,000 which involve the employment of mechanics or laborers shall include a provision for compliance with section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation.

(4) Contracts awarded by State agencies, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Department. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of \$10,000 or less) awarded by State agencies shall include a provision to the effect that the State agency, the Department, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit examination, excerpts, and transcriptions.

(6) Contracts in excess of \$100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857b et seq.). Suspected violations shall be reported by the State agency in writing to the Regional Office of the United States Environmental Protection Agency, with a copy to the Department.

(p) State agencies shall observe their regular requirements and practices with respect to bonding and insurance.

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

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services).

This amendment shall become effective July 24, 1975.

Dated: July 18, 1975.

JOHN DAMGARD,  
Acting Assistant Secretary.

[FR Doc. 75-19149 Filed 7-23-75; 8:45 am]

[Amdt. 23]

#### PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

On January 15, 1975, there was published in the FEDERAL REGISTER (40 FR 2697), a proposed amendment to the regulations governing the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses. The main purpose of the proposed amendment was the implementation of Federal Management Circular 74-7 (FMC 74-7, 34 CFR Part 256, 39 FR 35787) which prescribes uniform administrative requirements for Federal grants-in-aid to State and local governments. On March 13, 1975, a supplemental notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 11729). It notified the public that the proposed property management requirements and procurement standards would apply to supplies, equipment, and other services purchased by State agencies for their own use with State Administrative Expense funds provided by the Federal Government.

The General Services Administration, which has overall responsibility for the implementation of FMC 74-7, has raised the threshold level for applicability of certain provisions of the procurement standards from \$2,500 to \$10,000. This amendment has been modified accordingly.

The proposed amendment stated that the property management requirements and procurement standards would be required only at the State agency level, although it was noted in the preamble in paragraph (9) that they were suitable for application at the School Food Authority level. After publication of the proposed amendment, the Department reassessed its position. It was concluded that it would be more in keeping with the intent of the circular if the property management requirements and procurement standards were made effective at the School Food Authority level as well as the State agency level, as appropriate, to the extent that Nonfood Assistance Program funds are used. This amendment incorporates that determination, but does not make it effective at the School Food Authority level until July 1, 1977. In the meantime, comments, suggestions, or objections relating to this

extension of the applicability of the circular will be considered. Appropriate changes will be made if it is deemed necessary. Comments, suggestions, or objections should be delivered to William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All of the public comments received on the proposed amendment have been carefully considered. The most substantive comments and recommendations, together with the resulting changes in the amendment or reasons for not accepting the suggestions are set forth below.

Several respondents expressed general opposition to the proposed regulations because they feel that the existing child nutrition programs are not grant-type programs. In this regard, it should be noted that the proposed regulations do not alter the basic concepts of the child nutrition programs, nor do they change the basis on which they are funded or conducted.

A number of respondents expressed the view that the proposed effective date of July 1, 1975, is not practical since most States have already established their budgets for fiscal year 1976, and the cost of compliance with the new audit requirement would impose a financial burden on State agencies. The provision requiring that State agencies and School Food Authorities be audited at least once every two years has been modified. State agencies will now have two years in which to develop a system for performing these audits. This system must be implemented by fiscal year 1978.

The substitution of the terms "payment" and "voucher" for "reimbursement" and "claim" was opposed by some respondents because of the impact on some States' financial procedures. In some cases, this would mean large scale reprinting of forms. This change was proposed to more accurately reflect the advance funding authority provided by current legislation. No alteration of existing management and funding systems was intended. To avoid inconveniencing State agencies, the substitution of the terms "payment" and "voucher" for "reimbursement" and "claim" will not be made. However, since advance funds as well as reimbursement are made available to School Food Authorities, the term "reimbursement" as used in this part is being redefined to include advance payments.

Some respondents interpreted the proposed changes to § 220.4 and § 220.9 as eliminating the additional funds which States receive for breakfasts served to needy children in especially needy schools. This was never intended. The additional funding for especially needy schools is covered in § 220.4(d) and § 220.9(c).

One respondent objected to the State agency holding title to equipment purchased by the State agency with Nonfood Assistance funds. The authorizing legislation provides that funds are to be used to enable schools to acquire food service equipment. Thus, when the State

agency acts in the capacity of a School Food Authority, it is reasonable that the State agency hold title to the equipment.

Five respondents opposed the elimination of the quantitative administrative review requirements. Since one reason for implementing FMC 74-7 was to provide State agencies with more flexibility in program administration, the quantitative administrative review requirement will not be retained. State agencies are still responsible for monitoring program performance and ensuring compliance with program regulations. States may continue to use the administrative review format. If they wish, or, they can develop their own procedures tailored to their specific needs.

Several nonsubstantive changes have been made for the purposes of clarification and consistent treatment of similar provisions.

In addition to the items already discussed, this amendment will make the following changes in program regulations:

(1) State agencies will be responsible for prescribing the accounting records relating to their use of the Federal grants made to them under this part. These records must meet the general requirements of being accurate and current.

(2) The restrictions on advances of funds to School Food Authorities for April of each year will be dropped. The requirement that the amount of the advance is to be based on the reimbursement needed for 1 month's operations remains in effect.

(3) State agencies will be allowed to specify the data items on the application form and on the claim form used to reimburse School Food Authorities.

(4) The provision dealing with the disqualification of State agencies and School Food Authorities from future participation is clarified by requiring the Food and Nutrition Service to provide written notice and justification when a Federal grant is terminated for cause.

(5) Record retention requirements are modified to permit State agencies to maintain records in their original form or on microfilm.

(6) State agencies will disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

As a result of this amendment, many specific details of program administration will be left to State agency discretion. The Department's role in these areas will be to provide guidance rather than to dictate procedures. In this connection, the requirements now removed from these regulations may be viewed as acceptable practices which State agencies may modify to meet their own needs. The Department will provide appropriate guidance materials to State agencies to aid them in developing their own procedures.

Accordingly, this part is revised as set forth below.

1. The table of sections is amended by deleting the words "Administrative analyses" in § 220.26 and inserting in lieu thereof the words "Management evaluations", adding a new § 220.26a entitled "Procurement standards", and by adding a new § 220.26b entitled "Property management requirements".

§ 220.1 [Amended.]

2. § 220.1 is amended by deleting the phrase "by Public Law 90-302".

3. § 220.2 is amended by revising paragraph (c), redesignating paragraph (o-1) as (o-2), and by adding new paragraphs (b), (c-1), (k-1), (o), (o-1), and (o-3). The added and revised provisions read as follows:

§ 220.2 Definitions.

(b) "Acquisition cost" means the net invoice price of nonexpendable and expendable personal property acquired by purchase. This property may include any attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, protective intramit insurance, freight, or installation may also be included.

(c) "Breakfast" means a meal served to a school child at the beginning of the child's day at school which meets the nutritional requirements set out in this part.

(c-1) "Expendable personal property" means all tangible personal property other than nonexpendable personal property.

(k-1) "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit. The State agency may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined herein.

(o) "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence, such as patents, inventions, and copyrights.

(o-1) "Real property" means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

(o-2) \* \* \*

(o-3) "Reimbursement" means financial assistance paid or payable to participating schools for breakfasts meeting the requirements of § 220.8, served to eligible children at rates assigned by the State agency, or FNSRO where applicable. The term "reimbursement" also includes financial assistance made available through advances to School Food Authorities.

§ 220.4 [Amended]

4. § 220.4(d) is amended by deleting the phrase "paragraph (b-1) of § 220.9

of this part" and inserting in lieu thereof "§ 220.9(c)".

5. § 220.5 is revised to read as follows:

§ 220.5 Method of payment to States.

Funds to be paid to any State for the School Breakfast Program shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (a) Obtain funds needed for reimbursement to School Food Authorities through presentation by designated State officials of a Payment Voucher on Letter of Credit in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (b) draw only such funds as are needed to pay claims certified for payment or to make authorized advances; and (c) use such funds without delay for the purpose for which withdrawn.

6. § 220.6 is revised to read as follows:

§ 220.6 Use of funds.

Federal funds made available under the School Breakfast Program shall be used by State agencies, or FNSROs where applicable, to reimburse or make advance payments to School Food Authorities in connection with breakfasts served in accordance with the provisions of this part. However, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount up to 1 per centum of the funds earned in any fiscal year under the School Breakfast Program. Advance payments to School Food Authorities may be made at such times and in such amounts as are necessary to meet current obligations.

7. § 220.7 is amended by revising paragraph (b), subparagraph (d)(3), the first sentence of paragraph (e), subparagraphs (e)(6), (e)(12), and (e)(13) and by adding new subparagraphs (e)(14) and (e)(15). The added and revised provisions read as follows:

§ 220.7 Requirements for participation.

(b) Applications shall solicit information in sufficient detail to enable the State agency to determine whether the School Food Authority is eligible to participate in the Program and extent of the need for Program payments.

(d) \* \* \*

(3) The books and records of the food service management company pertaining to the School Food Authority's feeding operation shall be available for a period of 3 years from the date of the submission of the final Financial Status Report, for inspection and audit by representatives of the State agency, of the Department, and of the General Accounting Office at any reasonable time and place, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(e) The State agency, or the Department through FNSRO where applicable,

shall enter into a written agreement with each School Food Authority for schools approved for participation in the School Breakfast Program. \* \* \* (6) claim reimbursement only for breakfasts served at the assigned rates in accordance with the agreement; \* \* \* (12) maintain a financial management system as prescribed by the State agency, or FNSRO where applicable; (13) upon request, make all accounts and records pertaining to its breakfast program available to the State agency, to FNS and to OA for audit or review at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit; (14) retain the individual applications for free and reduced price breakfasts submitted by families for a period of three years after the end of the fiscal year to which they pertain; and (15) comply with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15).

8. § 220.8 is amended by deleting the term "(a)(1)" in paragraph (e) and inserting in lieu thereof "(a)", and by revising paragraphs (a)(3) and (b)(1) to read as follows:

§ 220.8 Nutritional requirements for breakfasts.

(a) \* \* \* (3) One slice of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup or one-ounce serving, whichever is less (volume or weight), of whole-grain cereal or enriched or fortified cereal; or an equivalent quantity of any combination of these foods.

(b) (1) To improve the nutrition of the participating children, breakfasts shall also include as often as practicable meat or meat alternates such as a one-ounce serving (edible portion as served) of meat, poultry, or fish; or one ounce of cheese; or one egg; or two tablespoons of peanut butter; or an equivalent quantity of any combination of any of these foods.

9. § 220.9 is revised to read as follows:

§ 220.9 Reimbursement payments.

(a) Reimbursement shall be made only in connection with breakfasts meeting the requirements of § 220.8.

(b) Except as otherwise provided in paragraph (c) of this section, the maximum rates of reimbursement for breakfasts served to eligible children shall be as follows: (1) For paid breakfasts, the applicable national average per breakfast factor for all breakfasts, prescribed semiannually by the Secretary and published in the FEDERAL REGISTER; (2) For reduced price breakfasts, the sum of the applicable national average per breakfast factors for all breakfasts and for

reduced price breakfasts, prescribed semiannually by the Secretary and published in the FEDERAL REGISTER; and (3) For free breakfasts, the sum of the applicable national average per breakfast factors for all breakfasts and for free breakfasts, prescribed semiannually by the Secretary and published in the FEDERAL REGISTER. Within such maximum rates, the total reimbursement for breakfasts served in schools to eligible children during the fiscal year shall not exceed the total cost of such breakfasts served in schools during the fiscal year, minus the sum of the products obtained by multiplying the total number of paid breakfasts served in schools to children during the fiscal year by the full charge to children, and multiplying the total number of reduced price breakfasts served in schools to eligible children during the fiscal year by the highest reduced price charge to children, except that when the highest reduced price charge to children is decreased as a result of changes in per breakfast reimbursement, and such decrease is sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

(c) A school participating in the School Breakfast Program may be considered for rates or reimbursement in excess of the specified maximum rates of reimbursement set forth in paragraph (b) of this section if it is an especially needy school. An especially needy school is one which establishes to the satisfaction of the State agency, or FNSRO where applicable, that it would be financially unable to support the service of free and reduced price breakfasts at such maximum rates because of: (1) the need to serve an especially high percentage of such free and reduced price breakfasts to children meeting the school's eligibility criteria; or (2) unusual costs required to provide a breakfast in the school in spite of the observance of good management practices; or (3) other unusual factors indicative of a special financial need. The State agency, or FNSRO where applicable, shall determine that the impact of such factors on the cost of providing a breakfast in the school is such that the School Food Authority is financially unable to support the service of such free and reduced price breakfasts after taking into consideration the per-breakfast revenues available from School Breakfast Program reimbursement, from State and local revenues, including revenues from the sale of fully paid and reduced price breakfasts, and savings from the effective utilization of commodities available under Part 250 of this chapter. The State agency, or FNSRO where applicable, shall also determine to its satisfaction that revenues available to support the service of breakfasts sold at regular prices in the school are sufficient to cover the cost of such service. Upon such determinations the State agency, or FNSRO where applicable, may assign rates of reimbursement which are in excess of the rates specified in paragraph

(b) of this section and which, together with revenues available from other sources, will finance up to 100 per centum of the cost of operating the school's nonprofit breakfast program. The total reimbursement made for free and reduced price breakfasts served in any school to children eligible for such breakfasts may exceed the cost of providing such breakfasts for any given month. However, the total reimbursement made for free and reduced price breakfasts served in any school to children during the fiscal year may not exceed the lesser of the following amounts: (1) the sum of the products obtained by multiplying the total number of free breakfasts served in such school to eligible children during the fiscal year by 45 cents, and by multiplying the total number of reduced price breakfasts served in such school to eligible children during the fiscal year by 40 cents, or (2) the total cost of providing free and reduced price breakfasts served in such school to eligible children during the fiscal year minus the product obtained by multiplying the total number of reduced price breakfasts served in such school to eligible children during the fiscal year by the highest reduced price charge to children, except that when the highest reduced price charge to children is decreased, and such decrease is sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

10. § 220.11 is amended by deleting and reserving paragraph (d), deleting the last two sentences of paragraph (e), and by revising paragraphs (b) and (c) to read as follows:

#### § 220.11 Reimbursement procedure.

(b) Claims for reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 220.24 (b).

(c) Where a school participates in the Special Milk Program, the National School Lunch Program, or both, as well as the School Breakfast Program, the State agency, or FNSRO where applicable, may authorize the submission of one claim for reimbursement to cover the income and expenditures incident to all programs.

(d) [Reserved]

11. § 220.16 is amended by deleting the phrase, "on a form approved by CND," in paragraph (c), and by revising paragraph (a) and adding a new subparagraph (c) (4) to read as follows:

#### § 220.16 Requirements for participation.

(a) The School Food Authority shall make written application to the State agency, or FNSRO where applicable, for any school which it desires to participate in the Nonfood Assistance Program. Applications shall include information in sufficient detail to ensure that the school

is eligible for assistance under § 220.15 of this part, and to ascertain the amount of financial assistance required.

(c) \* \* \* (4) Effective July 1, 1977, comply with the provisions of § 220.26a and § 220.26b where personal property is acquired with nonfood assistance funds;

12. § 220.18 is revised to read as follows:

#### § 220.18 Reimbursement procedure.

Each State agency, or FNSRO where applicable, shall require School Food Authorities to submit a claim for reimbursement. Such claims for reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information needed for reports and records required under § 220.24.

13. § 220.21 is amended by adding a new paragraph (d) to read as follows:

#### § 220.21 Use of funds by State agencies.

(d) Where State Administrative Expense funds are used to acquire personal property or services the provisions of § 220.26a and § 220.26b must be observed.

14. § 220.24 is amended by deleting "FNS" in paragraph (e) and inserting in lieu thereof the words "the Department", deleting the term "§ 220.7(e)" from paragraph (i) and inserting in lieu thereof the words "this part", deleting and reserving paragraph (a), adding new paragraphs (b-1) and (j), and revising paragraphs (b), (f), and (g) to read as follows:

#### § 220.24 Special responsibilities of State agencies.

(a) [Reserved]

(b) Each State agency shall submit information on program operations on a form provided by FNS, and shall maintain current accounting records of program operations which will adequately identify fund authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of the submission of the final Financial Status Report, subject to the exceptions noted below:

(1) If audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Records for nonexpendable property acquired with Federal grant funds shall be retained for three years after its final disposition.

(b-1) Each State agency shall report information on the use of program funds to FNS on a form provided by FNS. Reports shall continue to be submitted on a regular basis after the end of the fiscal year to which they pertain until all unpaid obligations have been liquidated at which time the next report made should be marked "Final" and submission discontinued for that fiscal year.

(f) Each State agency shall provide program assistance as follows:

(1) Each State agency, or FNSRO where applicable, shall provide consultative, technical, and managerial personnel to administer programs, monitor performance, and measure progress toward achieving program goals, as specified in the State Plan of Child Nutrition Operations provided for under § 210.4a of the regulations governing the National School Lunch Program (7 CFR Part 210).

(2) To meet the minimum criteria for approval, the portion of the State Plan which deals with program assistance must include: (i) objectives, (ii) reasons for the establishment of the objectives, (iii) methods to be used to accomplish the objectives, and (iv) evaluation methods to be used in determining if the objectives are being met.

(3) Such assistance shall include visits to participating schools to ensure compliance with program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI, of the Civil Rights Act of 1964.

(4) Documentation of such assistance shall be maintained on file by the State agency, or FNSRO where applicable.

(g) State agencies shall adequately safeguard all assets and assure that they are used solely for authorized purposes.

(j) State agencies shall require compliance by School Food Authorities with applicable provisions of this part.

15. § 220.25 is amended by deleting and reserving paragraph (b) and revising paragraph (a) to read as follows:

**§ 220.25 Claims against School Food Authorities.**

(a) State agencies shall disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

(b) [Reserved]

16. § 220.26 is revised to read as follows:

**§ 220.26 Management evaluations and audits.**

(a) Each State agency shall provide for audits of the funds and operations of the programs covered by this part at the State and School Food Authority levels, to be made with reasonable frequency, but, beginning in fiscal year 1978, not less frequently than once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations and with the administrative requirements set forth in Appendix G of 34 CFR Part 256. Audits may be made by State agency internal auditors, by State Auditors General, by State Controllers, or by other comparable State audit groups, or by Certified Public Accountants or State licensed public accountants,

(b) Each State agency shall develop a plan for the conduct of audits which shall be incorporated into the State Plan of Child Nutrition Operations provided for under § 210.4a of this chapter. The plan shall: (1) state the frequency of audits of State agency and School Food Authorities and delineate the fiscal action to be taken during fiscal years 1976 and 1977 to achieve audit frequency of not less than once every two years as set forth in § 220.26(a); (2) provide a description of the State agency in adequate detail to demonstrate the independence of the audit organization; and (3) provide a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) While OA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related working papers of audits performed by or for State agencies.

(d) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(e) Each State agency shall provide FNS with full opportunity to conduct management evaluations (including visits to schools) of all operations of the State agency under the programs covered by this part and shall provide OA with full opportunity to conduct audits (including visits to schools) of all operations of the State agency under such programs. Each State agency shall make available its records, including records of the receipt and expenditure of funds under such programs, upon a reasonable request by FNS or OA. OA shall also have the right to make audits of the records and operations of any school.

(f) In making management evaluations or audits for any fiscal year, FNS, or OA, may disregard any overpayment which does not exceed \$35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations, or procedure as a minimum amount for which claim will be made for State losses generally. However, no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is substantial evidence of violation of criminal law or civil fraud statutes.

17. A new § 220.26a is added to read as follows:

**§ 220.26a Procurement standards.**

(a) *General purpose and scope.* This section provides standards for use by State agencies in establishing procedures for the procurement of supplies, equipment, and other services with State Administrative Expenses or Nonfood Assistance Program funds. These standards will be applicable at the School Food Authority level in the use of Nonfood Assistance Program funds effective

July 1, 1977. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders. State agencies or School Food Authorities may use their own procurement regulations which reflect applicable State and local law, rules, and regulations, provided that procurement adheres to the standards set forth in this section.

(b) The standards contained in this section do not relieve the State agency or School Food Authority of the responsibilities arising under its contracts. The State agency or School Food Authority is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of a grant. This includes, but is not limited to: disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the State or Federal authority that has proper jurisdiction.

(c) The State agency or School Food Authority shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. The State agency's or School Food Authority's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State law, rules, or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the State agency's or School Food Authority's officers, employees, or agents, or by contractors or their agents.

(d) All procurement transactions of the State agency or School Food Authority, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The State agency or School Food Authority should be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) The State agency or School Food Authority shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the State agency or School Food Authority to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements,

contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(h) Positive efforts shall be made by the State agency or School Food Authority to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed with Federal grant funds.

(i) The type of procuring instruments used (e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the Federal programs involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to subparagraph 4 of this paragraph is necessary to accomplish sound procurement. However, procurements of \$10,000 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State agency or School Food Authority, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State agency or School Food Authority.

(3) Any or all bids may be rejected when it is in the State agency's or School Food Authority's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(4) Procurements may be negotiated by the State agency or School Food Authority if it is not practicable or feasible to use formal advertising. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5,000 shall be referred to the Department or State agency as applicable for prior approval;

(iii) The aggregate amount involved does not exceed \$10,000;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(v) No acceptable bids have been received after formal advertising;

(vi) The purchases are for highly perishable materials or medical supplies, for materials or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(vii) Negotiation is otherwise authorized by law, rules, or regulations.

(k) Contracts shall be made by State agencies or School Food Authorities only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(l) The procurement records of files of State agencies or School Food Authorities for negotiated purchases in amounts in excess of \$10,000 shall provide at least the following pertinent information: (1) justification for the use of negotiation in lieu of advertising, (2) contractor selection, (3) the basis for the cost or price negotiated.

(m) A system for contract administration shall be maintained by the State agency or School Food Authority to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(n) The State agency or School Food Authority shall include provisions to define a sound and complete agreement in all contracts which it awards when the contract costs are to be borne by Federal funds.

(o) In awarding contracts the State agency or School Food Authority must comply with the following requirements:

(1) The State agency's or School Food Authority's contracts shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts awarded by State agencies or School Food Authorities in excess of \$10,000 shall contain suitable provisions for termination by the State agency or School Food Authority including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Where applicable, all contracts awarded by State agencies or School Food Authorities in excess of \$10,000 which involve the employment of mechanics or laborers shall include a provision for compliance with section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation.

(4) Contracts awarded by State agencies or School Food Authorities, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Department. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of \$10,000 or less) awarded by State agencies or School Food Authorities shall include a provision to the effect that the State agency or School Food Authority, the Department, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(6) Contracts in excess of \$100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857b et seq.). Suspected violations shall be reported by the State agency or School Food Authority in writing to the Regional Office of the United States Environmental Protection Agency, with a copy to the Department.

(p) State agencies or School Food Authorities shall observe their regular requirements and practices with respect to bonding and insurance.

18. A new § 220.26b is added to read as follows:

§ 220.26b Property management requirements.

(a) *General purpose and scope.* This section prescribes policies and procedures governing title, use, and disposition of personal property obtained by the State agency, whose cost was borne in whole or in part with Nonfood Assistance or State Administrative Expense funds. This section applies whether the State agency is acting in its own capacity or is acting in the capacity of a School Food Authority, and whether the property is obtained for its own use or for use in the food service operation in public schools participating in any program authorized under the National School Lunch Act or Child Nutrition Act. The procedures contained herein also shall be followed by School Food Authorities beginning July 1, 1977. State agencies and School Food Authorities may follow their own property management policies and procedures provided they observe the requirements of this section.

(b) *Nonexpendable personal property.* The following requirements shall be observed in the acquisition, use and disposition of nonexpendable personal property:

(1) *Title.* When nonexpendable personal property is acquired by a State agency or by a School Food Authority, in whole or in part with Federal funds, title shall be vested in the State agency or School Food Authority, as applicable.

(2) *Use.* The State agency or School Food Authority shall retain such property in the program as long as there is a need for such property to accomplish the purpose of the program whether or not the program continues to be supported by Federal funds.

(3) *Disposition.* When there is no longer a need for such property to accomplish the purpose of the Federal program for which it was acquired, the State agency or School Food Authority shall use the property in connection with other Federal programs it administers. Priority shall be given to Federal programs administered by the Department over the programs administered by other Federal agencies. When the State agency or School Food Authority no longer has need for such property in any of its federally assisted programs, the property may be used for the State agency's or School Food Authority's own official activities. In such situations, the State agency or School Food Authority may use the property without reimbursement to the Department, or State agency as applicable, or sell the property and retain the proceeds if the property had an acquisition cost of less than \$500 per unit and has been used 4 years or more. In the case of other property, the State agency or School Food Authority may retain the property for its own use, provided that a fair compensation is made to the Department, or State agency as applicable, for the Federal share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the property to the current fair market value

of the property. If the State agency or School Food Authority has no need for the property, disposition shall be made as follows:

(i) Except for property having an acquisition cost of less than \$500 per unit which has been used for 4 years or more, the State agency or School Food Authority shall sell property having an acquisition cost of \$1,000 or less per unit and reimburse the Department, or State agency as applicable, in accordance with paragraph (a) (3) (ii) of this section.

(ii) If the property had an acquisition cost of over \$1,000 per unit, the State agency or School Food Authority shall request disposition instructions from the Department, or State agency as applicable. If the Department, or State agency as applicable, has no need for the property, the availability of the property shall be reported to the General Services Administration (GSA) by the Department to determine whether a requirement for the property exists in other Federal programs. The Department, or State agency as applicable, will issue instructions to the State agency or School Food Authority within 120 days following the receipt of the request. If the State agency or School Food Authority is instructed to ship the property elsewhere, the State agency or School Food Authority will be reimbursed by the Department or State agency as applicable, with an amount which is computed by applying the percentage of the State agency's or School Food Authority's participation in the cost of the property to the current fair market value of the property plus any shipping or interim storage costs incurred. If the State agency or School Food Authority is instructed to otherwise dispose of the property, the State agency or School Food Authority will be reimbursed by the Department, or State agency as applicable, for the costs incurred in the disposition. If disposition instructions are not issued within 120 days after reporting, the State agency or School Food Authority shall sell the property and reimburse the Department, or State agency as applicable, an amount which is computed by applying the percentage of Federal participation in the cost of the property to the sales proceeds. Further, the State agency or School Food Authority may be permitted to retain \$100 or 10 percent of the proceeds, whichever is greater, for the State agency's or School Food Authority's selling and handling expenses.

(iii) *Special property.* When the Department, or State agency as applicable, determines that nonexpendable personal property with an acquisition cost of \$1,000 or more and financed solely with Federal funds is unique, or difficult or costly to replace, the Department, or State agency as applicable, may reserve the right to require the State agency or School Food Authority to transfer title to the property to the Department, or State agency as applicable, or to a third party subject to the following provisions:

(A) The right to require the transfer of title may be reserved only by means

of an express special condition in the grant or contract, or, if approval for the acquisition of the property is given after the grant is awarded, by means of a written stipulation at the time the approval is given.

(B) The property shall be appropriately identified in the award document or otherwise made known to the State agency or School Food Authority.

(C) The Department, or State agency as applicable, will not exercise this right until the State agency or School Food Authority no longer needs the property in the program for which it was acquired. That need will be deemed to end on the date of completion or termination of the grant or contract unless the State agency or School Food Authority continues to conduct the program after that date and demonstrates to the Department, or State agency as applicable, a continued need for the property in the program.

(D) The Department, or State agency as applicable, will issue disposition instructions within 120 days after the completion of the need for the property under the program for which it was acquired. If instructions are not issued within such 120-day period, the Department's or State agency's right shall lapse, and the State agency or School Food Authority shall apply the applicable standards contained in paragraphs (b) (2) and (b) (3) of this section.

(E) The State agency or School Food Authority shall be entitled to reimbursement for any shipping and interim storage costs it incurs pursuant to the Department's, or State agency's as applicable, disposition instructions.

(4) *Property management standards.* The State agency or School Food Authority property management standards for nonexpendable personal property shall also include the following procedural requirements:

(i) Property records shall be maintained accurately and provided for: (A) a description of the property; (B) manufacturer's serial number or other identification number; (C) acquisition date and cost; (D) source of the property; (E) percentage of Federal funds used in the purchase of the property; (F) location, use, and condition of the property; and (G) ultimate disposition data including sales price or the method used to determine current fair market value if the State agency or School Food Authority reimburses the Department, or State agency as applicable, for its share.

(ii) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property.

(iii) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or the theft of the property. Any loss, damage, or the theft of nonexpendable property shall be investigated and fully documented. The State agency or School Food Authority shall be responsible for replacing or repairing (with funds of such State agency or School Food Authority) property

which is lost, damaged, or destroyed due to the negligence of the State agency or School Food Authority.

(iv) Adequate maintenance procedures, recommended by the manufacturer, shall be implemented to keep the property in good condition.

(v) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(c) *Expendable personal property.* The State agency or School Food Authority may at its option either retain or sell items of expendable personal property when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). Compensation to the Department, or State agency as applicable, is required if the aggregate fair market value of all of those items acquired under the grant or contract exceeds \$500 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original property to the current fair market value of items retained and to the sales proceeds of items sold.

(d) *Intangible personal property.*—(1) *Patents and inventions.* If any program activity produces patents, patent rights, processes or inventions in the course of work aided by the Department, such fact shall be promptly and fully reported to the Department, or State agency as applicable. Unless there is prior agreement between the State agency and the Department on disposition of such items, the Department shall determine whether protection of such invention or discovery will be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be disposed of and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971), and "Statement of Government Patent Policy" (36 FR 16889).

(2) *Copyrights.* When a program activity results in a book or other copyrightable material, the author or State agency or School Food Authority is free to copy-right the work, but the Department reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use the work for government purposes.

(e) *Publications.* Any publication or presentation resulting from or primarily related to Federal financial assistance shall contain the following acknowledgment:

The activity which is the subject of this report was supported in whole or in part by the U.S. Department of Agriculture, Food and Nutrition Service. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Agriculture, and no official endorsement by the U.S. Department of Agriculture should be inferred.

#### § 220.28 [Amended]

19. § 220.28 is amended by inserting the following sentence before the last sentence of paragraph (a): "FNS shall promptly notify the State agency or School Food Authority in writing of any determination made under this paragraph and explain the reasons for the determination." *Note:* The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services.)

Except as provided in § 220.26a, this amendment shall become effective July 24, 1975.

Dated: July 18, 1975.

JOHN DAMGARD,  
Acting Assistant Secretary.

[FR Doc.75-19150 Filed 7-23-75;8:45 am]

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

[Valencia Orange Reg. 508]

#### 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 July 25-31, 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.

#### § 908.808 Valencia Orange Regulation 508.

(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 weaken in response to increasing shipments of deciduous tree fruits and melons. Prices f.o.b. averaged \$3.41 per carton on a reported sales volume of 700,000 cartons last week, compared with an average f.o.b. price of \$3.42 per carton and sales of 559,000 cartons a week earlier. Track and rolling supplies at 345 cars were up 99 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 can-

not be completed on or before the effective date hereof. Such committee meeting was held on July 22, 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 July 25, 1975, through July 31, 1975, are hereby fixed as follows:

- (i) District 1: 192,000 cartons;
  - (ii) District 2: 408,000 cartons;
  - (iii) District 3: Unlimited movement.
- (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:

*Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.*

[FR Doc. 75-19459 Filed 7-23-75; 11:55 am]

[Prune Reg. 13]

#### PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

##### Limitation of Shipments

This regulation requires fresh Washington-Oregon Prunes, during the period August 1, 1975, through August 31, 1976, to grade U.S. No. 1, except for off-color and an additional tolerance for defects, and be at least 1 1/4 inches in diameter.

On June 30, 1975, notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 27485), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 924, as amended, (7 CFR Part 924; 39 FR 33305; 34644) regulating the handling of prunes grown in designated counties in Washington and in Umatilla County, Oregon. This notice allowed interested persons until July 11, 1975, to file written data, views, or arguments pertaining thereto. None were submitted. The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This regulation is based upon an appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon Prunes are expected to start on or about August 1, 1975, and total 19,500 tons, compared with 21,429 tons last season. Hence, ample supplies of fresh prunes meeting the regulation requirements should be available to fill fresh market needs. The regulation is designed to prevent the handling of lower quality and smaller size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of pro-

ducers and consumers, consistent with the objectives of the act.

The provision which excepts the Brooks variety of prunes from the requirements of this regulation recognizes the fact that prunes of this variety are primarily consumed locally, that they do not withstand shipment well, and that the amount of prunes of this variety produce is insignificant compared to the total supply. Individual shipments, not exceeding 500 pounds of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally or are sold for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impracticable to regulate the handling of such shipments due to the nearness of the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (40 FR 27485), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act.

##### § 924.313 Prune Regulation 13.

*Order.* (a) Prune Regulation 12 (39 FR 26138) is hereby terminated on August 1, 1975.

(b) During the period August 1, 1975, through August 31, 1976, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

- (1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the

surface of the prune is required to be purplish color; and such prunes measure not less than 1 1/4 inches in diameter as measured by a rigid ring: *Provided*, That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerance for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade; *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay; or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight of prunes of the Stanley or Merton varieties or 150 pounds net weight of prunes of any variety other than Stanley or Merton which meets each of the following requirements may be handled without regard to the provisions of paragraph (b) of this section and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520-51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: July 18, 1975.

*CHARLES R. BRADER,  
Deputy Director, Fruit and Veget-  
able Division, Agricultural  
Marketing Service.*

[FR Doc. 75-19220 Filed 7-23-75; 8:45 am]

**CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES**

[FmHA Instruction 442.1]

**PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION**

**Subpart A—Community Facility Loans SECURITY**

On page 20284 of the FEDERAL REGISTER of May 9, 1975, there was published notice of a proposed amendment to § 1823.6 of Subpart A of Part 1823. This amendment adds paragraphs (a) (3) and (b) (1) (iii) to § 1823.6 to allow that other than full time residents may be considered in determining security and facility design in certain instances. Former paragraphs (a) (3), (4), (5) and (6) of this section are redesignated as paragraphs (a) (4), (5), (6), and (7) without change except in the redesignated paragraph (7), the cross-reference should read "(a) (5) and (6)"; former paragraph (b) (1) (iii) and (iv) are redesignated as paragraph (b) (1) (iv) and (v) without change. Interested persons were given until June 9, 1975, to submit written comments, suggestions or objections regarding the proposed regulation.

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

**§ 1823.6 Security.**

(a) \* \* \*

(3) In those cases involving water and waste disposal projects where there is a substantial number of other than full time residents and facility costs result in a higher than reasonable rate for such full time residents, the loan will be secured by the assignment or pledge of general obligation bonds, taxes or assessments from public bodies or other organizations having the authority to issue bonds, taxes or assessments.

(b) \* \* \*

(1) \* \* \*

(iii) General obligation bonds, taxes or assessments. In those cases involving water and waste disposal projects where there is a substantial number of other than full time residents and facility costs result in a higher than reasonable rate for such full time residents, the loan will be secured by an assignment or pledge of general obligation bonds, taxes or assessments from public bodies or other organizations having the authority to issue bonds, taxes or assessments.

(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).

*Effective date.* This regulation is effective on July 24, 1975.

Dated: July 11, 1975.

FRANK B. ELLIOTT,  
Administrator,

Farmers Home Administration.

[FR Doc.75-19299 Filed 7-23-75; 8:45 am]

**Title 12—Banks and Banking**

**CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY**

**PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION**

**Revision of List of Forms Currently in Use**

This amendment is issued under authority of the national banking law (12 U.S.C. 1 et seq.) and 5 U.S.C. 552. Since the amendments adds information to the regulation describing office organization, procedures and the availability of public information, notice and public procedure are found to be unnecessary and not in the public interest. Accordingly, the amendment will become effective July 24, 1975.

In 12 CFR 4.13 paragraph (a) is revised to read as follows:

**§ 4.13 Forms and instructions.**

(a) *Numbered Forms.* The following numbered forms of the Comptroller of the Currency are currently in use:

- CC 1400-OX: Officers' Direct and Indirect Indebtedness to Own and/or Other Banks.
- CC 1401-OX: Verifying Balances, Public Officials.
- CC 1402-OX: Verification of Collateral.
- CC 1403-OX: Verification of Series E Bonds.
- CC 1404-OX: Request for Detailed Statement of Account.
- CC 1405-OX: Transmitting Copy of Electronic Data Processing Report of Examination Independent Servicer.
- CC 1406-OX: Transmitting Copy of Electronic Data Processing Report of Examination Servicer-Bank.
- CC 1407-OX: Requesting statement of Account of Correspondent.
- CC 1408-OX: Request for Bank Statement.
- CC 1409-OX: Cash Sheet.
- CC 1410-OX: Due from Bank Reconciliation.
- CC 1411-OX: Transcript of Account.
- CC 1412-OX: Verification Sheet.
- CC 1413-AX: Verification of Loan Participants.
- CC 1413-OX: Verification Notes Forwarded for Collection.
- CC 1422-OX: National Bank Examiner's Seal.
- CC 1423-OX: Transmitting Copy of Report of Examination.
- CC 1424-OX: Assets to be Charged off by National Bank Examiner.
- CC 1425-BX: Report of Examination—Branch.
- CC 1425-CL: Examiner's Checklist for Guidance in Determining Compliance.
- CC 1425-CX: Examination Report (Cover).
- CC 1425-FX: Branch Policies and Practices.
- CC 1425-OX: Report of Examination—Main Office.
- CC 1426-BX: Confidential Information of the Comptroller of the Currency—Branch.
- CC 1426-OX: Confidential Memorandum of the Comptroller of the Currency—Main Office.

- CC 1427-OX: Voluntary charge offs of Installment Loans.
- CC 1431-OX: Examiner to Cashier Enclosing Checks.
- CC 1432-OX: Special Report of Bank Examiner.
- CC 1435-DP: Cashier's Report to Bank Examiner (City Banks).
- CC 1435-OX: Cashier's Report to Bank Examiner (City Banks).
- CC 1436-OX: Report of Status of Examinations.
- CC 1440-OX: Report of the Condition of the Trust Department.
- CC 1450-OX: Electronic Data Processing Examination Report.
- CC 1455-OX: Examination of National Banks Receiving Electronic Data Processing Service.
- CC 1465-OX: Report of Examination Affiliates.
- CC 1485-OX: Investment Sheet (Trust Department).
- CC 1486-OX: Real Estate Mortgage (Trust Department).
- CC 1487-OX: Account Sheet (Individual) (Trust Department).
- CC 1488-OX: Corporate Trust Work Sheet (Trust Department).
- CC 1600-AX: Examiner's Credit Line Sheet.
- CC 1601-OX: Personal, Farm or Ranch Statement.
- CC 1602-AX: Fiscal Interim Statement.
- CC 1603-OX: Financial Statement—Business (Vertical).
- CC 1603-OX: Fiscal Interim.
- CC 1604-OX: Real Estate Mortgage.
- CC 1605-OX: Consumer Finance—Indirect Line.
- CC 1606-OX: Consumer Finance—Past Due Loans.
- CC 1607-OX: File Comments, Trade Checking, Credit Investigations, Average Balances, et cetera.
- CC 1609-OX: Proposed Branch.
- CC 1606-OX: Primary Organization—Investigation Report.
- CC 6046-02: Bond for Lost Receiver's Certificate and in Lieu of Administration.
- CC 6046-03: Affidavit of Loss of Receiver's Certificate.
- CC 6046-04: Bond in Lieu of Administration.
- CC 6046-05: Affidavit Relative to Death of Claimant.
- CC 6046-06: Received from the Comptroller of the Currency (Receipt).
- CC 6046-07: Release.
- CC 6061-07: Transmittal of Analysis Record Change/s Form.
- CC 6061-08: Analysis System ADP Up-Date Processing Transmittal.
- CC 6061-09: Transmittal of Long Range Planning Report Master Record Change/s.
- CC 6061-10: Long Range Planning Regional Data Card.
- CC 6061-11: Vital Records Shipment Log.
- CC 6061-12: Vital Records Identification Label.
- CC 7020-01: Application for Change in Title for Subsidiary Banks of a Registered Bank Holding Company.
- CC 7020-02: Cashier's Certificate on Adoption of Amended Bylaws.
- CC 7021-01: New Bank Cards.
- CC 7021-02: Record of Capital Increases and Decreases (Completed During -----).
- CC 7021-03: Competitive Report.
- CC 7021-04: Financial Report.
- CC 7021-05: Biographical Report.
- CC 7022-06: Official Signatures of Officers.
- CC 7022-07: Certificate of Payment of Capital Stock and Compliance with Legal Requirements.

- CC 7022-08: Joint Oath of Directors.
- CC 7022-09: Oath of Director.
- CC 7022-10: List of Directors.
- CC 7022-11: List of Interim Directors.
- CC 7022-12: Organization Certificate.
- CC 7022-13: Application to Convert a State Bank into a National Banking Association.
- CC 7022-14: Appointment of Agent.
- CC 7022-15: Supplement: Application to Organize a National Bank and Representations of Applicants.
- CC 7022-16: Application to Organize a National Bank and Representations of Applicant.
- CC 7022-17: Articles of Association (Conversion).
- CC 7022-18: Summary of Information to be Submitted to the Regional Administrator within 30 days after the Filing of an Application to Organize a National Bank.
- CC 7022-19: Advice of Commencement of Business by National Bank.
- CC 7022-20: Authority for Conversion of State Bank.
- CC 7022-21: Organization Certificate (Conversion).
- CC 7022-22: Articles of Association.
- CC 7023-03: Certificate of Completed Changes in Outstanding Capital Notes.
- CC 7023-04: Amended Articles of Association.
- CC 7023-05: Application for an Increase in Capital by Sale of Additional Common Stock.
- CC 7023-06: Application for an Increase in Capital by Issuance of a Stock Dividend.
- CC 7023-07: Secretary's Certificate (Sale).
- CC 7023-08: Secretary's Certificate (Sale and Change in Par Value).
- CC 7023-09: Secretary's Certificate (Par Value).
- CC 7023-10: Secretary's Certificate (Authorized but Unissued Stock).
- CC 7023-11: Certificate of Payment for Additional Common Stock.
- CC 7023-12: Certificate of Payment for Additional Common Stock (For Assets).
- CC 7023-13: Certificate of Payment for Capital Debentures.
- CC 7023-14: Certificate of Conversion of Capital Notes.
- CC 7023-15: Issuance of Preferred Stock Certificate of Payment.
- CC 7023-16: Certification of Declaration of Stock Dividend.
- CC 7023-17: Secretary's Certificate.
- CC 7023-18: Secretary's Certificate (Stock Dividend, Sale and Change in Par Value) (Combination).
- CC 7023-19: Secretary's Certificate (Stock Dividend).
- CC 7023-20: Proxy Sheet.
- CC 7023-21: Certificate and Certification.
- CC 7023-22: Application for Authorized but Unissued Stock.
- CC 7023-23: Secretary's Certificate (Stock Dividend and Sale).
- CC 7023-24: Secretary's Certificate (Stock Dividend and Change in Par Value).
- CC 7023-25: Secretary's Certificate (Increase in Capital by way of a Change in Par Value).
- CC 7023-26: Secretary's Certificate (Sale of Authorized but Unissued Stock).
- CC 7023-27: Certificate of Approval (For Increase in Common Stock).
- CC 7023-28: Certification of Increase in Capital by a Change in Par Value.
- CC 7023-29: Certificate of Approval for Increase in Capital Stock.
- CC 7023-30: Ownership Change Card.
- CC 7023-31: Change in Ownership of National Bank.
- CC 7024-01: Application for Permission to Establish a Branch.
- CC 7024-02: Branch Charge-out Card.
- CC 7024-03: Permanent Branch Card.
- CC 7024-04: Proposed Branch Location Map.
- CC 7024-05: Protest Sheet.
- CC 7024-06: Summary of Information to be Submitted to the Regional Administrator of National Banks within 30 days after Filing of an Application to Establish a Branch.
- CC 7024-16: Approval for Change of Address of a Branch.
- CC 7024-18: Approval for Change of Location of a Branch.
- CC 7025-01: Secretary's Certificate (Merger § 1828(c)).
- CC 7025-02: Application for a Change in Location of Head Office or Branch.
- CC 7025-03: Bylaws.
- CC 7025-04: Publication of Notice of Liquidation.
- CC 7025-05: Notice of Proposed Bank Merger, Bank Consolidation, Acquisition of Bank Assets or Assumption of Liabilities.
- CC 7025-06: Notice of Meeting of Shareholders.
- CC 7025-09: Shareholders' Meeting.
- CC 7025-10: Application for Approval to (Merge, Consolidate, Purchase).
- CC 7025-11: General information and Instructions for the Preparation of an Application for Approval to Effect a Consolidation, Merger.
- CC 7025-12: Secretary's Certificate (Ratification).
- CC 7025-13: Agreement of Consolidation.
- CC 7025-14: Application for a Change of Title.
- CC 7025-15: Agreement to Merge.
- CC 7025-16: Report of Progress of Liquidation.
- CC 7025-17: Notice of Meeting of Shareholders (Voluntary Liquidation).
- CC 7025-18: Purchase Agreement.
- CC 7025-21: Affidavit of Publication of Charter.
- CC 7025-22: Resolution for Voluntary Liquidation.
- CC 7025-23: Resolution for Voluntary Liquidation.
- CC 7025-24: Notice of Meeting of Shareholders (Purchase and Sale).
- CC 7025-25: Secretary's Certificate (Article I) (Title change only).
- CC 7025-26: Title Changes and Relocations.
- CC 7025-27: Request for Report on Competitive Factors.
- CC 7025-28: Purchase of Assets and Assumption of Liabilities.
- CC 7025-29: Consolidation or Merger.
- CC 7500-01: Common Trust Fund Survey.
- CC 7510-01: Application of National Banks for Fiduciary Powers.
- CC 7510-02: Application of Converting Bank for Fiduciary Powers.
- CC 7510-03: Trust Department Annual Report.
- CC 7510-04: Quarterly Report.
- CC 7510-05: Annual Report of Equity Securities.
- CC 7610-01: Notice of International Activity.
- CC 7610-02: Report of International Activity.
- CC 7610-03: Correction Transmittal—Call Items.
- CC 7610-04: Transmittal of Foreign Branch Changes.
- CC 7610-05: Abstracting for Foreign Branches.
- CC 8010-01: Subpoena.
- CC 8010-02: Subpoena Duces Tecum.
- CC 8010-03: Violation of Law.
- CC 8010-04: Summary of Bank Shortages Reported to United States Attorney During the Year of 19----
- CC 8010-05: Form F-7, Initial Statement of Beneficial Ownership of Securities.
- CC 8010-06: Form F-8, Statement of Changes in Beneficial Ownership of Securities.
- CC 8013-02: Disclosure Check List (Truth in Lending).
- CC 8013-05: Survey of Personal Property Lease Financing Transactions Beneficial Ownership Reports Log.
- CC 8015-01: Beneficial Ownership Reports Log.
- CC 8015-02: Registration Record.
- CC 8021-01: Correction Transmittal—For Common Trust Fund Survey.
- CC 8021-02: Transmittal of Common Trust Fund Data Base Changes.
- CC 8021-03: Transmittal of Trust Department Annual Changes.
- CC 8022-01: Foreign Branch Report of Condition.
- CC 8022-03: Computation of Weekly Average Reserve to be Carried Two Weeks Hence with Approved Reserve Agencies by Nonmember Banks and Trust Companies in the District of Columbia.
- CC 8022-04: Bank Liquidity Analysis.
- CC 8022-05: Consolidated Report of Condition (White) (Domestic Only).
- CC 8022-06: Consolidated Report of Condition (Green) (Domestic Only).
- CC 8022-07: Past Due Loans.
- CC 8022-08: Form Letter for Reporting Corrections on Bank's Report of Income and Dividends.
- CC 8022-09: Change Notice—Foreign Branch Master File.
- CC 8022-10: Maturity Schedule of Assets and Liabilities (1-75).
- CC 8022-11: Report of Reserve Held.
- CC 8022-12: Schedule K Memorandum Supplement to Domestic Officers Report of Condition.
- CC 8022-13: Request for Public Documents.
- CC 8022-14: Consolidated Report of Income (Including Domestic Subsidiaries).
- CC 8022-18: Consolidated Report of Condition (White) (Including Domestic and Foreign Subsidiaries).
- CC 8022-19: Consolidated Report of Condition (Green) (Including Domestic and Foreign Subsidiaries).
- CC 8022-20: Report of Condition Schedule B Par Value of Securities Issued by the U.S. Treasury and by other U.S. Government Agencies.
- CC 8022-21: Acquisition Guidance Letter Consolidated Report of Income.
- CC 8022-22: Supplemental Information—Report of Condition (Form Letter).
- CC 8022-23: Report of Net Deposits and Reserve Required of Nonmember banks in the District of Columbia.
- CC 8022-24: Corrections to Credit Card Date.
- CC 8022-25: Corrections to Bank Liquidity Analysis Data.
- CC 9000-01: External Crimes Against National and District Banks.
- CC 9000-02: Action Management System.
- CC 9000-03: Action Management System (Sequential File).
- CC 9020-01: Request for FBI Name Check.
- CC 9030-01: Report of Security Devices.
- CC 9030-02: Report of Crime.
- CC 9030-03: Analysis of Earnings and Expenses.
- CC 9030-04: Equal Opportunity Report.
- CC 9030-05: Record of Defalcation.
- CC 9030-06: Report of Pledged National Bank Stock.
- CC 9030-07: Report of Officers' Borrowings at other Banks.
- CC 9030-08: National Bank's Defalcations of \$10,000 or More.
- CC 9030-09: Direct Verification Deposits Negative.
- CC 9030-10: Check Accounts Negative.
- CC 9030-11: Loans Negative.
- CC 9030-12: Closed Accounts Negative.
- CC 9030-13: Deposits Positive.
- CC 9030-14: Check Accounts Positive.
- CC 9030-15: Loans Positive.
- CC 9030-16: Visitation Report.
- CC 9030-17: Examination Report Record.
- CC 9030-20: Comment Sheet.
- CC 9030-21: Analysis Sheet.

- CC 9030-22: Liquidity Analysis Sheet.  
 CC 9030-25: Violation of Law.  
 CC 9030-26: Application for prior Approval to Invest in or Acquire an Operating Subsidiary.  
 CC 9030-27: Small Business Administration Loans.  
 CC 9030-28: Report of Credit and Financial Relationships of Banks and Bank Holding Companies with Real Estate Investment Trusts ("REITs").  
 CC 9030-29: Statement of Interest of Directors and Principal Officers of National Banks.

(12 U.S.C. 1 et seq.; 5 U.S.C. 552)

Dated: July 18, 1975.

JAMES E. SMITH,  
 Comptroller of the Currency.

[FR Doc.75-19259 Filed 7-23-75;8:45 am]

#### Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 11134, Amdt. 39-2275]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### British Aircraft Corporation Model 1-11 200 and 400 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1293 (36 FR 18462), AD 71-20-1, to require repetitive inspection of the secondary flap drive shaft bearing assembly every 750 landings after the initial inspection on British Aircraft Corporation Model 1-11 200 and 400 series airplanes was published in 38 FR 9091.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed revision to Amendment 39-1293, AD 71-20-1, and determined that it should be adopted.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising paragraphs (a), (c), and (d) of Amendment 39-1293 (36 FR 18462), AD 71-20-1, to read as follows:

**BRITISH AIRCRAFT CORPORATION:** Applies to Model BAC 1-11 200 and 400 series airplanes.

(a) For each bearing assembly, within the next 1,000 landings after the effective date of this AD, or before the accumulation of 4,000 landings, whichever occurs later, and thereafter at intervals not to exceed 750 landings from the last inspection, visually inspect the bearing assembly for end float in accordance with British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM 4642, Issue 2, dated July 14, 1972, or an FAA-approved equivalent.

(c) Bend over the four alternate locking tabs of the affected bearing assembly in accordance with paragraph 2.1.3 of British Air-

craft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM 4642, Issue 2, dated July 14, 1972, or an FAA-approved equivalent. Repeat the inspection specified in paragraph (a) on the affected bearing assembly at intervals not to exceed 750 landings from the last inspection.

(d) Overhaul the affected bearing assembly by replacing the fork end, bushings, thrust washers, and retaining ring with serviceable parts of the same part number. Before the accumulation of a total of 4,000 landings on the overhauled bearing assembly and thereafter at intervals not to exceed 750 landings from the last inspection, repeat the inspection specified in paragraph (a).

This amendment becomes effective August 25, 1975.

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

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

[FR Doc.75-19290 Filed 7-23-75;8:45 am]

[Docket No. 75-CE-18-AD, Amdt. 39-2273]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Cessna 180, 182, 185, 188, U206, P206 and 207 Series Airplanes

The manufacturer has determined that due to changes in manufacturing techniques some fuel cells on Cessna 1973 through 1975 production Models 180, 182, 185, 188, U206, P206 and 207 series airplanes have less capacity than stated on the aircraft placards. This discrepancy between actual fuel quantities and fuel quantities stated on the aircraft placards could result in premature fuel exhaustion during flight. Published data could be misleading and since this condition is

likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued applicable to the above series airplanes, requiring the installation of placards which reflect the minimum fuel system capacity to be expected. The aircraft type certificate data sheets will also be revised to reflect this reduced fuel capacity. Since it would not be in the public interest or in the interest of safety to do otherwise, this AD is being made applicable to the entire production serial numbers. The total system capacity can vary from airplane to airplane and be affected by fuel tank replacements, etc. A standardized placard and marking is being required.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

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.

**CESNA.** Applies to all Models 180, 182, 185, A185, U206, TU206, P206, TP206, T207 and 207 series airplanes and Model A188 series airplanes with wing fuel tanks regardless of airworthiness category.

Compliance: Required as indicated, unless already accomplished.

To preclude inadvertent fuel exhaustion due to incorrect fuel placarded capacities, within the next 100 hours' time in service after the effective date of this AD:

(A) Replace the existing fuel system placards with those specified on the following chart:

#### Revised fuel placards

Aircraft model (1973-75)	Fuel configuration	Placard part number		
		Selector valve	Wing filler opening	
180J, S/N 52964 through 52554: Landplane.....	Standard range.....	S1286-6.....	0705023-8.	
	Long range.....	S1286-3.....	0705023-9.	
	Floatplane option.....	Standard range.....	S1286-6.....	0705023-8.
		Long range.....	S1286-3.....	0705023-9. (outboard). 0705023-13 (inboard).
182P, S/N 62251 through 63360.	Standard range.....	0705048-25.	0705023-8.	
	Long range.....	0705048-28.	0705023-9.	
185F, S/N 62363 through 62653: Landplane and AgCarry- all.....	Standard range <sup>1</sup> .....	0705019-7 (fuel valve).....	0705023-10.	
	Standard range.....	0705019-5 (fuel valve).....	0705023-10.	
	Standard range.....	0716113-3.....	0705023-9.	
	Long range.....	0705019-6 (fuel valve).....	0705023-12.	
		0716113-4.....	0705023-10.	
	Floatplane option.....	Standard range.....	0705019-5 (fuel valve).....	0705023-10.
		Standard range.....	0716113-3.....	0705023-9.
	Long range.....	0705019-6 (fuel valve).....	0705023-11 (inboard).	
		0716113-4.....	0705023-12 (outboard).	
	A188B, U206F and TU206F, S/N 62127 through 62675: Landplane.....	Standard range.....	0705048-21.....	0705023-10.
Long range.....		0705048-22.....	0705023-12.	
Floatplane option.....	Standard range.....	0705048-21.....	0705023-10.	
	Long range.....	0705048-22.....	0705023-11 (inboard). 0705023-12 (outboard).	
207 and T207, S/N 60226 through 60283.	Standard range.....	0705048-23.....	0705023-10.	
	Long range.....	0705048-24.....	0705023-12.	

<sup>1</sup> With ON-OFF fuel valve only.

**NOTE:** Cessna Aircraft Company provides instructions in Service Letter SE75-7 for revision of the pages of the owner's manuals affected by the reduced fuel system capacity. To avoid discrepancies between these manuals and the aircraft placards, the manuals should be revised in accordance with Cessna's instructions.

(B) On all models of aircraft manufactured in and prior to 1973 review the aircraft records to determine if new fuel bladder(s) have been installed since June 1, 1973, and if so, comply with Paragraph A of this AD unless it is established that the fuel cells installed were manufactured prior to June 1, 1973,

and this fact is entered in the permanent aircraft records.

**NOTE:** The owner may review the aircraft records and if he determines that new fuel bladder(s) have not been installed since June 1, 1973, may enter such information in the aircraft records.

(C) Alternate methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective July 30, 1975.

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

Issued in Kansas City, Mo., on July 16, 1975.

GEORGE R. LACAILLE,  
Acting Director, Central Region.

[FR Doc.75-19297 Filed 7-23-75;8:45 am]

[Airworthiness Docket No. 73-WE-7-AD, Amdt. 39-2271]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Rockwell International NA-265 Series Airplanes**

Amendment 39-1664 (38 FR 15500), AD 73-12-9, requires: (a) Stowing the thrust reverser in the forward thrust position and installation of a placard; or (b) incorporation of a specific Airplane Flight Manual revision, performance of periodic inspections and maintenance procedures in accordance with Sabreliner Division Service Bulletin 73-10, and installation of a placard to perform a pre-flight operational and thrust reverser system check; or (c) performance of equivalent inspections and maintenance procedures approved by FAA Western Region. The AD applies to the engine thrust reversers installed on certain Rockwell International NA-265 series airplanes. After issuing Amendment 39-1664, the agency has determined that an approved type design change, when incorporated on airplanes already in service, makes the requirements of AD 73-12-9 unnecessary.

Therefore, the AD is being amended to limit its applicability to certain serial numbered airplanes which are not modified in accordance with FAA Approved Sabreliner Division Service Bulletins 74-8 and 74-11, or later FAA-approved revisions. The AD, as amended, also provides for accomplishment of the Service Bulletins as terminating action.

Since this amendment provides an alternate means of compliance, or as to certain airplanes is relieving, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made 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), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1664 (38 FR 15500), AD 73-12-9, is amended as follows:

1. Amend the applicability statement to read:

ROCKWELL INTERNATIONAL. Applies to Model NA-265-40 airplanes Serial Numbers prior to 282-138 and equipped with thrust reversers; all Model NA-265-60 airplanes, Serial Numbers prior to 306-81; all Model NA-265-70 airplanes, Serial Number 370-2 through 370-6, and 370-8 and 370-9.

2. Add "or (d)", to the alphabetical numeration of alternatives for AD compliance in the AD statement of purpose.

3. Add a new paragraph (c) to read:

(c) (1) Install a strengthened stang bracket in accordance with FAA Approved Sabreliner Division Service Bulletin 74-11, dated June 20, 1975, or later FAA-approved revisions; and

(2) Install an automatic Stow System in accordance with Sabreliner Division FAA Approved Service Bulletin 74-8 dated July 14, 1975, or later FAA-approved revisions; and

(3) Incorporate in the Airplane Flight Manual the appropriate revisions shown in Sabreliner Division Service Bulletin (2), above.

4. Add after paragraph (c) the following:

**NOTE:** For the purpose of compliance with (c), above, the automatic stow system must be operational.

5. Re-identify existing paragraph (c) as paragraph (d).

6. Delete the existing paragraph (d).

This amendment becomes effective July 29, 1975.

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

Issued in Los Angeles, Calif. on July 15, 1975.

ROBERT H. STANTON,  
Director, FAA Western Region.

[FR Doc.75-19291 Filed 7-23-75;8:45 am]

[Airspace Docket No. 75-SO-55]

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

**Alteration of Transition Area**

On June 6, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 24365), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Brunswick, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Brunswick, Ga., transition area is amended as follows: " \* \* \* south of the VOR; \* \* \* " is deleted and " \* \* \* south of the VOR;

within an 8.5-mile radius of Brunswick-Golden Isles Municipal Airport (lat. 31°15'32" N., long. 81°27'59" W.); \* \* \* " is substituted therefor.

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

Issued in East Point, Ga., on July 15, 1975.

LONNIE D. PARRISH,  
Acting Director, Southern Region.

[FR Doc.75-19292 Filed 7-23-75;8:45 am]

[Airspace Docket No. 75-NW-12]

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

**Alteration of Transition Area**

On May 28, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 23084) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho Transition Area.

Interested persons were given 30 days in which to submit written data, views or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without change.

**Effective date.** This amendment shall be effective 0901 S.m.t. on October 9, 1975.

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

Issued in Seattle, Wash., on July 14, 1975.

C. B. WALK,  
Director, Northwest Region.

In § 71.181 (40 FR. 441) the description of the Burley, Idaho, transition area is amended to read as follows:

All after that portion of the description beginning " \* \* \* and that airspace extending upward from 1200 feet above the surface \* \* \* " is deleted and the following is substituted, therefor,

\* \* \* that airspace extending upward from 1200 feet above the surface north of Burley bounded by a line 8 miles northwest of, and parallel to, V-365 extending from the Burley VORTAC to the south edge of V-500; that airspace northeast of Burley bounded on the northeast by V-500, on the southeast by V-269, on the northwest by V-365; that airspace east of Burley bounded on the north by V-269 on the east by an arc of a 28-mile radius circle, centered on the Burley VORTAC, on the southwest by V-4; that airspace southeast of Burley bounded on the north by V-4, on the southeast by arc of a 33.5 mile circle centered on the Burley Municipal Airport (Latitude 42°32'29" N; Longitude 113°46'27" W) on the southwest by the northeast edge of V-101; that airspace southwest of Burley bounded by a line 10 miles southeast of, and parallel to, the Burley VORTAC 223° radial extending from the VORTAC 19 miles southwest.

[FR Doc.75-19293 Filed 7-23-75;8:45 am]

[Docket No. 14793, Amdt. 978]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES****Miscellaneous Amendments**

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 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 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

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

1. Section 97.23 is amended by originating, amending or canceling the following VOR-VOR/DME SIAPs, effective September 4, 1975:

Augusta, GA—Bush Field, VOR-A, Amdt. 17.  
August, GA—Daniel Field, VOR-B, Amdt. 11.  
Eveleth, MN—Eveleth-Virginia Municipal Arpt., VOR Rwy 27, Amdt. 6.  
Lawrenceville, GA—Gwinnett Co. Arpt., VOR Rwy 7, Amdt. 4.  
Myrtle Beach, SC—Myrtle Beach AFB/Civil Jet Port, VOR/DME-A, Orig.  
Orange, MA—Orange Municipal Arpt., VOR-A, Amdt. 4.  
Pine Mountain, GA—Callaway Gardens-Harris County Arpt., VOR-A, Amdt. 2.

\* \* \* effective July 14, 1975:

Beckley, WV—Raleigh County Memorial Arpt., VOR Rwy 10, Amdt. 8.

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, effective August 7, 1975:

Whitefield, NH—Whitefield Regional Arpt., LOC Rwy 10, Orig.

\* \* \* effective July 14, 1975:

Elkins, WV—Elkins-Randolph County-Jennings Randolph Field, LDA-O, Amdt. 1.

3. Section 97.27 is amended by originating, amending or canceling the following NDB/ADF SIAPs, effective September 4, 1975:

Louisville, MS—Louisville Winston County Arpt., NDB-A, Amdt. 2, cancelled.

Louisville, MS—Louisville Winston County Arpt., NDB Rwy 17, Orig.

Orange, MA—Orange Municipal Arpt., NDB-B, Amdt. 2.

Pine Mountain, GA—Callaway Gardens-Harris County Arpt., NDB Rwy 9, Amdt. 5.

\* \* \* effective August 7, 1975:

Whitefield, NH—Whitefield Regional Arpt., NDB Rwy 10, Amdt. 3.

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

Myrtle Beach, SC—Myrtle Beach AFB/Civil Jet Port, ILS Rwy 17, Orig.

\* \* \* effective July 31, 1975:

Ft. Myers, FL—Page Field, ILS Rwy 5, Orig.

\* \* \* effective July 14, 1975:

Beckley, WV—Raleigh County Memorial Arpt., ILS Rwy 10, Amdt. 1.

5. Section 97.31 is amended by originating, amending or canceling the following RADAR SIAPs, effective September 4, 1975.

Augusta, GA—Daniel Field, RADAR-1, Amdt. 1.

6. Section 97.33 is amended by originating, amending or canceling the following RNAV SIAPs, effective September 4, 1975.

Augusta, GA—Daniel Field, RNAV Rwy 10, Amdt. 2.

Chapel Hill, NC—Horace Williams Arpt., RNAV Rwy 26, Orig.

Thomasville, GA—Thomasville Municipal Arpt., RNAV Rwy 32, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 17, 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. 75-19294 Filed 7-23-75; 8:45 am]

**Title 15—Commerce and Foreign Trade  
CHAPTER XX—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS****PART 2004—FREEDOM OF INFORMATION POLICIES AND PROCEDURES**

Notice is hereby given that pursuant to the provisions of 5 U.S.C. 552, there is published (as Chapter XX, Part 2004 of Title 15 Code of Federal Regulations) the following regulations effective July 24, 1975. These regulations apply solely to the Office of the Special Representative for Trade Negotiations (hereinafter referred to as "STR") and therefore supersedes those regulations published by the OMB (Chapter III, Part 1303 of Title 5, CFR and Chapter V of Title 3, CFR) insofar as they apply to STR.

Sec.	General.
2004.1	General.
2004.2	Availability of records.
2004.3	Executive Order 11652.
2004.4	Records which may be exempt from disclosure.
2004.5	Classified records and information from other agencies.
2004.6	Release or denial of request for records.
2004.7	Appeals.
2004.8	Time limits.
2004.9	Fees schedule.
2004.10	Fee payments.
2004.11	Current index.
2004.12	Annual report to Congress.

Authority: Pub. L. 93-618, 88 Stat. 1978, (5 U.S.C. 552), as amended by Pub. L. 93-502; (19 U.S.C. 2171).

**§ 2004.1 General.**

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of Title 5, U.S.C. as amended.

**§ 2004.2 Availability of records.**

(a) All identifiable records of the Office of the Special Representative shall be made available to the public upon compliance with the procedures established in this part, except to the extent that a determination is made to withhold a record subject to exemption under 5 U.S.C. 552(b).

(b) All requests for records must be in writing and shall be addressed to Freedom of Information Officer, Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Washington, D.C. 20506. Requests should reasonably identify the particular record or records sought. Such a description, if possible, should include date, format, subject matter, office originating or receiving the record, and the name of any person to whom the record is known to relate.

**§ 2004.3 Executive Order 11652.**

A request for classification review under Executive Order 11652 (37 FR 5209) which is identified as specifically and exclusively so intended will be processed in accordance with that Order and

the implementing National Security Council Directive (37 FR 10053).

**§ 2004.4 Records which may be exempt from disclosure.**

(a) The following categories of records maintained by the Office of the STR may be exempted from disclosure:

(1) Records specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order.

(2) Records related solely to the internal personnel rules and practices of the agency.

(3) Records specifically exempted from disclosure by statute, including but not limited to information relating to trade negotiations exempted under Pub. L. 93-618, section 135(g)(1) (A) and B and section 135(g)(2).

(4) Records of trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(5) Records which are inter-agency or intra-agency memorandums, letters, telegrams, or airmgrams which would not be available by law to a party other than an agency in litigation with the agency.

(6) Records such as personnel and medical files and similar files the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Such other records that fall within exceptions noted in 5 U.S.C. 552(b)(7), (8) and (9).

(b) Any reasonably segregable nonexempt portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under paragraph (a) of this section. Normally a portion of a record shall be considered reasonably segregable when segregation can produce an intelligible record which is not distorted out of context and does not contradict the record being withheld.

**§ 2004.5 Classified records and information from other agencies.**

(a) A Classification Review Committee is hereby established within STR to make determinations on the applicability of the exemption for classified documents. The Committee will be chaired by a staff official designated by the Special Representative and will consist of the Chairman and 2 STR Officials designated by him who have authority to classify and declassify documents.

(b) The applicability of the exemption for classified information requires a determination that the record in question is specifically authorized under the criteria established by Executive Order 11652 to be kept classified and is in fact properly classified pursuant to that order. This determination shall be made whenever possible before the initial denial under § 2004.4(a)(1). It must in any case be made prior to the decision of an appeal under § 2004.7. No denial should be based solely on the existence of a

classification marking on the record, and there shall be a substantive review of the validity of the classification to the maximum extent feasible within the time limits for a denial under § 2004.4.

(c) When a request for a STR record encompasses classified information originated or received from another department or agency, the request for that information shall be referred to the originator or other source. The person requesting the record will be advised of the date and the addressee of the referral.

(d) The Classification Review Committee will, at the request of another agency, make recommendations on the release of material concerning "national defense or foreign policy" originally classified by another agency but which is of significant subject-matter interest to STR.

**§ 2004.6 Release or denial of request for records.**

Written requests for inspection or copying of records shall be granted or denied only by the Freedom of Information Officer or his designee. Responses to written request shall be in writing, shall specify the reason for any denial therefor, and shall advise the person requesting of the right to appeal any denial to the Freedom of Information Appeals Committee.

**§ 2004.7 Appeals.**

(a) A Freedom of Information Appeals Committee is hereby established, consisting of the Special Representative or his designee as chairman, and 3 STR staff officials designated by the Special Representative, none of whom were members of the Classification Committee which originally made the determination on the requested information.

(b) Review of an initial denial under § 2004.6 may be requested by the person who submitted the original request for a record. The review (hereinafter the appeal) must be requested in writing within 30 days of the date that the person requesting the record is informed either:

(1) That the request is denied completely, or

(2) That all records which are being furnished in response to his request have been released and he has been so informed.

(c) If the appeal is granted, the person making the appeal shall be immediately notified and copies of the releasable documents shall be made available promptly thereafter upon receipt of appropriate fees as set forth in § 2004.9. If the appeal is denied in whole or part, the person making the request shall be immediately notified of the decision and of the provisions of judicial review of STR's denial of the request.

(d) In the event a determination is not issued within the appropriate time limit and the person making the request chooses to initiate a court action against STR, the determination process shall continue and the Freedom of Information Appeals Committee may review any initial denial of the requested record.

**§ 2004.8 Time limits.**

(a) An initial response under § 2004.6 shall be made within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of a request for a record under this Part by the Freedom of Information Officer or his designee. An appeal under § 2004.7 shall be decided within 20 days (excepting Saturdays, Sundays and legal public holidays) after the receipt of such an appeal by the Appeals Committee.

(b) The time limits for initial decision and for an appeal decision begins on the date the request or appeal is actually received by STR. If requests or appeals not properly marked "Freedom of Information Request" or "Freedom of Information Act Appeal" on the request or appeal are inadvertently delayed in reaching the Freedom of Information Officer or the Appeals Committee they will not be deemed received by STR until actually received by the Freedom of Information Officer or Appeals Committee. In such event, the person making the request or appeal will be furnished a notice of the effective date of receipt.

(c) In unusual circumstances as specified in this paragraph, the Freedom of Information Officer or his designee may extend the time limits in paragraph (a) of this section by written notice to the person requesting a record under this part, which notice shall set forth the reasons for such extension and the date on which a determination or appeal decision is expected to be dispatched. No such notice shall specify a date which would result in an extension of either the initial determination period, or the appeal period, or both, for more than 10 working days. As used in this paragraph "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

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

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

(3) The need for consultations, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the agency having substantial subject matter interest therein.

(d) Where the responsible official believes that further consideration of a request may result in the release of additional records or portions thereof, the expiration of the time period allocated by the Freedom of Information Officer or his designee does not require the termination of that consideration, and it should be continued with a view to maximum disclosure of requested records within a reasonable period of time.

**§ 2004.9 Fees schedule.**

(a) Fees schedule for the search and reproduction of information available

under the Freedom of Information Act (5 U.S.C. 552), as amended:

(1) *Search for records.* Five dollars per hour when the search is conducted by a clerical employee. Eight dollars per hour when the search is conducted by a professional employee. No charge for searches of less than one hour.

(2) *Duplication of records.* Records will be duplicated at a rate of \$.15 per page for all copying of 4 pages or more.

(3) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Freedom of Information Act Officer is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Freedom of Information Officer or his designee or the Freedom of Information Appeals Committee determines that a record which has been requested, but which is exempt from disclosure under the Act, is to be withheld. Processing of a request for records will not be undertaken until the person requesting a record has paid in full for search and duplication charges for any previous document request under the Act.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the person requesting the record has not indicated in advance his willingness to pay fees as high as are anticipated, the person so requesting shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed \$25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the person requesting the record to consult with the Administrative Officer of STR in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the person requesting the record. Dispatch of such a notice or request shall suspend the running of the period for response by the Office of the STR until a reply is received from the person requesting the record.

(d) Fees must be paid in full prior to issuance of requested copies.

#### § 2004.10 Fee payments.

(a) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasurer of the United States and mailed to "the Administrative Officer", STR, 1800 G St., N.W., Washington, D.C. 20506.

(b) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(c) The STR Administrative Officer, may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section which it is deemed to be in either the interest of STR or in the public interest.

#### § 2004.11 Current index.

The Office of the STR maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is retained as a record and is required by § 2004.2 to be made available or published. Publication of an index is deemed both unnecessary and impractical. However, copies of the index are available upon request for a fee of the direct cost of duplication.

#### § 2004.12 Annual report to Congress.

(a) On or before March 1st of each calendar year, a report of STR's activities over the preceding calendar year relating to the Freedom of Information Act will be submitted to the Speaker of the House of Representatives and the President of the Senate.

(b) The above report will include:

(1) The number of determinations made by STR not to comply with requests for records made to it under the Act and the reasons for each such determination;

(2) The number of appeals made by persons under the Act, the results of such appeals, and the reasons for the action by STR upon each appeal that results in a denial of information;

(3) The names and titles or positions of each person responsible for the denial of records requested under the Act, and the number of instances of participation for each;

(4) The results of each (Civil Service Commission) proceeding conducted pursuant to the Act, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) A copy of every rule made by STR regarding the Act;

(6) A copy of the fee schedule and the total amount of fees collected by STR for making records available under the Act; and

(7) Such other information as indicates efforts by STR to administer fully the Act. (This should include, to the extent possible, data on the costs to STR of administering the Act.)

(c) STR, based in part on the information compiled for its annual report to Congress, will provide upon request assistance to the Department of Justice in the preparation of its annual report (also due each March 1st) to Congress concerning judicial cases arising under the provisions of the Act.

FREDERICK B. DENT,  
The Special Representative  
for Trade Negotiations.

[FR Doc. 75-19300 Filed 7-23-75; 8:45 am]

## Title 16—Commercial Practices

### CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

#### SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

### PART 1116—POLICY AND PROCEDURES REGARDING SUBSTANTIAL PRODUCT HAZARDS

On February 19, 1974, the Consumer Product Safety Commission published at 16 C.F.R. 1115 (39 FR 6061) policies and procedures governing section 15 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2064. Since the date of that publication, the Commission has determined the need to develop and publish an additional statement of policy and procedure governing substantial product hazards. This policy does not deal with Commission procedures regarding action under section 12 of CPSA dealing with imminent hazards, or actions under sections 7 or 8 of CPSA. The policy has been developed in recognition of the principle that when the Commission has information that a pattern of substantial product hazards exists for many specific products within a product category, that product category could also be found to present a different risk to the public and that action under sections 7, 8, or 12 of the CPSA may be appropriate. Such action could be appropriate even if the hazard presented was not a substantial product hazard in the individual cases, but was prevalent in the product category.

This statement is being offered for public comment for a period of 60 days. The solicitation of public comment is not required by law and should not be considered as having precedential value. The Commission would appreciate both general comments on the statement as well as specific comments on the following issues:

(1) The criteria for opening a case (§ 1116.4 below);

(2) The criteria for declining to offer a company the opportunity to sign only a non-binding Corrective Action Plan (§ 1116.7, below); and

(3) The scope of public participation in these proceedings (§ 1116.8 below).

Written comments, data, and other information related to this document should be submitted, preferably in 5 copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 by September 22, 1975. Comments received after that date will be considered if practicable. Comments received by the Commission may be viewed during working hours in the Office of the Secretary, Room 1025, 1750 K Street, N.W., Washington, D.C.

This statement of policy and procedures governing substantial product hazards shall become effective August 25, 1975. However, analysis of the public comments received may result in the subsequent promulgation of appropriate amendments.

Therefore, pursuant to section 15 of the Consumer Product Safety Act (86 Stat. 1221 (15 U.S.C. 2064)) the Commission adds to Title 16, Chapter II, Subchapter B a new Part 1116 as follows.

**PART 1116—POLICY AND PROCEDURES REGARDING SUBSTANTIAL PRODUCT HAZARDS**

Sec.	
1116.1	Introduction.
1116.2	Definitions.
1116.3	Notification of risks and hazards.
1116.4	Case openings.
1116.5	Preliminary evaluation of hazards and resultant risk.
1116.6	Investigation of compliance with duty to inform.
1116.7	Procedures.
1116.8	Public participation.
1116.9	Commission decision and follow-up action.
1116.10	Penalties.
1116.11	Case closings.

**AUTHORITY:** Sec. 15, 86 Stat. 1221 (15 U.S.C. 2064).

**§ 1116.1 Introduction.**

(a) This statement covers primarily the policies and procedures governing actions to be taken by the Commission with regard to products that could create a substantial product hazard. Specifically the statement covers opening cases; procedures for initiating non-binding Corrective Action plans; Consent Agreements; and binding Commission Orders, with manufacturers (including importers),<sup>1</sup> retailers, and distributors; and commencing proceedings before this Commission. It also discusses public participation in section 15 proceedings; Commission review of staff proposals; penalties for failure to report under section 15; and closing cases. This policy statement supplements the Commission's regulations concerning substantial product hazards notifications in Part 1115 of this subchapter, and the Commission's Proposed and Interim Rules of Practice for Adjudicatory Proceedings published at 39 FR 26848 (July 23, 1974).

(b) The provisions of this policy shall deal with all consumer products, including imports, within the jurisdiction of the Consumer Product Safety Act (CPSA). In addition, products under the jurisdiction of the transferred Acts may be brought under this policy after an appropriate finding under section 30(d) of the CPSA. This does not mean that in all cases the Commission would make such a finding.<sup>2</sup>

<sup>1</sup>In this document the term "manufacturers" will as in the Consumer Product Safety Act be construed to include importers.

<sup>2</sup>Products under the jurisdiction of the transferred acts may be brought under this policy, "if the Commission determines that the risk of injury associated with such products cannot be reduced or eliminated to a sufficient extent" by action taken under the transferred acts. The Commission has found at 39 FR 6061 (February 19, 1974) that risks to the consuming public from products falling within the transferred acts cannot be eliminated or reduced to a sufficient extent in a timely fashion unless the Commission is notified under Section 15(b) of the Consumer Product Safety Act. Therefore, such portions of this policy that deal with the obligation to report defects that could create substantial product hazards and the penalties for failure to comply with the reporting obligation apply to all products regulated by the Commission including products regulated under the transferred acts.

**§ 1116.2 Definitions.**

(a) The definition of terms set forth in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall apply to the terms as used in this regulation.

(b) The following additional definitions also shall apply:

(1) Under section 15 of the CPSA, "Substantial Product Hazard" means:

(i) A failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or

(ii) A product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public.

(2) A "Corrective Action Plan" is a remedial program prepared by a manufacturer, retailer, or distributor concerning a product which could create a substantial product hazard.

(i) The plan must be signed by that party and a Commission representative. A Corrective Action Plan is voluntary and non-binding. It is envisioned by the Commission as an expeditious means of protecting the public from a substantial product hazard. Voluntary measures are possible only when the proposed respondent and the Commission agree that the plan is adequate. If a Corrective Action Plan is violated, formal proceedings under section 15(f) of the CPSA may be initiated.

(ii) The plan basically outlines the manner in which the defective products shall be corrected. A Corrective Action Plan shall contain, at a minimum, a complete written description of:

(A) The nature of the product hazard, the nature of the defect and the risks and types of injury presented;

(B) The method and the details of the plan to be employed in notifying the public of the product hazard (e.g.; letter, press release, advertising) including an identification of the persons to whom such notice will be given, the content of that notice (which should include product model numbers or other appropriate description of the product), and any necessary instructions regarding safe use or handling of the product pending correction;

(C) The specific cause of the substantial product hazard if known;

(D) The corrective action which will be undertaken to eliminate the cause of the substantial product hazard and the risks and types of injury associated therewith, including drawings, test data, and quality control procedures;

(E) The steps that will be taken to reasonably preclude recurrence of the product defect;

(F) The timetable for corrective action (with specific information about the number of defective items in the distribution chain) and when it is anticipated that they will be corrected;

(G) Additional points of agreement where special circumstances require.

(3) A "Consent Agreement" is a Commission document signed by a Commission representative and by a manufac-

turer, distributor, retailer of a product which the staff believes creates a substantial product hazard and who, in accordance with § 1116.7, will not be offered an opportunity to proceed under a non-binding Corrective Action Plan and who chooses not to exercise his or her right to a hearing under section 15(f) of the CPSA. The Consent Agreement shall be accompanied by a Notice of Enforcement, and an enforceable Commission Order. The Consent Agreement itself shall include:

(i) A document containing the elements of the "Corrective Action Plan" as outlined above in Paragraph (b)(2) of this section;

(ii) A knowing, voluntary and complete waiver of any right to a hearing under section 15(f) of CPSA;

(iii) An acknowledgement that the manufacturer, distributor, or retailer has read and understands the terms of the Proposed Consent Agreement;

(iv) An express waiver of any requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(v) Provisions that the Notice of Enforcement may be used in construing the terms of the Consent Agreement; and that no agreement, understanding, representation, or interpretation not contained in the Consent Agreement may be used to vary or to contradict the terms of the Consent Agreement or Commission Order;

(vi) An admission of all jurisdictional facts;

(vii) A knowing, voluntary and complete waiver of any and all rights to object to or challenge before the Commission or in any judicial proceeding any aspect, provision or requirement of the Consent Agreement or Commission Order;

(viii) A reservation of the right of the Commission to proceed against the company for any associated violation of the company reporting obligation under section 15(b) of the Act;

(ix) Acknowledgement that each provision of the Consent Agreement and Commission Order is separate and that in the event of litigation the issues will be restricted to those raised by interested parties, that the resolution of those issues will affect only the pertinent part of the agreement and order, and that the parties will be obligated by the revised parts of the agreement and order as if the revisions were part of the original agreement and order.

(x) The agreement need not include an admission by the manufacturer, distributor, or retailer that the product constitutes a "substantial product hazard" within the meaning of section 15 of the Act.

(4) A "Commission Order" is an enforceable document issued by the Commission which describes the final disposition of a matter before the Commission. A Commission Order will be issued following formal hearings under section 15(f) of CPSA. A Commission Order may be issued to enforce a Consent Agreement as described in § 1116.2(b)(2) with the

company(ies) waiving all rights to a hearing under section 15(f) of CPSA. In the latter case, when it is made final by the Commission, the Commission Order shall have the same force and effect as any order the Commission could have issued under section 15 of the CPSA has not the provisions of section 15(f) of the Act been waived. That order shall become final and may be altered, modified, or set aside in the same manner and within the same time provided by statute or rule for other Commission Orders.

(5) The "Commission" is the five Commissioners of the Consumer Product Safety Commission acting in an official capacity.

(6) The "staff" is such responsible employees as are designated by the Chairman.

(7) A "Notice of Enforcement" is a notice issued and served in accordance with the Commission's proposed and interim rules of practice for adjudicative proceedings (39 FR 26848, July 23, 1974), and any amendments.

(8) A "Case" is a proceeding, initiated or "opened" under circumstances detailed in § 1116.4, and which is "closed" in accordance with § 1116.11.

#### § 1116.3 Notification of risks and hazards.

(a) Section 15(b) of the CPSA provides:

"Every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product—

(1) Fails to comply with an applicable consumer product safety rule; or

(2) Contains a defect which could create a substantial product hazard described in subsection (a)(2), shall immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

(b) It is Commission policy to enforce vigorously the requirement under section 15(b) of the Act that manufacturers, distributors, and retailers immediately inform the staff when they obtain information which reasonably supports the conclusion that products either fail to comply with an applicable consumer product safety rule or contain a defect which could create a substantial product hazard.

(c) In particular, irrespective of the final determination as to the presence or absence of a substantial product hazard, failure to comply with this requirement under section 15(b) is a violation of section 19(a)(4) and may be subject to civil or criminal sanctions of sections 20 and 21 unless such manufacturer, distributor, or retailer has actual knowledge that the staff has been adequately informed of such substantial product hazard. The staff has not been adequately informed within the meaning of section 15(b) until

it has received all of the information required in part 1115 of this subchapter.

The Commission has interpreted "immediately" to mean within 24 hours after the reporting company has obtained information which reasonably supports the conclusion that the product could create a substantial product hazard.

(d) The Commission may also seek appropriate penalties when, under the authority of sections 15(b), 27(b) and 27(e) of the CPSA, a manufacturer, distributor, or retailer has been required to provide the information specified in Part 1115 of this subchapter and the manufacturer, distributor, or retailer fails or refuses to do so. In the case of a foreign manufacturer, the Commission under the authority of section 17(a)(5), may request the Secretary of the Treasury to refuse admission to any product manufactured by a person who is in violation of section 17(g) for failure to make reports and provide such information as the Commission may reasonably require.

#### § 1116.4 Case openings.

(a) The staff shall open a case:

(1) Upon receipt of notification pursuant to Section 15(b) of the CPSA by a manufacturer, distributor, or retailer that one of his or her products could create a substantial product hazard; or

(2) When it receives information concerning a product defect from sources other than as described in paragraph a(1), and

(i) It makes a tentative evaluation that the product defect could create a substantial product hazard; and

(ii) It sends a notice by certified mail to the last known address of the manufacturer, distributor, or retailer advising him or her of the staff's tentative evaluation.

(b) It shall not be necessary for the manufacturer, distributor, or retailer to receive or respond to this notice before the staff may take any action necessary to reduce the risk of injury to the public. Such action may include but is not limited to, requiring the manufacturer, distributor, or retailer to immediately provide the specific information required by Part 1115 of this subchapter.

(c) Where, pursuant to section 15(b) of CPSA, a retailer has notified the staff of a product which could create a substantial product hazard, the staff shall initiate an investigation to determine whether a case should also be opened under the name of the manufacturer and/or distributor of that product. Further, irrespective of the source of Commission notification of product defects which may require section 15 action, the Commission may find it necessary to initiate cases involving other parties in interest.

#### § 1116.5 Preliminary evaluation of the hazard and resultant risk.

(a) Upon opening a case the staff shall make a preliminary determination as to whether it believes that the product presents a substantial product hazard on the

basis of the information then available to it. This determination can be altered at any time on the basis of new information, including, but not limited to, technical analyses of existing data or reassessment of the nature of the remedies required to protect consumers.

(b) In order to afford the greatest possible protection to the public, the staff shall resolve any reasonable doubts in its tentative evaluation and preliminary determination in favor of a finding that the product could present a substantial product hazard.

#### § 1116.6 Investigation of compliance with the duty to inform.

As soon as practicable after opening a case, the staff shall investigate and determine whether there has been compliance with the duty to immediately inform the Commission, established by section 15(b) of the CPSA and the regulations issued thereunder. No later than 60 calendar days after the case has been opened, the staff shall forward to the Commission its findings and recommendations with respect to possible violations and sanctions provided under section 19(a)(4) and other relevant provisions of the Act.

#### § 1116.7 Procedures.

(a) In the absence of extraordinary circumstances, within 30 calendar days from the day the case was opened, the staff shall forward to the Commission for its review and acceptance either: (1) A proposed non-binding Corrective Action Plan as defined in § 1116.2(a)(2); or (2) a proposed binding Consent Agreement and Commission Order in circumstances described in paragraph (b) of this section or (3) a proposed Notice of Enforcement and recommendation that hearings be commenced pursuant to section 15(f) of the CPSA; or (4) a recommendation that the case be "closed" in accordance with the provisions of § 1116.11. Otherwise, within 30 calendar days the staff shall forward: a complete description of the extraordinary circumstances which precluded satisfactory completion of a Corrective Action Plan or a Consent Agreement (where applicable); a preliminary analysis of the hazard presented; and an estimate of the time required to complete the steps necessary to forward staff recommendations to the Commission.

(b) A non-binding Corrective Action Plan is an available option in every case except, when in the judgement of the staff, there is a lack of full confidence that the company would comply with a non-binding Corrective Action Plan because of the prior experience of the staff with the manufacturer, distributor or retailer, or other valid bases. In such an exceptional case, the staff may recommend and submit for Commission approval a binding, signed Consent Agreement with attendant Commission Order. In so recommending, the staff shall present the Commission with the reason(s) why a non-binding Corrective Action Plan should not be an available option.

(c) Where for any reason the staff can recommend neither a non-binding Corrective Action Plan nor a binding, signed Consent Agreement and Commission Order in a case not eligible for closing, the staff shall prepare a proposed Notice of Enforcement with supporting documentation as outlined in the Commission's Rules of Practice. On the basis of the record thus presented to it, the Commission shall determine whether to approve the issuance by the staff of the Notice of Enforcement, and thus whether to initiate formal hearings before a designated Presiding Officer. Once the Notice of Enforcement has been issued by the Commission, a non-binding Corrective Action Plan shall not be available to dispose of the case. The staff may at any time subsequent to the issuance of the Notice of Enforcement recommend to the Commission a Consent Agreement with a Consent Order.

#### § 1116.8 Public participation.

(a) In order to encourage public participation in section 15 activities and to provide the staff the flexibility it needs to conduct negotiations in an expeditious manner, the Commission adopts the following public participation procedures.

(1) Each week the staff shall list all cases it has opened in the preceding week and further provide a brief description of the products, hazards, and companies involved.

(2) A list of meetings on section 15 matters shall be published in the Commission's weekly Public Calendar along with a statement informing the public of its right to participate in any way. The notice shall contain a cautionary statement that the necessity for expedition may preclude advance Public Calendar notice of meetings and that interested persons should, therefore, check the Commission's Master Calendar for such meetings.

(3) The notice shall also inform the public that summaries of all meetings and telephone conversations are available for inspection in the Office of the Secretary. The staff shall consider the views of any member of the public who participates in any way in connection with an open case.

(b) The Commission recognizes that it is desirable to proceed in an expedited manner with respect to possible substantial product hazard situations. As a practical matter, this would seem to preclude a process of publishing for public comment all Corrective Action Plans and consent agreements, and allowing a meaningful time for written public views prior to the acceptance of such documents by the Commission.

(c) However, all proposed Corrective Action Plans, Consent Agreements and Commission Orders will be available for public inspection in the Office of the Secretary. Comments by the public on those documents will be considered by the Commission. Further, the Commission will publish in the Federal Register along with the approved Corrective Action Plan its resolution of any objection raised by members of the public.

(d) Since the period for evaluation by the Commission is necessarily short, a member of the public may request the staff to notify him or her of the date on which the plan is forwarded to the Commission's Office of the Secretary for distribution to the Commissioners. The staff shall make reasonable efforts to comply with the request. Any person who objects to acceptance by the Commission of a plan may file the objection during the time between which the plan or agreement has been forwarded to the Commission's Office of the Secretary by the staff and before it has been considered by the Commission. The objections shall be in writing and shall identify the portions of the plan or agreement objected to and shall state the grounds for the objections.

(e) The Commission believes that public comment on these documents is desirable even after the Commission has accepted the plan. Public views expressed will provide valuable information as to features which may be incorporated in future plans and agreements, even though as a practical matter the particular plan in question may not be changed as a result of those views.

(f) Upon Commission approval of a Corrective Action Plan or Consent Agreement and Order, the staff shall place on public file in the Office of the Secretary a copy of the proposed Corrective Action Plan or the Consent Agreement and Commission Order together with a brief explanation of its major provisions.

(g) A Public Calendar notice and a press release will be issued containing this brief explanation and informing the public of: (1) The availability of the full text of the Corrective Action Plan or proposed Consent Agreement and Commission Order, (2) the opportunity to submit written comments within 60 calendar days of publication in the Public Calendar which may cover, for example, specific provisions of the Corrective Action Plan or may be directed to the issue of whether a formal hearing rather than a plan or Consent Agreement would have been in the public interest.

#### § 1116.9 Commission decision and follow-up action.

(a) All staff approved Corrective Action Plans and Consent Agreements and Orders shall be forwarded for Commission approval. The Commission, if appropriate, shall either:

(1) Give final approval to the Corrective Action Plan or Consent Agreement and Commission Order.

(i) If the Commission approves the plan, or Consent Agreement and Commission Order, the staff shall forward the approved plan or order to the manufacturers, retailers and distributors concerned and make public the nature of the plan as provided for in § 1116.8. The staff shall monitor the performance of the manufacturers, retailers and distributors concerned to ascertain the extent to which the plan or order is being carried out.

(ii) If the monitoring indicates that the manufacturers, retailers and distributors concerned are not carrying out the plan or order to a sufficient extent, then

the staff will recommend action to the Commission which is appropriate to the circumstances, including the possibility of initiating a section 15(f) hearing, or instituting criminal or civil proceedings where a Commission Order has been approved.

(2) Decline to Give final approval to the Corrective Action Plan or Consent Agreement and Commission Order.

(i) If the Commission decides to initiate a hearing under section 15(f) of the CPSA, it shall proceed in accordance with the Commission's Rules of Practice and issue a Commission Order at the conclusion thereof if warranted. The staff shall monitor the performance required by the Commission Order. Upon a staff determination that there is less than full compliance with the order, the staff shall recommend for Commission decision an action under section 20 or 21 of the CPSA.

(ii) If the Commission decides that there is no need for a Corrective Action Plan or Consent Agreement, the case will be closed in accordance with the provisions of § 1116.11.

(iii) If the Commission decides that the proposed plan is deficient in certain aspects, it may direct the staff to offer the company an opportunity to alter its plan, rather than proceed to formal hearings.

#### § 1116.10 Penalties.

(a) The Commission may seek appropriate penalties under the authority of sections 20 and 21 for violations of provisions of section 15 of the CPSA.

(b) The Commission may also seek appropriate penalties when, under the authority of sections 15(b) and 27(b) and (e) of the CPSA, a manufacturer, distributor, or retailer has been required to provide the information specified in Part 1115 of this subchapter and the manufacturer, distributor, or retailer fails to or refuses to do so.

(c) The staff shall investigate the possibility of any unlawful act committed by a manufacturer, distributor, or retailer that relates to a failure to adequately inform the Commission that a consumer product could create a substantial product hazard. Within sixty (60) calendar days of opening a case, the staff shall forward to the Commission its findings and recommendations with respect to these unlawful acts.

#### § 1116.11 Case closings.

(a) The Commission may decide to "close" a case in any one of the following circumstances:

(1) Where staff analysis leads to the conclusion that the product could not create a substantial product hazard. However, in these cases appropriate referrals to the staff will be made if other action is warranted;

(2) Where staff analysis leads to the conclusion that there is insufficient information to support the belief that the product presents a substantial product hazard;

(3) Where the Commission disagrees with staff analyses and concludes that the case should be closed;

(4) Where the agreed upon voluntary corrective action has been fully completed;

(5) Where there has been full compliance with a Commission Order; or where judicial review of a Commission Order entered after formal hearing is complete and there has been full compliance therewith;

(6) Where the public interest is better served if the case is closed.

(b) A case will not be "closed", however, until a final Commission determination, following staff recommendations, has been made relative to a possible section 15(b) violation. Further, the Commission reserves the right to reopen a case where there was incomplete, incorrect, or inadequate information provided by a manufacturer, retailer, or distributor.

Written comments on this policy should be submitted, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 by September 22, 1975. Comments received after that date will be considered if practicable. Received comments may be viewed during working hours in the Office of the Secretary, Room 1025, 1750 K Street, NW., Washington, D.C.

*Effective date.* The Policy promulgated in this document shall become effective Aug. 25, 1975.

Dated: July 21, 1975.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 75-19227 Filed 7-23-75; 8:45 am]

## Title 21—Food and Drugs

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 51—CANNED VEGETABLES

##### Canned Corn; Confirmation of Effective Date of Orders Amending Standards of Identity, Quality, and Fill of Container

The Commissioner issued two previous regulations (39 FR 5760, Feb. 15, 1974 and 39 FR 34268, Sept. 24, 1974) amending the United States standards for canned sweet corn (21 CFR 51.20, 51.21, and 51.22) to bring them in closer conformity with the "Recommended International Standard for Canned Sweet Corn." The Commissioner confirms June 30, 1975 as the effective date of these regulations; in addition, he is listing food starch-modified as an optional ingredient of cream style corn, and he is deleting the requirement that "in brine" or "liquid pack" be included on the label as a part of the food's name when the product contains more than 20 percent liquid.

The Commissioner issued in the FEDERAL REGISTER of February 15, 1974 (39 FR 5760), a regulation amending the U.S. standards of identity, quality, and fill of container for canned sweet corn. The National Cannery Association

(NCA) filed objections and requested a hearing on the following provisions of this order:

1. The NCA contended that the Food and Drug Administration (FDA) has no factual basis to assert that it will promote honesty and fair dealing in the consumers' interest to require the label declaration "in brine" or "liquid pack" as part of the food's name if the liquid in the container exceeds 20 percent of the net weight. The NCA stated that the standard requires label declaration of "vacuum pack" or "vacuum packed" corn and to require the statement "in brine" or "liquid pack" would confuse consumers by leading them to believe that a new style of canned corn containing an increased amount of liquid had been introduced into the marketplace. The NCA stated that it is prepared to introduce evidence in a hearing that the current labeling is based on a long record of consumer understanding and trade practice and that (with present labeling) consumer complaints of confusing the ordinary liquid or brine pack and vacuum pack corn are virtually nonexistent.

The Commissioner has reconsidered this issue. In view of the long history of the present labeling requirement, which has served to clearly distinguish "vacuum packed" corn from other types of corn packs, and the absence of consumer confusion as noted by NCA, he concludes that to require label declaration of "in brine" or "liquid pack" as part of the food's name is not necessary to promote honesty and fair dealing in the consumers' interest. The identity standard has been changed accordingly.

2. NCA opposed the effective date of the regulation. It stated that it is unreasonable for the FDA to publish on February 15, 1974, a regulation informing the industry that labeling ordered after March 15, 1974 must comply with a requirement that will necessitate a change in most labels for the product.

It should be noted that in the FEDERAL REGISTER of November 14, 1974 (39 FR 40184), the Commissioner extended the effective date of the regulation to June 30, 1975.

3. The Corn Refiners Association (CRA), without objecting to or requesting a hearing on the regulation, recommended that § 51.20(c)(11) (21 CFR 51.20(c)(11)) be changed specifically to state that modified food starch, in addition to the starch already provided for, may be used in cream style corn whenever necessary to insure smoothness. The CRA stated that to so provide would be consistent with the Commissioner's recognition, as set forth in the preamble to the regulation (39 FR 5761, paragraph 6), of modified starches as permitted optional ingredients of cream style corn.

The Commissioner agrees that the intent to provide for food starch-modified, as set forth in the preamble of the regulation, would be better implemented by listing this optional ingredient in the regulation. The regulation has been changed accordingly.

4. In a related regulation, published

in the FEDERAL REGISTER of September 24, 1974 (39 FR 34268), the Commissioner issued additional amendments to the United States standard of identity for canned sweet corn to bring the standard in closer conformity with the "Recommended International Standard for Canned Sweet Corn." He deleted three optional styles: Fritter corn, defined as pieces of the inner portion of the corn kernel substantially free from hull; ground corn, defined as ground kernels from which the hulls have not been separated; and evaporated corn, defined as cut and cooked kernels from which most of the moisture has been evaporated. The Commissioner also concluded that mixtures of white and yellow sweet corn shall be nonstandardized foods. He further concluded that the color type shall be required to be declared as part of the name only when the food consists of white corn. No objections were received to this regulation. Inadvertently, corresponding amendments deleting fritter, ground, and evaporated styles of canned corn were not made in the standard of quality for canned sweet corn in § 51.21, nor in the standard of fill of container for canned field corn in § 51.32. These editorial revisions in the standards are also set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 51 is amended as follows:

1. In § 51.20, paragraphs (c)(11) and (d)(1), (2) and (3) are revised to read as follows:

§ 51.20 Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.

(c)

(11) Starch or food starch-modified in cream style corn when necessary to insure smoothness.

(d)

(1) The optional style of the corn ingredient as specified in paragraph (b) of this section.

(2) The words "vacuum pack" or "vacuum packed" when the corn ingredient is as specified in paragraph (b)(1) of this section and the weight of the liquid in the container, as determined by the method prescribed in § 51.21(b)(1), is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container.

(3) The color type used only when the product consists of white corn.

2. In § 51.21, the introductory text of paragraph (a)(1), paragraph (a)(2), the introductory text of paragraph (b), paragraph (b)(3), the introductory text of paragraph (c), and paragraph (c)(3) are editorially revised to read as follows:

§ 51.21 Canned corn, canned sweet corn, canned sugar corn; quality; label statement of substandard quality.

(1) When tested by the method prescribed in paragraph (b) of this section, canned whole-kernel corn (§ 51.20(b)(1));

(2) When tested by the method prescribed in paragraph (c) of this section, canned cream style corn (§ 51.20(b)(2)):

(i) Contains not more than 10 brown or black discolored kernels or pieces of kernel per 600 g. (21.4 ounces) of net weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob per 600 g. (21.4 ounces) of net weight;

(iii) Contains not more than 7 square centimeters (1.1 square inch) of husk per 600 g. (21.4 ounces) of net weight;

(iv) Contains not more than 150 mm. (6 inches) of silk for each 28 g. (1 ounce) of net weight; and

(v) Has a consistency such that the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 30.5 cm. (12 inches), except that when the washed drained material contains more than 20 percent of alcohol-insoluble solids, the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 25.4 cm. (10 inches).

(b) The method referred to in paragraph (a) of this section for testing whole-kernel corn (§ 51.20(b)(1)) is as follows:

(3) Comminute a representative 100 g. sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i.e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to nearest 0.01 g. a portion of the comminuted material equivalent to approximately 10 g. of the drained corn into a 600 cubic centimeter beaker. Add 300 cubic centimeters of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such sizes that its edges extend 12.7 mm. (one-half inch) or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 g. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at

100° C. Place the cover on the dish, cool it in a desiccator, and promptly weigh to the nearest 0.001 g. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

(c) The method referred to in paragraph (a) of this section for testing cream-style corn (§ 51.20(b)(2)) is as follows:

(3) From the material remaining on the U.S. No. 8 sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 600 g. (21.4 ounces) of net weight. Remove pieces of silk more than 12.7 mm. (one-half inch) long, husk, cob, and other material which is not corn (i.e., peppers). Measure aggregate length of such pieces of silk and calculate the length per 28 g. (ounce) of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 600 g. (21.4 ounces) of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 600 g. (21.4 ounces) of net weight. Take a representative 100 g. sample of the material remaining on the U.S. No. 8 sieve (if such material weighs less than 100 g. take all of it) and determine the alcohol-insoluble solids as prescribed in paragraph (b)(3) of this section for whole kernel corn.

3. By editorially revising § 51.32 to read as follows:

§ 51.32 Canned field corn where the corn ingredient is in the form known as cream-style field corn; fill of container; label statement of substandard fill.

Canned cream-style field corn conforms to the standard of fill of container and label statement of substandard fill prescribed for canned cream-style corn by § 51.22.

*Effective date.* Sections 51.20, 51.21, and 51.22 as amended in the regulations of February 15, 1974 and September 24, 1974 and herein, together with the editorial revisions in §§ 51.21 and 51.32, became effective June 30, 1975.

(Secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 (21 U.S.C. 341, 371(e)).)

Dated: July 18, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 75-19200 Filed 7-23-75; 8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Potassium Hetacillin for Intramammary Infusion

The Commissioner of Food and Drugs is removing pH determination requirements from § 540.829 *Potassium*

*hetacillin for intramammary infusion* (21 CFR 540.829).

The Commissioner has evaluated a supplemental new animal drug application (55-054V) filed by Bristol Laboratories, Division of Bristol-Myers Co., P.O. Box 657, Syracuse, NY 13201, proposing to delete the pH determination for the drug as provided in § 540.829 (formerly § 149c.10 (21 CFR 149c.10) prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)). The Commissioner has concluded that the pH specification need not be included as a part of the certification procedures for assurance that potassium hetacillin for intramammary infusion has the characteristics of identity, strength, quality, and purity as required by section 512(n)(2)(A) of the act. The supplemental application is approved, effective July 24, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 540 is amended.

§ 540.829 [Amended]

In section 540.829 *Potassium hetacillin for intramammary infusion* is amended by deleting from paragraph (a)(1), the next to last sentence, which reads "Its pH is not less than 7.0 and not more than 8.0."; deleting from paragraph (a)(3)(i)(b), the term "pH"; and deleting paragraph (b)(3) and reserving it for future use.

*Effective date.* This order shall be effective on July 24, 1975.

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

Dated: July 18, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 75-19198 Filed 7-23-75; 8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-636]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● *Purpose.* The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form

## RULES AND REGULATIONS

of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restric-

tion exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each

entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

## § 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	De Kalb	Rainsville, city of	July 16, 1975, emergency			
California	Imperial	Westmorland, city of	do	May 21, 1974		
Do	Mendocino	Willits, city of	do	Feb. 8, 1974		
Colorado	Sedgwick	Sedgwick, town of	do			
Do	Summit	Silverthorne, town of	do			
Do	Morgan	Wiggins, city of	do			
Connecticut	New Haven	Middleburg, town of	do	Sept. 6, 1974		
Do	Litchfield	Thomaston, town of	do	May 31, 1974		
Georgia	Washington	Tennille, city of	do			
Do	Dooley	Unadilla, city of	do	June 13, 1974		
Idaho	Cassia	Burley, city of	do	May 24, 1974		
Do	Bannock	Inkom, city of	do	Sept. 13, 1974		
Illinois	St. Clair	St. Libory, village of	do	Sept. 6, 1974		
Do	Knox	Knoxville, city of	do	June 7, 1974		
Indiana	De Kalb	Saint Joe, town of	do	Dec. 7, 1973		
Kansas	Barber	Medicine Lodge, city of	do	July 26, 1974		
Louisiana	St. Tammany	Abita Springs, town of	do	May 17, 1974		
Maine	Franklin	Eustis, town of	do	Dec. 13, 1974		
Do	do	Jay, town of	do	Feb. 21, 1975		
Do	Penobscot	Medway, town of	do	Nov. 1, 1974		
Do	Piscataquis	Milo, town of	do	Jan. 10, 1975		
Do	Waldo	Mordell, town of	do	Feb. 7, 1975		
Do	Franklin	New Vineyard, town of	do	Feb. 21, 1975		
Do	Oxford	Oxford, town of	do			
Do	Washington	Rogue Bluffs, town of	do			
Do	Waldo	Searsmont, town of	do	Feb. 14, 1975		
Do	Piscataquis	Atkinson, town of	do	Feb. 21, 1975		
Minnesota	Hennepin	Spring Park, city of	do	June 7, 1974		
Nebraska	Valley	Ord, city of	do	Apr. 5, 1974		
New Hampshire	Grafton	Groton, town of	do	Nov. 29, 1974		
New Jersey	Bergen	Fairview, borough of	do	Feb. 1, 1974		
Do	Gloucester	Pitman, borough of	do	Mar. 15, 1974		
Do	Sussex	Ogdensburg, borough of	do	May 17, 1974		
Do	Camden	Brookhawn, borough of	do	June 21, 1974		
New York	Montgomery	Amsterdam, town of	do	July 19, 1974		
Do	Chautauque	Bemus Point, village of	do	Aug. 9, 1974		
Do	Broome	Chenango, town of	do	Mar. 8, 1974		
Do	Lewis	Denmark, town of	do	June 28, 1974		
Do	Saratoga	Galway, town of	do	June 14, 1974		
Do	do	Halfmoon, town of	do	June 21, 1974		
Do	Herkimer	Manheim, town of	do	Mar. 8, 1974		
Do	Nassau	Phadome Heights, village of	do			
Do	Madison	Sullivan, town of	do			
North Carolina	Cumberland	Hope Mills, town of	do			
North Dakota	Cavalier	Langdon, city of	do	June 28, 1974		
Ohio	Hancock	Benton Ridge, village of	do	Aug. 9, 1974		
Do	Logan	Degraff, village of	do			
Do	Hocking	Logan, city of	do	May 31, 1975		
Do	Wayne	Smithville, village of	do	Apr. 5, 1974		
Oregon	Coos	Eastside, city of	do	June 28, 1974		
Do	Clatsop	Warrenton, city of	do	June 28, 1975		
Pennsylvania	Allegheny	Findlay, township of	do	Sept. 20, 1974		
South Carolina	Georgetown	Andrews, town of	do	May 6, 1974		
South Dakota	Davison	Mount Vernon, city of	do			
Texas	Dallas	Sunnyvale, town of	do	June 28, 1974		
Utah	Salt Lake	West Jordan, city of	do	July 19, 1974		
Vermont	Chittenden	Jericho, town of	do	June 14, 1974		
West Virginia	McDowell	Answait, town of	do	May 31, 1974		
Do	Brooke	Bethany, town of	do	Feb. 8, 1974		
Do	Kanawha	Belle, town of	do	Mar. 1, 1974		
Do	Putnam	Buffalo, town of	do	April 25, 1975		
Do	Brooke	Pollansbee, city of	do	Feb. 1, 1974		
Do	Mason	Leon, town of	do	Sept. 6, 1974		
Do	Wetzel	Pine Grove, town of	do	May 24, 1974		
Do	Kanawha	Saint Albans, city of	do	Mar. 8, 1974		
Do	Ohio	Triadelphia, town of	do	Feb. 6, 1974		

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

Issued: July 8, 1975.

FRANCIS V. REILLY,  
Acting Federal Insurance Administrator.

[FR Doc. 75-19083 Filed 7-23-75; 8:45 am]

[Docket No: FI-635]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

● **Purpose.** The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition of construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The

Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

**§ 1914.4 List of eligible communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Marengo	Unincorporated areas	July 21, 1975, emergency			
Arkansas	Sevier	Gillham, city of	do	Feb. 21, 1975		
Illinois	Saline	Eldorado, city of	do	Feb. 22, 1974		
Do	Ogle	Byron, city of	do	May 10, 1974		
Do	Cook	Hillside, village of	do	May 3, 1974		
Do	Ogle	Forreston, village of	do	June 7, 1974		
Do	Lake	Round Lake Park, village of	do	Apr. 5, 1974		
Do	Jo Daviess	Hanover, village of	do	do		
Do	Cook	Dixmoor, village of	do	do		
Indiana	Grant	Fairmount, town of	do	May 24, 1974		
Do	do	Gas City, city of	do	July 19, 1974		
Iowa	Butler	Dumont, city of	do	May 24, 1974		
Kansas	Jefferson	McLouth, city of	do	Mar. 22, 1974		
Do	Mitchell	Beloit, city of	do	Dec. 7, 1973		
Do	Ellsworth	Ellsworth, city of	do	Dec. 28, 1973		
Do	Wilson	Predonia, city of	do	Jan. 23, 1974		
Kentucky	Webster	Providence, city of	do	Feb. 1, 1974		
Do	Wolfe	Campton, city of	do	May 17, 1974		
Do	Breathitt	Jackson, city of	do	do		
Do	Boyle	Perryville, city of	do	Aug. 9, 1974		
Do	Nelson	Unincorporated areas	do	Oct. 18, 1974		
Louisiana	Rapids	LeCompte, town of	do	May 17, 1974		
Massachusetts	Barnstable	Brewster, town of	do	Mar. 15, 1974		
Missouri	Jasper	Carthage, city of	do	do		
New Hampshire	Merrimack	Franklin, city of	do	Mar. 8, 1974		
New Jersey	Bergen	Little Ferry, borough of	do	Dec. 28, 1973		
Do	Cumberland	Lawrence, township of	do	Oct. 18, 1974		
New York	Tioga	Candor, village of	do	May 31, 1974		
Do	Ulster	Kingston, town of	do	Oct. 28, 1974		
Do	Cayuga	Niles, town of	do	Aug. 9, 1974		
Do	Orange	Harriman, village of	do	Mar. 8, 1974		
Ohio	Mercer	Rockford, village of	do	Apr. 12, 1974		
Oregon	Douglas	Yoncalla, city of	do	Apr. 5, 1974		
South Carolina	Marion	Nicola, town of	do	June 21, 1974		
Texas	Menard	Menard, city of	do	June 28, 1974		
Do	Brooks	Unincorporated areas	do	do		
Do	Burleson	Somerville, city of	do	May 8, 1974		
Do	Jim Wells	Unincorporated area	do	do		
Do	Collingsworth	Wellington, city of	do	June 21, 1974		
Do	Martin	Stanton, city of	do	Jan. 16, 1974		
Do	Fort Bend	Rosenberg, city of	do	June 28, 1974		
Do	Randall	Lake Tanglewood, village of	do	do		
Do	Culbertson	Van Horn, town of	do	May 10, 1974		
Do	Hamilton	Hamilton, city of	do	do		
Vermont	Caledonia	Groton, town of	do	Aug. 9, 1974		
Do	Essex	Canaan, town of	do	do		
Do	Washington	Waterbury, town of	do	June 28, 1974		
Do	Franklin	Enosburg Falls, village of	do	Apr. 5, 1974		
Virginia	Southampton	Branchville, town of	do	do		
Washington	Klickitat	Bingen, town of	do	June 7, 1974		
Wisconsin	Marquette	Neokoro, village of	do	Aug. 26, 1974		
Do	Marquette	Unincorporated areas	do	do		
Do	Eshawano	Bowler, village of	do	Nov. 30, 1973		
Do	Dunn	Colfax, village of	do	June 28, 1974		
Do	Dodge	Kekoskee, village of	do	Jan. 23, 1974		
Do	Waukesha	Merton, village of	do	Dec. 28, 1973		
Do	Dodge	Mayville, city of	do	Nov. 30, 1973		

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

Issued: July 11, 1975.

FRANCIS V. REILLY,  
Acting Federal Insurance Administrator.

[FR Doc. 75-19084 Filed 7-23-75; 8:45 am]

[Docket No. PI-634]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The

Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Los Angeles	Cerritos, City of	July 15, 1975, emergency	June 28, 1974		
Colorado	Ouray	Unincorporated areas	do	do		
Connecticut	Windham	Putnam, city of	do	Sept. 6, 1974		
Illinois	Richland	Olney, city of	do	Feb. 22, 1974		
Do	Clark	Marshall, city of	do	June 14, 1974		
Do	Macoupin	Stanton, city of	do	May 17, 1974		
Iowa	Shelby	Earling, town of	do	May 3, 1974		
Maine		Land Use Regulation Commission includes	do			
Do	Somerset	T08 R17 WELS, township of	do			
Do	do	T09 R16 WELS, township of	do			
Do	do	T09 R17 WELS, township of	do			
Do	do	T09 R18 WELS, township of	do			
Do	do	T10 R16 WELS, township of	do			
Do	Piscataquis	T10 R12 WELS, township of	do			
Do	Aroostook	T14 R12 WELS, township of	do			
Do	do	T14 R13 WELS, township of	do			
Do	do	T14 R14 WELS, township of	do			
Do	do	T14 R15 WELS, township of	do			
Do	do	T15 R06 WELS, township of	do			
Do	do	T15 R08 WELS, township of	do			
Do	do	of				
Do	do	T15 R09 WELS, township of	do			
Do	do	of				
Do	do	T15 R10 WELS, township of	do			
Do	do	of				
Do	do	T15 R11 WELS, township of	do			
Do	do	of				
Do	do	T15 R12 WELS, township of	do			
Do	do	of				
Do	do	T15 R13 WELS, township of	do			
Do	do	of				
Do	do	T15 R14 WELS, township of	do			
Do	do	of				
Do	do	T15 R15 WELS, township of	do			
Do	do	of				
Do	do	T16 R05 WELS, township of	do			
Do	do	of				
Do	do	T16 R06 WELS, township of	do			
Do	do	of				
Do	do	T16 R08 WELS, township of	do			
Do	do	of				
Do	do	T16 R09 WELS, township of	do			
Do	do	of				
Do	do	T16 R13 WELS, township of	do			
Do	do	of				
Do	do	T16 R14 WELS, township of	do			
Do	do	of				
Do	do	T17 R03 WELS, township of	do			
Do	do	of				
Do	do	T17 R12 WELS, township of	do			
Do	do	of				
Do	do	T17 R13 WELS, township of	do			
Do	do	of				
Do	do	T17 R14 WELS, township of	do			
Do	do	of				
Do	do	T18 R10 WELS, township of	do			
Do	do	T18 R11 WELS, township of	do			
Do	do	T18 R12 WELS, township of	do			
Do	do	T18 R13 WELS, township of	do			
Do	do	T19 R11 WELS, township of	do			
Do	do	T19 R12 WELS, township of	do			
Do	Piscataquis	T10 R13 WELS, township of	do			
Do	do	T10 R14 WELS, township of	do			
Do	do	T10 R15 WELS, township of	do			
Do	Aroostook	T14 R08 WELS, township of	do			
Do	do	T14 R09 WELS, township of	do			
Do	do	T14 R10 WELS, township of	do			
Do	do	T14 R11 WELS, township of	do			

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Massachusetts	Hampden	Holland, town of	do	June 7, 1974		
Do	Middlesex	Lexington, town of	do	June 28, 1974		
Michigan	Eaton	Grand Ledge, city of	do	May 17, 1974		
Do	Alegan	Plainwell, city of	do	do		
Minnesota	Hennepin	Medina, city of	do	June 28, 1974		
Do	Pope	Glenwood, city of	do	Mar. 29, 1974		
Do	Meeker	Litchfield, city of	do	Apr. 12, 1974		
Mississippi	Pike	McComb, city of	do	Apr. 11, 1975		
Missouri	St. Louis	Breckencridge Hills, village of	do			
Do	Iron	Ironton, city of	do	Feb. 14, 1975		
Do	St. Louis	Kinlock, city of	do	Jan. 9, 1974		
Montana	Madison	Twin Bridges, town of	do	Mar. 29, 1974		
Nebraska	Saunders	Yutan, village of	do			
Do	do	Ceresco, village of	do	Nov. 8, 1974		
Do	Hitchcock	Culbertson, village of	do	May 10, 1974		
Nevada	Washoe	Sparks, city of	do	Feb. 8, 1974		
New Hampshire	Grafton	Thornton, town of	do	June 27, 1975		
Do	Cook	Colebrook, town of	do	June 28, 1974		
New York	Erie	Newstead, town of	do	July 26, 1974		
Do	Yates and Ontario	Rushville, village of	do	Apr. 21, 1974		
Do	Delaware	Sidney, village of	do	June 28, 1974		
Do	Erie	Marilla, town of	do	Feb. 8, 1974		
Do	Montgomery	Mohawk, town of	do	May 17, 1974		
Do	Cayuga	Moravia, village of	do	Feb. 15, 1974		
Ohio	Perry	Corning, village of	do	May 3, 1974		
Do	Hamilton	Indian Hill, city of	do	May 10, 1974		
Do	Athens	Glonster, village of	do	June 28, 1974		
Oklahoma	McClain	Newcastle, town of	do	May 17, 1974		
Oregon	Lincoln	Yachats, city of	do	June 7, 1974		
Pennsylvania	Berks	Lower Heidelberg, township of	do	Nov. 1, 1974		
Do	do	Boyerstown, borough of	do	Nov. 8, 1974		
Do	Erie	Girard, borough of	do	Dec. 28, 1973		
South Carolina	Anderson	Williamston, town of	do	Dec. 27, 1974		
Texas	Jim Wells	Fremont, city of	do	May 31, 1974		
Do	do	Orange Grove, city of	do	June 28, 1974		
Utah	Cache	Wellsville, city of	do	May 3, 1974		
Vermont	Lamoille	Wolcott, town of	do	June 21, 1974		
Virginia	Rockingham	Mount Crawford, town of	do	June 28, 1974		
Washington	Grant	Ephrata, city of	do	Aug. 16, 1974		
West Virginia	McDowell	Unincorporated areas	do	May 31, 1974		
Wisconsin	Monroe	Weyville, village of	do	Jan. 10, 1975		
Do	Polk	St. Croix Falls, city of	do	Aug. 23, 1974		
Do	Rusk	Sheldon, village of	do	May 24, 1974		
Do	Waukesha	Lannon, village of	do	Aug. 2, 1974		
Do	Junee	Wauwac, village of	do	Dec. 28, 1973		
Do	do	do	do	Dec. 7, 1973		

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

Issued: July 10, 1975.

FRANCIS V. REILLY,  
Acting Federal Insurance Administrator.

[FR Doc. 75-19085 Filed 7-23-75; 8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
SUBCHAPTER A—INCOME TAX  
[T.D. 7372]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Taxation as Self-Employment Income of Fees Received by Certain Officers of States and Political Subdivisions

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Friday, December 20, 1974 (39 FR 44032), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform such regulations to the provisions of section 122(b) of the Social Security Amendments of 1967 (81 Stat. 843). After consideration of the comments submitted thereon, the proposed amendments to the regulations are adopted by this document as proposed.

Section 122(b) provided that, effective with respect to fees received after 1967, the performance of the functions of a public office of a State or its political subdivision which are compensated solely on a fee basis and which are not covered

by social security under an agreement entered into by the State and the Secretary of Health, Education, and Welfare pursuant to provisions of the Social Security Act are subject to self-employment tax.

A notice of proposed rule making designed to conform the regulations to changes made by section 122(b) was first published in the FEDERAL REGISTER for July 3, 1973 (38 FR 17727). A provision contained in that notice required that fee-basis public officials be "employees" as that term is defined in the Federal Insurance Contributions Act (FICA). That provision was revised in the notice of proposed rule making published on December 20, 1974, in order to reflect congressional intent to cover certain public officers who are employees within the meaning of section 218 of the Social Security Act but are not employees under the FICA definition, such as magistrates and justices of the peace.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On July 3, 1973, a notice of proposed rule making with respect to the Income

Tax Regulations (26 CFR Part 1) under section 1402(c) of the Internal Revenue Code of 1954 to conform such regulations to section 122(b) of the Social Security Amendments of 1967 (81 Stat. 843) was published in the FEDERAL REGISTER (38 FR 17727). On December 20, 1974, a revised notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 44032). After consideration of the comments submitted regarding the revised proposed rule, the amendment of the Income Tax Regulations under section 1402(c) is hereby adopted as proposed by the revised notice.

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

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

Approved: July 17, 1975.

FREDERIC W. HICKMAN,  
Assistant Secretary of  
the Treasury.

§ 1.1402(c)-2 Public office.

(a) In general. \* \* \*

(2) Fee basis public officials—(i) In general. If an individual receives fees after 1967 for the performance of the

functions of a public office of a State or a political subdivision thereof for which he is compensated solely on a fee basis, and if the service performed in such office is eligible for (but is not made the subject of) an agreement between the State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act to extend social security coverage thereto, the service for which such fees are received constitutes a trade or business within the meaning of section 1402(c) and § 1.1402(c)-1. If an individual performs service for a State or a political subdivision thereof in any period in more than one position, each position is treated separately for purposes of the preceding sentence. See also paragraph (f) of § 1.1402(c)-3 relating to the performance of service by an individual as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis.

(ii) *Election with respect to fees received in 1968.* (A) Any individual who in 1968 receives fees for service performed by him with respect to the functions of a public office of a State or a political subdivision thereof in any period in which the functions are performed in a position compensated solely on a fee basis may elect, if the performance of the service for which such fees are received constitutes a trade or business pursuant to the provisions of subdivision (i) of this subparagraph, to have such performance of service treated as excluded from the term "trade or business" for the purpose of the tax on self-employment income, pursuant to the provisions of section 122(c)(2) of the Social Security Amendments of 1967 (as quoted in § 1.1402(c)). Such election shall not be limited to service to which the fees received in 1968 are attributable but must also be applicable to service (if any) in subsequent years which, except for the election, would constitute a trade or business pursuant to the provisions of subdivision (i) of this subparagraph. An election made pursuant to the provisions of this subparagraph is irrevocable.

(B) The election referred to in subdivision (ii)(A) of this subparagraph shall be made by filing a certificate of election of exemption (Form 4415) on or before the due date of the income tax return (see section 6072), including any extension thereof (see section 6081), for the taxable year of the individual making the election which begins in 1968. The certificate of election of exemption shall be filed with an internal revenue office in accordance with the instructions on the certificate.

(b) *Meaning of public office.* The term "public office" includes any elective or appointive office of the United States or any possession thereof, of the District of Columbia, of a State or its political subdivisions, or a wholly-owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county

commissioner, a judge, a justice of the peace, a county or city attorney, a marshal, a sheriff, a constable, a registrar of deeds, or a notary public performs the functions of a public office. (However, the service of a notary public could not be made the subject of a section 218 agreement under the Social Security Act because notaries are not "employees" within the meaning of that section. Accordingly, such service does not constitute a trade or business.)

[FR Doc.75-19206 Filed 7-23-75;8:45 am]

#### SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7374]

### PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

#### SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

### PART 301—PROCEDURE AND ADMINISTRATION

#### Amendment of Employment Tax Regulations and Regulations on Procedure and Administration

By a notice of proposed rule making appearing in the FEDERAL REGISTER for January 21, 1975 (40 FR 3299), amendments to the Employment Tax Regulations (26 CFR Part 31) and the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform such regulations to the provisions of section 123(b), 502(a) and (c), and 504(a) and (b) of the Social Security Amendments of 1967 (81 Stat. 845, 934, 935), sections 203(b) and 204 of the Act of March 17, 1971 (Pub. L. 92-5, 85 Stat. 11), sections 203(b) and 204(a) and (b) of the Act of July 1, 1972 (Pub. L. 92-336, 86 Stat. 419, 421), sections 135(a) and (b), 144(c), and 293 of the Social Security Amendments of 1972 (86 Stat. 1362, 1370, 1459), section 203(b) and (d) of the Act of July 9, 1973 (Pub. L. 93-66, 87 Stat. 153), and sections 5(b), (d), and (f) and 6(a) and (b) of the Act of December 31, 1973 (Pub. L. 93-233, 87 Stat. 954, 955). The amendments do not conform the regulations to the change made by section 502 of the Act of October 16, 1974 (Pub. L. 93-445, 88 Stat. 1359).

After consideration of all such relevant matter as was presented by interested persons, the amendments of the regulations are adopted by this document as proposed, except that proposed paragraphs (f) and (g) of § 31.6051-1 are redesignated as paragraphs (g) and (h) in view of the promulgation of new paragraph (f) by TD 7351 (which appeared in the FEDERAL REGISTER for April 17, 1975 (40 FR 17144)).

Several of the above statutory amendments revised the tax rates under the Federal Insurance Contributions Act, and several of the amendments revised the amount of the earnings base which is subject to the tax. For taxable years beginning after 1974, the taxable earnings base may be increased by the Secretary of the Department of Health, Education, and Welfare (HEW) under section 230 of the Social Security Act if he provides a

cost-of-living increase in benefits under section 215(d) of the Act. By a notice which was published in the FEDERAL REGISTER for October 31, 1974, the Secretary of HEW determined and announced that the earnings base with respect to remuneration paid in taxable years beginning in 1975 shall be \$14,100.

The Social Security Amendments of 1967 added an exclusion from "wages" for purposes of the Federal Insurance Contributions Act and the Federal Unemployment Tax Act for certain deferred compensation payments. This provision provides that the term "wages" does not include any payment or series of payments by an employer to an employee or any of his dependents which is paid (1) upon or after the termination of an employee's employment relationship because of the retirement or death of the employee, and (2) under a plan established by the employer which makes provision for his employees generally or a class or classes of his employees, or for such employees or class or classes of such employees and their dependents. In the case of payments made upon or after termination of employment because of retirement, the exclusion applies only if the retirement is for disability or after attaining an age specified in the plan. Furthermore, payments which would have been paid if the employment relationship had not been so terminated are not excluded.

The 1967 Amendments amended the Internal Revenue Code of 1954 to extend Federal Insurance Contributions Act coverage to domestic employment performed in an employer-employee relationship by a parent for his son or daughter where there is a need for the parent to perform such work. Such employment is covered if the employer has living in his home a son or daughter (including an adopted child or stepchild) who is under age 18 or whose mental or physical condition requires the personal care and supervision of an adult for at least 4 continuous weeks in the quarter, and the employer either is widowed or divorced (and has not remarried) or has a spouse living in the home who, because of a mental or physical condition, is incapable of caring for the child for at least 4 continuous weeks in the quarter.

The 1967 Amendments also provided a credit or refund, under certain circumstances, in respect of the hospital insurance tax in the case of a railroad employee or employee representative subject to tax under the Railroad Retirement Tax Act who has other employment or is self-employed and is therefore also subject to the social security tax. The purpose of this change was to prevent the imposition of a double tax burden on an individual with respect to hospital insurance.

The 1967 Amendments also amended the Internal Revenue Code of 1954 to require railroad employers to furnish employees with statements showing the total amount of compensation on which railroad retirement employee tax was deducted and the amount of tax so de-

ducted. This legislative change was intended to provide employees subject to both railroad retirement and social security taxes with information upon which to base a claim for credit or refund of excess hospital tax.

The Social Security Amendments of 1972 deleted this requirement. Instead, the 1972 Amendments require such employers to notify employees that they may be eligible for a credit or refund of any excess hospital tax. Also, such employers are to provide certain tax information to an employee with dual coverage upon his request.

The regulations provide that the use of railroad employee's wage and tax statements (Form W-2 (RR)) is optional for 1968 and 1969. They require the use of that form for 1970 and 1971 unless the employer has been authorized by the Internal Revenue Service to use Form W-2 in lieu of form W-2 (RR). This relaxation of the statutory rule is made because employers had difficulty including the data required by the 1967 Amendments on timely statements.

**ADOPTION OF AMENDMENTS TO THE REGULATIONS**

On January 21, 1975, a notice of proposed rule making with respect to the Employment Tax Regulations (26 CFR Part 31) under sections 3101, 3111, 3121, 3122, 3125, 3306, 6051, and 6413 of the Internal Revenue Code of 1954, and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6051 and 6413, to conform such regulations to sections 123(b), 502 (a) and (c), and 504 (a) and (b) of the Social Security Amendments of 1967 (81 Stat. 845, 934, 935), sections 203(b) and 204 (a) and (b) of the Act of March 17, 1971 (Pub. L. 92-5, 85 Stat. 11), sections 203(b) and 204 (a) and (b) of the Act of July 1, 1972 (Pub. L. 92-336, 86 Stat. 419, 421), sections 135 (a) and (b), 144(c), and 293 of the Social Security Amendments of 1972 (86 Stat. 1362, 1370, 1459), section 203 (b) and (d) of the Act of July 9, 1973 (Pub. L. 93-66, 87 Stat. 153), and sections 5 (b), (d), and (f) and 6 (a) and (b) of the Act of December 31, 1973 (Pub. L. 93-233, 87 Stat. 954, 955) was published in the FEDERAL REGISTER (40 FR 3299). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendments are hereby adopted as proposed, except that proposed paragraphs (f) and (g) of § 31.6051-1 are redesignated as paragraphs (g) and (h), as follows:

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

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

Approved: July 17, 1975.

FREDERIC W. HICKMAN,  
Assistant Secretary of the  
Treasury.

PARAGRAPH 1. Section 31.3101 is amended to read as follows:

§ 31.3101 Statutory provisions; rate of tax.

Sec. 3101. Rate of tax—(a) Old-age, survivors, and disability insurance. In

addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages received during the calendar year 1968, the rate shall be 3.8 percent;

(2) With respect to wages received during the calendar years 1969 and 1970, the rate shall be 4.2 percent;

(3) With respect to wages received during the calendar years 1971 and 1972, the rate shall be 4.6 percent;

(4) With respect to wages received during the calendar year 1973, the rate shall be 4.85 percent;

(5) With respect to wages received during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

(6) With respect to wages received after December 31, 2010, the rate shall be 5.95 percent.

(b) Hospital insurance. In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages received during the calendar years 1968, 1969, 1970, 1971, and 1972, the rate shall be 0.60 percent;

(2) With respect to wages received during the calendar year 1973, the rate shall be 1.0 percent;

(3) With respect to wages received during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

(4) With respect to wages received during the calendar years 1978 through 1980, the rate shall be 1.10 percent;

(5) With respect to wages received during the calendar years 1981 through 1985, the rate shall be 1.35 percent; and

(6) With respect to wages received after December 31, 1985, the rate shall be 1.50 percent.

[Sec. 3101 as amended by sec. 208(b), Social Security Amendments 1964; sec. 202(b), Social Security Amendments 1966; sec. 401(b), Social Security Amendments 1968; sec. 201 (b), Social Security Amendments 1961; secs. 111(c)(5) and 321(b), Social Security Amendments 1965; sec. 109 (a)(2) and (b)(2), Social Security Amendments 1967; sec. 204(a)(1), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 11); sec. 204 (a)(2) and (b)(2), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 421); sec. 135 (a)(2) and (b)(2), Social Security Amendments 1972; sec. 6 (a)(1) and (b)(2), Act of December 31, 1973 (Pub. Law 93-233, 87 Stat. 954, 955)]

PAR. 2. Section 31.3101-2 is amended to read as follows:

§ 31.3101-2 Rates and computation of employee tax.

(a) Old-age, survivors, and disability insurance. The rates of employee tax for old-age, survivors, and disability insurance with respect to wages received in calendar years after 1954 are as follows:

Calendar years:	Percent
1955 and 1956	2
1957 and 1958	2.25
1959	2.5

Calendar years:	Percent
1960 and 1961	3
1962	3.125
1963 to 1965, both inclusive	3.625
1966	3.85
1967	3.9
1968	3.8
1969 and 1970	4.2
1971 and 1972	4.6
1973	4.85
1974 to 2010, both inclusive	4.95
2011 and subsequent calendar years	5.95

(b) Hospital insurance. The rates of employee tax for hospital insurance with respect to wages received in calendar years after 1965 are as follows:

Calendar years:	Percent
1966	0.35
1967	.50
1968 to 1973, both inclusive	.60
1973	1.0
1974 to 1977, both inclusive	0.90
1978 to 1980, both inclusive	1.10
1981 to 1985, both inclusive	1.35
1986 and subsequent calendar years	1.50

(c) Computation of employee tax. The employee tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example. In 1973, employee A performed for employer X services which constituted employment (see § 31.3121(b)-2). In 1973 A receives from X \$1,000 as remuneration for such services. The tax is payable at the 5.85 percent rate (4.85 percent plus 1.0 percent) in effect for the calendar year 1973 (the year in which the wages are received) and not at the 5.2 percent rate which was in effect for the calendar year 1972 (the year in which the services were performed).

PAR. 3. Section 31.3111 is amended to read as follows:

§ 31.3111 Statutory provisions; rate of tax.

Sec. 3111. Rate of tax—(a) Old-age, survivors, and disability insurance. In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages paid during the calendar year 1968, the rate shall be 3.8 percent;

(2) With respect to wages paid during calendar years 1969 and 1970, the rate shall be 4.2 percent;

(3) With respect to wages paid during the calendar years 1971 and 1972, the rate shall be 4.6 percent;

(4) With respect to wages paid during the calendar year 1973, the rate shall be 4.85 percent;

(5) With respect to wages paid during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

(6) With respect to wages paid after December 31, 2010, the rate shall be 5.95 percent.

(b) Hospital insurance. In addition to the tax imposed by the preceding subsection, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by

him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages paid during the calendar years 1968, 1969, 1970, 1971, and 1972, the rate shall be 0.60 percent;

(2) With respect to wages paid during the calendar year 1973, the rate shall be 1.0 percent;

(3) With respect to wages paid during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

(4) With respect to wages paid during the calendar years 1978 through 1980, the rate shall be 1.10 percent;

(5) With respect to wages paid during the calendar years 1981 through 1985, the rate shall be 1.35 percent; and

(6) With respect to wages paid after December 31, 1985, the rate shall be 1.50 percent.

[Sec. 3111 as amended by sec. 208(c), Social Security Amendments 1954; sec. 202(c), Social Security Amendments 1956; sec. 401(c), Social Security Amendments 1958; sec. 201(c), Social Security Amendments 1961; sec. 111(c)(6) and 321(c), Social Security Amendments 1965; sec. 109(a)(3) and (b)(3), Social Security Amendments 1967; sec. 204(a)(2), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 11); sec. 204(a)(3) and (b)(3), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 421); sec. 135(a)(3) and (b)(3), Social Security Amendments 1973; sec. 6(a)(2) and (b)(3), Act of December 31, 1973 (Pub. Law 93-233, 87 Stat. 954, 955)]

PAR. 4. Paragraphs (a) and (b) of § 31.3111-2 are amended to read as follows:

§ 31.3111-2 Rates and computation of employer tax.

(a) *Old-age, survivors, and disability insurance.* The rates of employer tax for old-age, survivors, and disability insurance with respect to wages paid in calendar years after 1954 are as follows:

Calendar years:	Percent
1955 and 1956	2
1957 and 1958	2.25
1959	2.5
1960 and 1961	3
1962	3.125
1963 to 1965, both inclusive	3.625
1966	3.85
1967	3.9
1968	3.8
1969 and 1970	4.2
1971 and 1972	4.6
1973	4.85
1974 to 2010, both inclusive	4.95
2011 and subsequent calendar years	5.95

(b) *Hospital insurance.* The rates of employer tax for hospital insurance with respect to wages paid in calendar years after 1965 are as follows:

Calendar years:	Percent
1966	0.35
1967	.50
1968 to 1972, both inclusive	.60
1973	1.0
1974 to 1977, both inclusive	0.90
1978 to 1980, both inclusive	1.10
1981 to 1985, both inclusive	1.35
1986 and subsequent calendar years	1.50

PAR. 5. Section 31.3121(a)-1 is amended by revising paragraphs (a), (b), and the portion of paragraph (j) which precedes subparagraph (1), to read as follows:

§ 31.3121(a)-1 Wages.

(a) Whether remuneration paid after 1954 for employment performed after 1936 constitutes wages is determined under section 3121(a). This section and §§ 31.3121(a)(1)-1 to 31.3121(a)(15)-1, inclusive (relating to the statutory exclusions from wages), apply with respect only to remuneration paid after 1954 for employment performed after 1936. Whether remuneration paid after 1936 and before 1940 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of 26 CFR (1939) Part 401 (Regulations 91). Whether remuneration paid after 1939 and before 1951 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of 26 CFR (1939) Part 402 (Regulations 106). Whether remuneration paid after 1950 and before 1955 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of 26 CFR (1939) Part 408 (Regulations 128).

(b) The term "wages" means all remuneration for employment unless specifically excepted under section 3121(a) (see §§ 31.3121(a)(1)-1 to 31.3121(a)(15)-1, inclusive) or paragraph (j) of this section.

(j) In addition to the exclusions specified in §§ 31.3121(a)(1)-1 to 31.3121(a)(15)-1, inclusive, the following types of payments are excluded from wages:

PAR. 6. Section 31.3121(a)(1) is amended to read as follows:

§ 31.3121(a)(1) Statutory provisions; definitions; wages; annual wage limitation.

Sec. 3121. Definitions—(a) Wages.

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment

equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year prior to such acquisition shall be considered as having been paid by such successor employer;

[Sec. 3121(a)(1) as amended by sec. 204(a), Social Security Amendments 1954; sec. 402(b), Social Security Amendments 1958; sec. 320(b)(2), Social Security Amendments 1965; sec. 108(b)(2), Social Security Amendments 1967; sec. 203(b)(2), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 11); sec. 203(b)(2), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 419); sec. 203(b)(2) and (d), Act of July 9, 1973 (Pub. Law 93-66, 87 Stat. 163); sec. 5(b)(2), (d), and (f), Act of December 31, 1973 (Pub. Law 93-233, 87 Stat. 954)]

PAR. 7. Section 31.3121(a)(1)-1 is amended by revising paragraph (a)(1), by revising so much of paragraph (a)(3) as precedes example (1), and by revising paragraph (b)(1), to read as follows:

§ 31.3121(a)(1)-1 Annual wage limitation.

(a) *In general.* (1) The term "wages" does not include that part of the remuneration paid by an employer to an employee within any calendar year—

- (i) After 1954 and before 1959 which exceeds the first \$4,200 of remuneration,
- (ii) After 1958 and before 1966 which exceeds the first \$4,800 of remuneration,
- (iii) After 1965 and before 1968 which exceeds the first \$6,600 of remuneration,
- (iv) After 1967 and before 1972 which exceeds the first \$7,800 of remuneration,
- (v) After 1971 and before 1973 which exceeds the first \$9,000 of remuneration,
- (vi) After 1972 and before 1974 which exceeds the first \$10,800 of remuneration,
- (vii) After 1973 and before 1975 which exceeds the first \$13,200 of remuneration,

or

(viii) After 1974 which exceeds the amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year

(exclusive of remuneration excepted from wages in accordance with paragraph (j) of § 31.3121(a)-1 or §§ 31.3121(a)(2)-1 to 31.3121(a)(15)-1, inclusive) paid within the calendar year by an employer to the employee for employment performed for him at any time after 1936. For provisions relating to the treatment of tips for purposes of the annual wage limitation see § 31.3121(q)-1.

(3) If during a calendar year the employee receives remuneration from more than one employer, the annual wage limitation does not apply to the aggregate remuneration received from all of such employers, but instead applies to the remuneration received during such calendar year from each employer with respect to employment after 1936. In such case the first remuneration received in

any calendar year after 1974 up to the amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) (the first \$13,200 received in 1974, the first \$10,800 received in 1973, the first \$9,000 received in 1972, the first \$7,800 received in any calendar year after 1967 and before 1972, the first \$6,600 received in any calendar year after 1965 and before 1968, the first \$4,800 received in any calendar year after 1958 and before 1966, or the first \$4,200 received in any calendar year after 1954 and before 1959) from each employer constitutes wages and is subject to the taxes, even though, under section 6413(c), the employee may be entitled to a special credit or refund of a portion of the employee tax deducted from his wages received during the calendar year. In this connection and in connection with the two examples immediately following, see § 31.6413(c)-1, relating to special credits or refunds of employee tax. In connection with the annual wage limitation in the case of remuneration paid for services performed in the employ of the United States or a wholly owned instrumentality thereof, see § 31.3122. In connection with the annual wage limitation in the case of remuneration paid for services performed in the employ of the Government of Guam, the Government of American Samoa, the District of Columbia, a political subdivision of the Government of Guam, or the Government of American Samoa, or any instrumentality of any of the foregoing which is wholly owned thereby, see § 31.3125. In connection with the application of the annual wage limitation, see also paragraph (b) of this section, relating to the circumstances under which wages paid by a predecessor employer are deemed to be paid by his successor.

(b) *Wages paid by predecessor attributed to successor.* (1) If an employer (hereinafter referred to as a successor) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and if immediately after the acquisition the successor employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for purposes of the application of the annual wage limitation set forth in paragraph (a) of this section, any remuneration (exclusive of remuneration excepted from wages in accordance with paragraph (j) of § 31.3121(a)-1 or §§ 31.3121(a)(2)-1 to 31.3121(a)(15)-1, inclusive) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by the predecessor during such calendar year and prior to the acquisition shall be considered as having been paid by the successor.

PAR. 8. Section 31.3121(a)(12) is amended to read as follows:

§ 31.3121(a)(12) *Statutory provisions; definitions; wages; tips.*

Sec. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(12) (A) Tips paid in any medium other than cash;

(B) Cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is \$20 or more;

[Sec. 3121(a)(12) as added by sec. 313(c)(3), Social Security Amendments 1965; as amended by sec. 504(a), Social Security Amendments 1967; sec. 122(b), Social Security Amendments 1972]

PAR. 9. The following sections are inserted immediately following § 31.3121(a)(12)-1:

§ 31.3121(a)(13) *Statutory provisions; definitions; wages; payments under certain employers' plans after retirement, disability, or death.*

Sec. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(13) Any payment or series of payments by an employer to an employee or any of his dependents which is paid—

(A) Upon or after the termination of an employee's employment relationship because of (i) death, (ii) retirement for disability, or (iii) retirement after attaining an age specified in the plan referred to in subparagraph (B) or in a pension plan of the employer, and

(B) Under a plan established by the employer which makes provision for his employees generally or a class or classes of his employees (or for such employees or class or classes of employees and their dependents),

(other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated);

[Sec. 3121(a)(13) as added by sec. 504(a), Social Security Amendments 1967; as amended by secs. 122(b) and 138(b), Social Security Amendments 1972]

§ 31.3121(a)(13)-1 *Payments under certain employers' plans after retirement, disability, or death.*

(a) *In general.* The term "wages" does not include the amount of any payment or series of payments made after January 2, 1968, by an employer to, or on behalf of, an employee or any of his dependents under a plan established by the employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), which is paid or commences to be paid upon or within a

reasonable time after the termination of an employee's employment relationship because of the employee's—

- (1) Death,
- (2) Retirement for disability, or
- (3) Retirement after attaining an age specified in the plan established by the employer or in a pension plan of the employer at the age at which a person in the employee's circumstances is eligible for retirement.

A payment or series of payments made under the circumstances described in the preceding sentence is excluded from "wages" even if made pursuant to an incentive compensation plan which also provides for the making of other types of payments. However, any payment or series of payments which would have been paid if the employee's relationship had not been terminated is not excluded from "wages" under this section and section 3121(a)(13). For example, lump-sum payments for unused vacation time or a final paycheck received after retirement are payments which the employee would have received whether or not he retired and therefore are not excluded from "wages" under this section. Further, if any payment is made upon or after termination of employment for any reason other than those set out in subparagraphs (1), (2), and (3) of this paragraph such payment is not excludable from "wages" by this section. For example, if a pension plan provides for retirement upon disability, completion of 30 years of service, or attainment of age 65, and if an employee who is not disabled retires at age 61 after 30 years of service, none of the retirement payments made to the employee under the pension plan (including any made after he is 65) is excludable from "wages" under this section. However, if the pension plan had conditioned retirement after 30 years of service upon attainment of age 60, all of the retirement payments would have been excludable.

(b) *Plan.* The plan or system established by an employer need not provide for payments because of termination of employment for all the reasons set out in subparagraphs (1), (2), and (3) of paragraph (a), but such plan or system may provide for payments because of termination for any one or more of such reasons. Payments because of termination of employment for any one or more of such reasons under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(c) *Dependents.* Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(d) *Benefit payment.* It is immaterial for purposes of this exclusion whether the amount or possibility of benefit payments is paid on account of services rendered or taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly or impliedly, by the contract of service.

(e) *Example.* The application of this section may be illustrated by the following example:

*Example.* A, an employee, receives a salary of \$1,500 a month, payable on the 5th day of the month following the month for which the salary is earned. A's employer has established an incentive compensation plan for a class of his employees, including A, providing for the payment of deferred compensation on termination of employment, including termination upon an employee's death, retirement at age 65 (the retirement age specified in the plan), or retirement for disability. On March 1, 1973, A attains the age of 65 and retires. On March 5, 1973, A receives \$5,500 from his employer of which \$1,500 represents A's salary for services he performed in February 1973, and \$4,000 represents incentive compensation paid under the employer's plan. The amount of \$4,000 is excluded from "wages" under this section. The amount of \$1,500 is not excluded from "wages" under this section.

PAR. 10. The following sections are inserted immediately following § 31.3121 (a) (13)-1:

§ 31.3121(a)(14) Statutory provisions; definitions; wages; payments by employer to survivor or estate of former employee.

Sec. 3121. *Definitions*—(a) *Wages*. For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(14) Any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died; or

[Sec. 3121(a)(14) as added by sec. 422(b), Social Security Amendments 1972]

§ 31.3121(a)(14)-1 Payments by employer to survivor or estate of former employee. [Reserved]

§ 31.3121(a)(15) Statutory provisions; definitions; wages; payments by employer to disabled former employee.

Sec. 3121. *Definitions*—(a) *Wages*. For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(15) Any payment made by an employer to an employee, if at the time such payment is made such employee is entitled to disability insurance benefits under section 223(a) of the Social Security Act and such entitlement commenced prior to the calendar year in which such payment is made, and if such employee did not perform any services for such employer during the period during which such payment is made.

[Sec. 3121(a)(15) as added by sec. 133(b), Social Security Amendments 1972]

§ 31.3121(a)(15)-1 Payments by employer to disabled former employee. [Reserved]

PAR. 11. Section 31.3121(b)(3) is amended by revising section 3121(b)(3)(B) and the historical note. These amended provisions read as follows:

§ 31.3121(b)(3) Statutory provisions; definitions; employment; family employment.

Sec. 3121. *Definitions*. \* \* \*

(b) *Employment*. For purposes of this chapter, the term "employment" means \* \* \* any service, of whatever nature, performed after 1954 \* \* \*, except that \* \* \* such term shall not include—

(3) (A) Service performed by an individual in the employ of his spouse, and service performed by a child under the age of 21 in the employ of his father or mother;

(B) Service not in the course of the employer's trade or business, or domestic service in a private home of the employer, performed by an individual in the employ of his son or daughter; except that the provisions of this subparagraph shall not be applicable to such domestic service if—

(i) The employer is a surviving spouse or a divorced individual and has not remarried, or has a spouse living in the home who has a mental or physical condition which results in such spouse's being incapable of caring for a son, daughter, stepson, or stepdaughter (referred to in clause (ii)) for at least 4 continuous weeks in the calendar quarter in which the service is rendered, and

(ii) A son, daughter, stepson, or stepdaughter of such employer is living in the home, and

(iii) The son, daughter, stepson, or stepdaughter (referred to in clause (ii)) has not attained age 18 or has a mental or physical condition which requires the personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the service is rendered;

[Sec. 3121(b)(4) redesignated paragraph (3) by sec. 205(b), Social Security Amendments 1954; as amended by sec. 104(b), Social Security Amendments 1960; sec. 123(b), Social Security Amendments 1967]

PAR. 12. Paragraphs (a) and (b) of § 31.3121(b)(3)-1 are revised to read as follows:

§ 31.3121(b)(3)-1 Family employment.

(a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) (i) Services performed before 1961 by a father or mother in the employ of his or her son or daughter;

(ii) Services not in the course of the employer's trade or business, or domestic service in a private home of the employer, performed after 1960 but prior to 1968 by a father or mother in the employ of his or her son or daughter;

(iii) Services not in the course of the employer's trade or business, or domestic service in a private home of the employer, performed after 1967 by a father or mother in the employ of his or her son or daughter unless (a) the employer

has a child (including an adopted child or stepchild) living in his or her home who is under age 18 or who has a mental or physical condition which requires the personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the services are rendered; and (b) the employer is during the calendar quarter in which the services are rendered:

(1) A widow or widower;

(2) A divorced person who has not remarried; or

(3) A married person who has a spouse living in the home who has a mental or physical condition which results in such spouse's being incapable of caring for such child for at least 4 continuous weeks in the calendar quarter in which the services are rendered; and

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a) (1) and (2)

(i) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a) (2) (ii) and (iii) of this section, in addition to the family relationship, there is a further requirement that the services performed after 1960 and before 1968 for purposes of paragraph (a) (2) (ii) and after 1967 for purposes of paragraph (a) (2) (iii) shall be services not in the course of the employer's trade or business or shall be domestic service in a private home of the employer. The terms "services not in the course of the employer's trade or business" and "domestic service in a private home of the employer" have the same meaning as when used in § 31.3121(a) (7)-1, except that it is immaterial under paragraphs (a) (2) (ii) and (iii) of this section whether or not such services are performed on a farm operated for profit. The mere fact that a mental or physical disability, whether temporary or permanent, renders a child or spouse incapable of self-support does not necessarily mean that the child requires the personal care and supervision of an adult or that the spouse is incapable of caring for a child within the meaning of paragraph (a) (2) (iii) of this section. A written statement by a doctor of the existence of the mental or physical condition of the child or spouse which states that the child requires the personal care and supervision of an adult or that the spouse is incapable of caring for a child and which sets forth the period of time during which the condition has existed and is likely to exist will usually be sufficient evidence to establish the existence and duration of the condition at the time of the statement. Under paragraph (a) (3) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that the son or daughter is under the age of 21.

PAR. 13. Section 31.3122 is amended to read as follows:

§ 31.3122 Statutory provisions; Federal service.

Sec. 3122. *Federal service.* In the case of the taxes imposed by this chapter with respect to service performed in the employ of the United States or in the employ of any instrumentality which is wholly owned by the United States, including service, performed as a member of a uniformed service, to which the provisions of section 3121(m)(1) are applicable, and including service, performed as a member of a uniformed service, to which the provisions of section 3121(m)(1) are applicable, and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable, the determination whether an individual has performed service which constitutes employment as defined in section 3121(b), the determination of the amount of remuneration for such service which constitutes wages as defined in section 3121(a), and the return and payment of the tax imposed by this chapter, shall be made by the head of the Federal agency or instrumentality having the control of such service, or by such agents as such head may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 3111 with respect to such service without regard to the contribution and benefit base limitation in section 3121(a)(1), and he shall not be required to obtain a refund of the tax paid under section 3111 on that part of the remuneration not included in wages by reason of section 3121(a)(1). Payments of the tax imposed under section 3111 with respect to service, performed by an individual as a member of a uniformed service, to which the provisions of section 3121(m)(1) are applicable, shall be made from appropriations available for the pay of members of such uniformed service. The provisions of this section shall be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; and for purposes of this section the Secretary of Defense shall be deemed to be the head of such instrumentality. The provisions of this section shall be applicable also in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the

Coast Guard; and for purposes of this section the Secretary shall be deemed to be the head of such instrumentality.

[Sec. 3122 as amended by secs. 202(c) and 203(a), Social Security Amendments 1954; sec. 411(b), Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 402(c), Social Security Amendments 1958; sec. 70, Technical Amendments Act 1958 (72 Stat. 1660); sec. 202(a)(3), Peace Corps Act (75 Stat. 626); sec. 320(b)(3), Social Security Amendments 1965; sec. 108(b)(3), Social Security Amendments 1967; sec. 203(b)(3), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 11); sec. 203(b)(3), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 419); sec. 203(b)(3) and (d), Act of July 9, 1973 (Pub. Law 93-66, 87 Stat. 153); sec. 5(b)(3), (d), and (f), Act of December 31, 1973 (Pub. Law 93-233, 87 Stat. 954)]

PAR. 14. Section 31.3125 is amended to read as follows:

§ 31.3125 Statutory provisions; returns in the case of Government employees in Guam, American Samoa, and the District of Columbia.

Sec. 3125. *Returns in the case of Government employees in Guam, American Samoa, and the District of Columbia—*

(a) *Guam.* The return and payment of the taxes imposed by this chapter on the income of individuals who are officers or employees of the Government of Guam or any political subdivision thereof or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, and those imposed on such Government or political subdivision or instrumentality with respect to having such individuals in its employ, may be made by the Governor of Guam or by such agents as he may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 3111 with respect to the service of such individuals without regard to the contribution and benefit base limitation in section 3121(a)(1).

(b) *American Samoa.* The return and payment of the taxes imposed by this chapter on the income of individuals who are officers or employees of the Government of American Samoa or any political subdivision thereof or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, and those imposed on such Government or political subdivision or instrumentality with respect to having such individuals in its employ, may be made by the Governor of American Samoa or by such agents as he may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 3111 with respect to the service of such individuals without regard to the contribution and benefit base limitation in section 3121(a)(1).

(c) *District of Columbia.* In the case of the taxes imposed by this chapter with respect to service performed in the employ of the District of Columbia or in the employ of any instrumentality which is wholly owned thereby, the return and payment of the taxes may be made by the Commissioners of the Dis-

trict of Columbia or by such agents as they may designate. The person making such return may, for convenience of administration, make payments of the tax imposed by section 3111 with respect to such service without regard to the contribution and benefit base limitation in section 3121(a)(1).

[Sec. 3125 as added by sec. 103(q)(1), Social Security Amendments 1960; amended by secs. 317(c)(1), (2), 320(b)(4), Social Security Amendments 1965; sec. 108(b)(4), Social Security Amendments 1967; sec. 203(b)(4), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 11); sec. 203(b)(4), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 419); sec. 203(b)(4) and (d), Act of July 9, 1973 (Pub. Law 93-66, 87 Stat. 153); sec. 5(b)(4), (d), and (f), Act of December 31, 1973 (Pub. Law 93-233, 87 Stat. 954)]

PAR. 15. The following sections are inserted immediately following § 33.3306(b)(9)-1:

§ 31.3306(b)(10) Statutory provisions; definitions; wages; payments under certain employers' plans after retirement, disability, or death.

Sec. 3306. *Definitions.* \* \* \*

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(10) Any payment or series of payments by an employer to an employee or any of his dependents which is paid—

(A) Upon or after the termination of an employee's employment relationship because of (i) death, (ii) retirement for disability, or (iii) retirement after attaining an age specified in the plan referred to in subparagraph (B) or in a pension plan of the employer, and

(B) Under a plan established by the employer which makes provisions for his employees generally or a class or classes of his employees (or for such employees or class or classes of employees and their dependents),

other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated.

[Sec. 3306(b)(10) as added by sec. 504(b), Social Security Amendments 1967 (81 Stat. 935)]

§ 31.3306(b)(10)-1 Payments under certain employers' plans after retirement, disability, or death.

(a) *In general.* The term "wages" does not include the amount of any payment or series of payments made after January 2, 1968, by an employer to, or on behalf of, an employee or any of his dependents under a plan established by the employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), which is paid or commences to be paid upon or within a reasonable time after the termination

of an employee's employment relationship because of the employee's—

- (1) Death,
- (2) Retirement for disability, or
- (3) Retirement after attaining an age specified in the plan established by the employer or in a pension plan of the employer as the age at which a person in the employee's circumstances is eligible for retirement.

A payment or series of payments made under the circumstances described in the preceding sentence is excluded from "wages" even if made pursuant to an incentive compensation plan which also provides for the making of other types of payments. However, any payment or series of payments which would have been paid if the employee's relationship had not been terminated is not excluded from "wages" under this section and section 3306(b)(10). For example, lump-sum payments for unused vacation time or a final paycheck received after retirement are payments which the employee would have received whether or not he retired and therefore are not excluded from "wages." Further, if any payment is made upon or after termination of employment for any reason other than those set out in subparagraphs (1), (2), and (3) of this paragraph such payment is not excludable from "wages" by this section. For example, if a pension plan provides for retirement upon disability, completion of 30 years of service, or attainment of age 65, and if an employee who is not disabled retires at age 61 after 30 years of service, none of the retirement payments made to the employee under the pension plan (including any made after he is 65) is excludable from "wages" under this section. However, if the pension plan had conditioned retirement after 30 years of service upon attainment of age 60, all of the retirement payments would have been excludable.

(b) *Plan.* The plan or system established by an employer need not provide for payments because of termination of employment for all the reasons set out in subparagraphs (1), (2), and (3) of paragraph (a), but such plan or system may provide for payments because of termination for any one or more of such reasons. Payments because of termination of employment for any one or more of such reasons under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(c) *Dependents.* Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(d) *Benefit payments.* It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is paid on account of services rendered or taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required expressly or impliedly, by the contract of service.

(e) *Example.* The application of this section may be illustrated by the following example:

*Example.* A, an employee, receives a salary of \$1,500 a month, payable on the 5th day of the month following the month for which the salary is earned. A's employer has established an incentive compensation plan for a class of his employees, including A, providing for the payment of deferred compensation on termination of employment, including termination upon an employee's death, retirement at age 65 (the retirement age specified in the plan), or retirement for disability. On March 1, 1973, A attains the age of 65 and retires. On March 5, 1973, A receives \$5,500 from his employer of which \$1,500 represents A's salary for services he performed in February 1973, and \$4,000 represents incentive compensation paid under the employer's plan. The amount of \$4,000 is excluded from "wages" under this section. The amount of \$1,500 is not excluded from "wages" under this section.

PAR. 16. Section 31.6051 is amended by revising subsection (a) of section 6051, by adding new subsection (e) at the end of section 6051, and by revising the historical note. These amended and added provisions read as follows:

§ 31.6051 Statutory provisions; receipts for employees.

Sec. 6051. *Receipts for employees—*(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to subsection (n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

- (1) The name of such person,
- (2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),
- (3) The total amount of wages as defined in section 3401(a),
- (4) The total amount deducted and withheld as tax under section 3402,
- (5) The total amount of wages as defined in section 3121(a), and
- (6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(2). In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total

amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3). In the case of tips received by an employee in the course of his employment, the amounts required to be shown by paragraphs (3) and (5) shall include only such tips as are included in statements furnished to the employer pursuant to section 6053(a).

(e) *Railroad employees—*(1) *Additional requirement.* Every person required to deduct and withhold tax under section 3201 from an employee shall include on or with the statement required to be furnished such employee under subsection (a) a notice concerning the provisions of this title with respect to the allowance of a credit or refund of the tax on wages imposed by section 3101(b) and the tax on compensation imposed by section 3201 or 3211 which is treated as a tax on wages imposed by section 3101(b).

(2) *Information to be supplied to employees.* Each person required to deduct and withhold tax under section 3201 during any year from an employee who has also received wages during such year subject to the tax imposed by section 3101(b) shall, upon request of such employee, furnish to him a written statement showing—

(A) The total amount of compensation with respect to which the tax imposed by section 3201 was deducted,

(B) The total amount deducted as tax under section 3201, and

(C) The portion of the total amount deducted as tax under section 3201 which is for financing the cost of hospital insurance under part A of title XVIII of the Social Security Act.

[Sec. 6051 as amended by sec. 412, Service-men's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 202(a)(4), Peace Corps Act (75 Stat. 626); secs. 107 and 313(e)(1), Social Security Amendments 1965 (79 Stat. 337, 384); sec. 502(c), Social Security Amendments 1967; sec. 805(f)(2), Tax Reform Act 1969 (83 Stat. 708); sec. 293, Social Security Amendments 1972]

PAR. 17. Section 31.6051-1 is amended by redesignating paragraph (f) thereof as paragraph (g), and by inserting a new paragraph (f) immediately after paragraph (e), to read as follows:

§ 31.6051-1 Statements for employees.

(g) *Statements with respect to compensation, as defined in the Railroad Retirement Tax Act, paid after December 31, 1967—*(1) *Required information relating to excess medicare tax on compensation paid after December 31, 1971—*

(i) *Notification of possible credit or refund.* With respect to compensation (as defined in section 3231(e)) paid after December 31, 1971, every employer (as defined in section 3231(a)) who is required to deduct and withhold from an employee (as defined in section 3231(b)) a tax under section 3201, shall include on or with the statement required to be furnished such employee under section

6051(a), a notice concerning the provisions of this title with respect to the allowance of a credit or refund of the tax on wages imposed by section 3101 (b) and the tax on compensation imposed by section 3201 or 3211 which is treated as a tax on wages imposed by section 3101(b). Such notice shall inform such employee of the eligibility of persons having a second employment, in addition to railroad employment, for a credit or refund of any excess hospital insurance tax which such persons have paid because of employment under both social security (including employee and self-employment coverage) and railroad retirement. See section 6413(c) (3) and paragraph (c) of § 31.6413(c)-1, relating to special refunds with respect to compensation as defined in the Railroad Retirement Tax Act.

(ii) *Information to be supplied to employees upon request.* With respect to compensation (as defined in section 3231 (e)) paid after December 31, 1971, every employer (as defined in section 3231(a)) who is required to deduct and withhold tax under section 3201 from an employee (as defined in section 3231(b)) who has also received wages during such year subject to the tax imposed by section 3101 (b), shall upon request of such employee furnish to him a written statement showing—

(a) The total amount of compensation with respect to which the tax imposed by section 3101(b) was deducted.

(b) The total amount of employee tax under section 3201 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year), and

(c) The proportion thereof (expressed either as a dollar amount, or a percentage of the total amount of compensation as defined in section 3231(e), or as a percentage of the total amount of employee tax under section 3201) withheld as tax under section 3201 for financing the cost of hospital insurance benefits.

(2) *Statements on Form W-2 (RR).*

(i) *Compensation paid during 1970 or 1971.* With respect to compensation (as defined in section 3231(e)) paid during 1970 or 1971, every employer (as defined in section 3231(a)) who is required to deduct and withhold from an employee (as defined in section 3231(b)) a tax under section 3402 with respect to compensation, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to section 3402(n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of such compensation the tax return copy and the employee's copy of a statement on Form W-2 (RR) instead of Form W-2, unless such employers are permitted by the Internal Revenue Service to continue to use Form W-2 in lieu of Form W-2 (RR). If the wage bracket method of withholding provided in section 3402(c)

(1) is used in respect of such compensation, a statement on Form W-2 (RR) must be furnished to each employee whose wages during any payroll period are equal to or in excess of the smallest wage from which tax must be withheld in the case of an employee claiming one exemption. If the percentage method is used, a statement on Form W-2 (RR) must be furnished to each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 3402(b) (1). Each statement on Form W-2 (RR) shall show the following:

(a) The name, address, and identification number of the employer.

(b) The name and address of the employee and his social security account number.

(c) The total amount of wages as defined in section 3401(a),

(d) The total amount deducted and withheld as tax under section 3402,

(e) The total amount of compensation as defined in section 3231(e), and

(f) The total amount of employee tax under section 3201 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year) and the proportion thereof (expressed either as a dollar amount, as a percentage of the total amount of compensation as defined in section 3231(e), or as a percentage of the total amount of employee tax under section 3201) withheld as tax under section 3201 for financing the cost of hospital insurance benefits.

The provisions of this chapter applicable to Form W-2, other than those relating solely to the Federal Insurance Contributions Act, are hereby made applicable to Form W-2 (RR). See paragraph (d) of this section for provisions relating to the time and place for furnishing the statement required by this subparagraph.

(ii) *Compensation paid during 1968 or 1969.* At the option of the employer, the provisions of subdivision (i) of this subparagraph may apply with respect to compensation paid during 1968 or 1969.

(iii) Every employer who, pursuant to subdivision (i) or (ii) of this subparagraph, does not provide Form W-2 (RR) with respect to compensation must furnish the additional information required by Form W-2 (RR) upon request by the employee.

(h) *Cross references.* \* \* \*

PAR. 18. Section 31.6413 (c) is amended by revising paragraphs (1) and (2) (A) of section 6413 (c), by adding a new paragraph (3) at the end of section 6413 (c) and by revising the historical note. These amended and added provisions read as follows:

§ 31.6413(e) Statutory provisions; special rules applicable to certain employment taxes; special refunds.

Sec. 6413. *Special rules applicable to certain employment taxes.* \* \* \*

(c) *Special refunds—(1) In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed \$3,600, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceed \$4,200, or (B) during any calendar year after the calendar year 1958 and prior to the calendar year 1966, the wages received by him during such year exceed \$4,800, or (C) during any calendar year after the calendar year 1965 and prior to the calendar year 1968, the wages received by him during such year exceed \$6,600, or (D) during any calendar year after the calendar year 1967 and prior to the calendar year 1972, the wages received by him during such year exceed \$7,800, or (E) during any calendar year after the calendar year 1971 and prior to the calendar year 1973, the wages received by him during such year exceed \$9,000, or (F) during any calendar year after the calendar year 1972 and prior to the calendar year 1974, the wages received by him during such year exceed \$10,800, or (G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed \$13,200, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year; and the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first \$4,800 of such wages received in such calendar year after 1958 and before 1966, or which exceeds the tax with respect to the first \$6,600 of such wages received in such calendar year after 1965 and before 1968, or which exceeds the tax with respect to the first \$7,800 of such wages received in such calendar year after 1967 and before 1972, or which exceeds the tax with respect to the first \$9,000 of such wages received in such calendar year after 1971 and before 1973, or which exceeds the tax with respect to the first \$10,800 of such wages received in such calendar year after 1972 and before 1974,

or which exceeds the tax with respect to the first \$13,200 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year.

(2) *Applicability in case of Federal and State employees, employees of certain foreign corporations, and Governmental employees in Guam, American Samoa, and the District of Columbia—*

(A) *Federal employees.* In the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term "wages" includes for purposes of this subsection the amount, not to exceed \$3,600 for the calendar year 1951, 1952, 1953, or 1954, \$4,200 for the calendar year 1955, 1956, 1957, or 1958, \$4,800 for the calendar year 1959, 1960, 1961, 1962, 1963, 1964, or 1965, \$6,600 for the calendar year 1966 or 1967, \$7,800 for the calendar year 1968, 1969, 1970, or 1971, or \$9,000 for the calendar year 1972, \$10,800 for the calendar year 1973, \$13,200 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective, determined by each such head or agent as constituting wages paid to an employee.

(3) *Applicability with respect to compensation of employees subject to the Railroad Retirement Tax Act.* In the case of any individual who, during any calendar year after 1967, receives wages from one or more employers and also receives compensation which is subject to the tax imposed by section 3201 or 3211, such compensation shall, solely for purposes of applying paragraph (1) with respect to the tax imposed by section 3101(b), be treated as wages received from an employer with respect to which the tax imposed by section 3101(b) was deducted.

[Sec. 6413(c) as amended by sec. 202(a)(1), Social Security Amendments 1954; sec. 402(d), Social Security Amendments 1958; sec. 103(r)(3), (4), Social Security Amendments 1960; sec. 317(f)(1), (2), sec. 320(b)(5), (6), Social Security Amendments 1965; sec. 108(b)(5), (6), sec. 502(a), Social Security Amendments 1967; sec. 203(b)(5), (6), Act of March 17, 1971 (Pub. Law 93-5, 85 Stat. 11); sec. 203(b)(5), (6), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 419); sec. 144(c), Social Security Amendments 1972; sec. 203(b)(5), (6), Act of July 9, 1973 (Pub. Law 93-66, 87 Stat. 163); sec. 5(b)(5), (6) and (f), Act of December 31, 1973 (Pub. Law

93-233, 87 Stat. 954). The provisions of section 6413(c)(2)(D) are not applicable, for the reason that a certification by the Governor of Guam, for which there is provision in sec. 103(v)(1), Social Security Amendments 1960, has not been received by the Secretary of the Treasury. Such a certification was made by the Governor of American Samoa and was received by the Secretary of the Treasury on December 29, 1960. Such a certification was made by the Commissioners of the District of Columbia and was received by the Secretary of the Treasury on August 12, 1965.]

PAR. 19. Section 31.6413 (c)-1 is amended by revising subparagraphs (1) (i), (2), (5) and (6) of paragraph (a) and by adding a new paragraph (c) at the end thereof. These amended and added provisions read as follows:

§ 31.6413(c)-1 Special refunds.

(a) *Who may make claims—*(1) *In general.* (i) If an employee receives wages, as defined in section 3121(a), from two or more employers in any calendar year:

(a) After 1954 and before 1959 in excess of \$4,200,

(b) After 1958 and before 1966 in excess of \$4,800,

(c) After 1965 and before 1968 in excess of \$6,600,

(d) After 1967 and before 1972 in excess of \$7,800,

(e) After 1971 and before 1973 in excess of \$9,000,

(f) After 1972 and before 1974 in excess of \$10,800,

(g) After 1973 and before 1975 in excess of \$13,200, or

(h) After 1974 in excess of the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,

the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed by section 3101 with respect to such wages and deducted therefrom (whether or not paid) exceeds the employee tax with respect to the amount specified in (a) through (h) of this subdivision for the calendar year in question. Employee tax imposed by section 3101 with respect to tips reported by an employee to his employer and collected by the employer from funds turned over by the employee to the employer (see section 3102(c)) shall be treated, for purposes of this paragraph, as employee tax deducted from wages received by the employee. If the employee is required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year) he may obtain the benefit of the special refund only by claiming credit as provided in § 1.21-2 of this chapter (Income Tax Regulations).

(2) *Federal employees.* For purposes of special refunds of employee tax, each head of a Federal agency or of a wholly-owned instrumentality of the United States who makes a return pursuant to section 3122 (and each agent designated by a head of a Federal agency or instru-

mentality who makes a return pursuant to such section) is considered a separate employer. For such purposes, the term "wages" includes the amount which each such head (or agent) determines to constitute wages paid an employee, but not in excess of the amount specified in subparagraph (1) (i) (a) through (h) of this paragraph for the calendar year in question. For example, if wages received by an employee during calendar year 1974 are reportable by two or more agents of one or more Federal agencies and the amount of such wages is in excess of \$13,200 the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first \$13,200 of such wages. Moreover, if an employee receives wages during any calendar year from an agency or wholly-owned instrumentality of the United States and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

(5) *Governmental employees in American Samoa.* For purposes of special refunds of employee tax, the Governor of American Samoa and each agent designated by him who makes a return pursuant to section 3125(b) (see § 31.3125) is considered a separate employer. For such purposes, the term "wages" includes the amount which the Governor (or any agent) determines to constitute wages paid an employee, but not in excess of the amount specified in subparagraph (1) (i) (a) through (h) of this paragraph for the calendar year in question. For example, if wages received by an employee during calendar year 1974 are reportable by two or more agents pursuant to section 3125(b) and the total amount of such wages is in excess of \$13,200, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first \$13,200 of such wages. Moreover, if an employee receives wages during any calendar year from the Government of American Samoa, from a political subdivision thereof, or from any wholly-owned instrumentality of such government or political subdivision and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

(6) *Governmental employees in the District of Columbia.* For purposes of special refunds of employee tax, the Commissioner of the District of Columbia (or, prior to the transfer of functions pursuant to Reorganization Plan No. 3 of 1967 (81 Stat. 948), the Commissioners of the District of Columbia) and each agent designated by him who makes a return pursuant to section 3125(c) (see § 31.3125) is considered a separate employer. For such purposes, the term

"wages" includes the amount which the Commissioner (or any agent) determines to constitute wages paid an employee, but not in excess of the amount specified in subparagraph (1)(i)(a) through (h) of this paragraph for the calendar year in question. For example, if wages received by an employee during calendar year 1974 are reportable by two or more agents pursuant to section 3125(c) and the total amount of such wages is in excess of \$13,200 the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first \$13,200 of such wages. Moreover, if an employee receives wages during any calendar year from the Government of the District of Columbia or from a wholly-owned instrumentality thereof and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

(c) *Special refunds with respect to compensation as defined in the Railroad Retirement Tax Act*—(1) *In general.* In the case of any individual who, during any calendar year after 1967, receives wages (as defined by section 3121(a)) from one or more employers and also receives compensation (as defined by section 3231(e)) which is subject to the tax imposed on employees by section 3201 or the tax imposed on employee representatives by section 3211 such compensation shall, solely for purposes of applying section 6413(c)(1) and this section with respect to the hospital insurance tax imposed by section 3101(b), be treated as wages (as defined by section 3121(a)) received from an employer with respect to which the hospital insurance tax imposed by section 3101(b) was deducted. For purposes of this section, compensation received shall be determined under the principles provided in chapter 22 of the Code and the regulations thereunder (see section 3231(e) and § 31.3231(e)-1). Therefore, compensation paid for time lost shall be deemed earned and received for purposes of this section in the month in which such time is lost, and compensation which is earned during the period for which a return of taxes under chapter 22 is required to be made and which is payable during the calendar month following such period shall be deemed to have been received for purposes of this section during such period only. Further, compensation is deemed to have been earned and received when an employee or employee representative performs services for which he is paid, or for which there is a present or future obligation to pay, regardless of the time at which payment is made or deemed to be made.

(2) *Example.* The application of this paragraph may be illustrated by the following example.

*Example.* Employee A rendered services to X during 1973 for which he was paid compensation at the monthly rate of \$650 which was taxable under the Railroad Retirement Tax Act. A was paid \$550 by X in January 1973 which was earned and deemed received in December 1972 and \$650 in January of 1974 which was earned and deemed received in December of 1973. A also earned and received wages in 1973 from employer Y, which were subject to the employee tax under the Federal Insurance Contributions Act, in the amount of \$6,000. A paid hospital insurance tax on \$13,800 (\$7,800 compensation from X including \$650 earned and deemed received in December 1973 but paid in January 1974 and not including \$550 paid in January 1973 but earned and deemed received in December 1972, \$6,000 compensation from Y) received or deemed received or earned in 1973. For purposes of the hospital insurance tax imposed by section 3101(b), these amounts are all wages received from an employer in 1973. Therefore, A is entitled to a special refund for 1973 under section 6413(c) and this section of \$30 (1.0% x \$13,800 - 1.0% x \$10,800).

PAR. 20. Section 301.6051 is amended by revising subsection (a) of section 6051, by adding new subsection (e) at the end of section 6051, and by revising the historical note. These amended and added provisions read as follows:

§ 301.6051 Statutory provisions; receipts for employees.

Sec. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to subsection (n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

- (1) The name of such person,
- (2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),
- (3) The total amount of wages as defined in section 3401(a),
- (4) The total amount deducted and withheld as tax under section 3402,
- (5) The total amount of wages as defined in section 3121(a), and
- (6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(2). In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the

statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3). In the case of tips received by an employee in the course of his employment, the amounts required to be shown by paragraphs (3) and (5) shall include only such tips as are included in statements furnished to the employer pursuant to section 6053(a).

(e) *Railroad employees*—(1) *Additional requirement.* Every person required to deduct and withhold tax under section 3201 from an employee shall include on or with the statement required to be furnished such employee under subsection (a) a notice concerning the provisions of this title with respect to the allowance of a credit or refund of the tax on wages imposed by section 3101(b) and the tax on compensation imposed by section 3201 or 3211 which is treated as a tax on wages imposed by section 3101(b).

(2) *Information to be supplied to employees.* Each person required to deduct and withhold tax under section 3201 during any year from an employee who has also received wages during such year subject to the tax imposed by section 3101(b) shall, upon request of such employee, furnish to him a written statement showing—

- (A) The total amount of compensation with respect to which the tax imposed by section 3201 was deducted,
- (B) The total amount deducted as tax under section 3201, and
- (C) The portion of the total amount deducted as tax under section 3201 which is for financing the cost of hospital insurance under part A of title XVIII of the Social Security Act.

[Sec. 6051 as amended by sec. 412, Service-men's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 202(a)(4), Peace Corps Act (75 Stat. 626); secs. 107 and 313(e)(1), Social Security Amendments 1965 (79 Stat. 337, 384); sec. 502(c), Social Security Amendments 1967 (81 Stat. 934); sec. 805(f)(2), Tax Reform Act 1969 (83 Stat. 708); sec. 293, Social Security Amendments 1972 (86 Stat. 1459)]

PAR. 21. Section 301.6413 is amended by revising paragraphs (1) and (2)(A) of section 6413(c), by adding a new paragraph (3) at the end of section 6413(c) and by revising the historical note. These amended and added provisions read as follows:

§ 301.6413 Statutory provisions; special rules applicable to certain employment taxes.

Sec. 6413. *Special rules applicable to certain employment taxes.* \* \* \*

(c) *Special refunds*—(1) *In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed \$3,600, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or re-

fund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceed \$4,200, or (B) during any calendar year after the calendar year 1958 and prior to the calendar year 1966, the wages received by him during such year exceed \$4,800, or (C) during any calendar year after the calendar year 1965 and prior to the calendar year 1968, the wages received by him during such year exceed \$6,600, or (D) during any calendar year after the calendar year 1967 and prior to the calendar year 1972, the wages received by him during such year exceed \$7,800, or (E) during any calendar year after the calendar year 1971 and prior to the calendar year 1973, the wages received by him during such year exceed \$2,000, or (F) during any calendar year after the calendar year 1972 and prior to the calendar year 1974, the wages received by him during such year exceed \$10,800, or (G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed \$13,200, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year; and the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first \$4,800 of such wages received in such calendar year after 1958 and before 1966, or which exceeds the tax with respect to the first \$6,600 of such wages received in such calendar year after 1965 and before 1968, or which exceeds the tax with respect to the first \$7,800 of such wages received in such calendar year after 1967 and before 1972, or which exceeds the tax with respect to the first \$9,000 of such wages received in such calendar year after 1971 and before 1973, or which exceeds the tax with respect to the first \$10,800 of such wages received in such calendar year after 1972 and before 1974, or which exceeds the tax with respect to the first \$13,200 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution

and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year.

(2) *Applicability in case of Federal and State employees, employees of certain foreign corporations, and Governmental employees in Guam, American Samoa, and the District of Columbia—* (A) *Federal employees.* In the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term "wages" includes for purposes of this subsection the amount, not to exceed \$3,600 for the calendar year 1951, 1952, 1953, or 1954, \$4,200 for the calendar year 1955, 1956, 1957, or 1958, \$4,800 for the calendar year 1959, 1960, 1961, 1962, 1963, 1964, or 1965, \$6,600 for the calendar year 1966 or 1967, \$7,800 for the calendar year 1968, 1969, 1970, or 1971, \$9,000 for the calendar year 1972, \$10,800 for the calendar year 1973, \$13,200 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective, determined by each such head or agent as constituting wages paid to an employee.

(3) *Applicability with respect to compensation of employees subject to the Railroad Retirement Tax Act.* In the case of any individual who, during any calendar year after 1967, receives wages from one or more employers and also receives compensation which is subject to the tax imposed by section 3201 and 3211, such compensation shall, solely for purposes of applying paragraph (1) with respect to the tax imposed by section 3101(b), be treated as wages received from an employer with respect to which the tax imposed by section 3101(b) was deducted.

[Sec. 6413 as amended by sec. 202(a)(1), Social Security Amendments 1954 (88 Stat. 1089); sec. 402(d), Social Security Amendments 1958 (72 Stat. 1043); sec. 103(r)(2), (3), and (4), Social Security Amendments 1960 (74 Stat. 940); sec. 317 (e) and (f) (1) and (2), sec. 320(b) (5) and (6), Social Security Amendments 1965 (79 Stat. 389); sec. 108(b) (5) and (6), Social Security Amendments 1967 (81 Stat. 835); sec. 203(b) (5), (6), Act of March 17, 1971 (Pub. L. 92-5, 85 Stat. 11); sec. 203(b) (5), (6), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 419); sec. 144 (c), Social Security Amendments 1972 (86 Stat. 1370); sec. 203(b) (5), (6), Act of July 9, 1973 (Pub. Law 93-66, 87 Stat. 153); sec. 5(b) (5), (6) and (f), Act of December 31, 1973 (Pub. Law 93-235, 87 Stat. 954). The provisions of section 6413(c)(2)(D) are not applicable, for the reason that a certification

by the Governor of Guam, for which there is a provision in sec. 103(v)(1), Social Security Amendments 1960, has not been received by the Secretary of the Treasury. Such a certification was made by the Governor of American Samoa and was received by the Secretary of the Treasury on Dec. 29, 1960. Such a certification was made by the Commissioners of the District of Columbia and was received by the Secretary of the Treasury on Aug. 12, 1965]

[FR Doc. 75-19204 Filed 7-23-75; 8:45 am]

[T.D. 7373]

## PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

### Amendment of Employment Tax Regulations

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Tuesday, January 7, 1975 (40 FR 1251), amendments to the Employment Tax Regulations (26 CFR Part 31) were proposed in order to conform such regulations to the provisions of sections 104(i), 122(b), 125(a), 128(b), 129(a)(2), and 138(b) of the Social Security Amendments of 1972 (86 Stat. 1341, 1354, 1357, 1358, 1359, and 1365). After consideration of all relevant matter, the amendments of the regulations are adopted by this document as proposed.

The Social Security Amendments of 1972 provide generally that, after 1974, payments made to an employee after he attains age 62, whether male or female, are not "wages" subject to social security taxation, if the employee did not work for his employer in the period for which the payment is made. Prior to this amendment the computation point for this exclusion was age 65 for men and age 62 for women.

The 1972 Amendments provide that payments made by an employer after 1972 to a disabled former employee who performed no services during the payment period are not "wages" if paid after the calendar year in which the former employee became eligible to receive disability insurance benefits under the Social Security Act. Payments made by an employer after 1972 to a survivor or estate of a former employee after the year of his death are also excluded from "wages".

The 1972 Amendments redefine "employment" to extend social security to employees of the Federal home loan banks and to certain temporary and intermittent employees of the Government of Guam for services performed by such employees after 1972 (and, in certain cases for services performed in the employ of a Federal home loan bank, after 1966 and before 1973).

Generally, after 1972, the Amendments except from "employment" services performed by students while in the employ of auxiliary nonprofit organizations such as student bookstores or student housing, when such units are organized and operated exclusively for the benefit of, or controlled by the school, college, or university which they were established to serve.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On January 7, 1975, a notice of proposed rule making with respect to the Employment Tax Regulations (26 CFR Part 31) under section 3121 of the Internal Revenue Code of 1954, to conform such regulations to sections 104 (1), 122 (b), 125(a), 128(b), 129(a)(2), and 138(b) of the Social Security Amendments of 1972 (86 Stat. 1341, 1354, 1357, 1358, 1359, and 1365) was published in the FEDERAL REGISTER (40 FR 1251). After consideration of all relevant matter regarding the proposed rules, the amendments of the Employment Tax Regulations under section 3121 are hereby adopted as proposed by the notice.

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

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

Approved: July 17, 1975.

FREDERICK W. HICKMAN,  
Assistant Secretary of the Treasury.

1. Section 31.3121(a)(9) is amended to read as follows:

§ 31.3121(a)(9) Statutory provisions; definitions; wages; payments to employees for non-work periods.

Sec. 3121. Definitions—(a) *Wages*. For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(9) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains age 62, if such employee did not work for the employer in the period for which such payment is made;

[Sec. 3121(a)(9) as amended by sec. 201 (b); Social Security Amendments 1956; sec. 4(b)(1), Act of October 13, 1964 (P.L. 88-650; 78 Stat. 1077); sec. 104(1), Social Security Amendments 1972]

2. Section 31.3121(a)(9)-1 is amended by revising paragraph (a) thereof to read as follows:

§ 31.3121(a)(9)-1 Payments to employees for non-work periods.

(a) The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does not work (other than being subject to call for the performance of work) for the employer, if such payment is made after the calendar month in which—

(1) The employee attains age 65, if the employee is a man to whom the payment is made before January 1975, or if the employee is a woman to whom the payment is made before November 1956, or

(2) The employee attains age 62, if the employee is a man to whom the payment is made after December 1974, or if payment is made after October 1956.

3. Section 31.3121(a)(14)-1 is amended to read as follows:

§ 31.3121(a)(14)-1 Payments by employer to survivor or estate of former employee.

The term "wages" does not include any payment by an employer to a survivor or the estate of a former employee made after 1972 and after the calendar year in which such employee died.

4. Section 31.3121(a)(15)-1 is amended to read as follows:

§ 31.3121(a)(15)-1 Payments by employer to disabled former employee.

The term "wages" does not include any payment made after 1972 by an employer to an employee, if at the time such payment is made such employee is entitled to disability insurance benefits under section 223(a) of the Social Security Act and such entitlement commenced prior to the calendar year in which such payment is made, and if such employee did not perform any service for such employer during the period for which such payment is made.

5. Section 31.3121(b)(6) is amended by revising subparagraph (B)(ii) and the historical note thereof, and by adding immediately after the historical note of section 2 of the Act of September 21, 1961, a new section 125 of the Social Security Amendments of 1972 and a historical note. These amended and added provisions read as follows:

§ 31.3121(b)(6) Statutory provisions; definitions; employment; services in employ of United States or instrumentality thereof.

Sec. 3121. Definitions. \* \* \*  
(b) *Employment*. For purposes of this chapter, the term "employment" means \* \* \* any service, of whatever nature, performed after 1954 \* \* \*; except that \* \* \* such term shall not include—

(6) \* \* \*  
(B) \* \* \*  
(ii) Service performed in the employ of a Federal land bank, a Federal intermediate credit bank, a bank for cooperatives, a Federal land bank association, a production credit association, a Federal Reserve Bank, a Federal Home Loan Bank, or a Federal Credit Union;

[Paragraph (7), sec. 3121(b), as redesignated paragraph (6) and amended by sec. 205 (b), (d), Social Security Amendments 1954; sec. 201(d)(1), (2), Social Security Amendments 1956; sec. 104(h), 202(a), Farm Credit Act 1959 (73 Stat. 387, 389); sec. 311(b)(4), Social Security Amendments 1965; sec. 403(1), Social Security Amendments 1967]

Sec. 125. [Social Security Amendments of 1972].

(a) The provisions of section 210(a)(6) (B)(ii) of the Social Security Act and section 3121(b)(6)(B)(ii) of the Internal Revenue Code of 1954, insofar as they relate to service performed in the employ of a Federal home loan bank, shall be effective—

(1) With respect to all service performed in the employ of a Federal home loan bank on and after the first day of the first calendar quarter which begins on or after the date of the enactment of this Act; and

(2) In the case of individuals who are in the employ of a Federal home loan bank on

such first day, with respect to any service performed in the employ of a Federal home loan bank after the last day of the sixth calendar year preceding the year in which this Act is enacted; but this paragraph shall be effective only if an amount equal to the taxes imposed by sections 3101 and 3111 of such Code with respect to the services of all such individuals performed in the employ of Federal home loan banks after the last day of the sixth calendar year preceding the year in which this Act is enacted are paid under the provisions of section 3122 of such Code by July 1, 1973, or by such later date as may be provided in an agreement entered into before such date with the Secretary of the Treasury or his delegate for purposes of this paragraph. [Sec. 125(a), Social Security Amendments 1972]

6. Subdivision (ii) of paragraph (c)(4) of § 31.3121(b)(6)-1 is amended to read as follows:

§ 31.3121(b)(6)-1 Services in employ of United States or instrumentality thereof.

(c) *Services performed for an instrumentality not subject to employer tax on December 31, 1950, and covered under a retirement system established by such instrumentality.* \* \* \*

(4) \* \* \*  
(ii) Services performed in the employ of a production credit association, a Federal Reserve Bank, or a Federal Credit Union; services performed before December 31, 1959, in the employ of a national farm loan association; services performed after December 30, 1959, in the employ of a Federal land bank association; services performed after December 31, 1959, in the employ of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives; services performed after December 31, 1972, in the employ of a Federal home loan bank; and services performed after December 31, 1966, and before January 1, 1973, in the employ of a Federal home loan bank, in the case of individuals who are in such employ on the latter date, provided that an amount equal to the taxes imposed by sections 3101 and 3111 with respect to all such services performed by all such individuals are paid under the provisions of section 3122 by July 1, 1973;

7. Section 31.3121(b)(7) is amended by revising subparagraphs (B)(ii) and (C)(iv), by inserting new subparagraph (D) at the end thereof, and by revising the historical note. These amended and added provisions read as follows:

§ 31.3121(b)(7) Statutory provisions; definitions; employment; services in employ of States or their political subdivisions or instrumentalities.

Sec. 3121. Definitions. \* \* \*  
(b) *Employment*. For purposes of this chapter, the term "employment" means \* \* \* any service, of whatever nature, performed after 1954 \* \* \*; except that \* \* \* such term shall not include—

(7) \* \* \*  
(B) \* \* \*  
(ii) The remuneration for service described in clause (1) (including fees paid to a public official) shall be deemed to have

been paid by the Government of Guam [see historical note at end of this section] or the Government of American Samoa or by a political subdivision thereof or an instrumentality of any one or more of the foregoing which is wholly owned thereby, whichever is appropriate.

(C) \* \* \*

(iv) By a member of a board, committee, or council of the District of Columbia, paid on a per diem, meeting, or other fee basis, or

(D) Service performed in the employ of the Government of Guam (or any instrumentality which is wholly owned by such Government) by an employee properly classified as a temporary or intermittent employee, if such service is not covered by a retirement system established by a law of Guam; except that (i) the provisions of this subparagraph shall not be applicable to services performed by an elected official or a member of the legislature or in a hospital or penal institution by a patient or inmate thereof, and (ii) for purposes of this subparagraph, clauses (i) and (ii) of subparagraph (B) shall apply;

[Sec. 3121(b)(8) redesignated paragraph (7) by sec. 205(b), Social Security Amendments 1954; as amended by sec. 103(n), Social Security Amendments 1960; sec. 317(b), Social Security Amendments 1965; sec. 403(i), Social Security Amendments 1967; sec. 128(b), Social Security Amendments 1972. The provisions of section 3121(b)(7)(B) are not applicable to service performed in the employ of the Government of Guam, of any political subdivision thereof, or of any wholly owned instrumentality of one or more of the foregoing, for the reason that a certification by the Governor of Guam, for which there is provision in sec. 103(v)(1), Social Security Amendments 1960, has not been received by the Secretary of the Treasury. Such a certification was made by the Governor of American Samoa and was received by the Secretary of the Treasury on December 29, 1960. Such a certification was made by the Commissioners of the District of Columbia and was received by the Secretary of the Treasury on Aug. 12, 1965.]

8. Section 31.3121(b)(7)-1 is amended by adding paragraph (e) at the end thereof to read as follows:

§ 31.3121(b)(7)-1 Services in employ of States or their political subdivisions or instrumentalities.

(e) *Government of Guam.* The exception from employment under section 3121(b)(7) does not apply to services performed after 1972 in the employ of the Government of Guam or any instrumentality which is wholly owned thereby, by an employee properly classified as a temporary or intermittent employee, if such service is not covered by a retirement system established by a law of Guam. The preceding sentence shall not apply to the services performed by an elected official or a member of the legislature or in a hospital or penal institution by a patient or inmate thereof. For purposes of this paragraph—

(1) Any person whose services as an officer or employee of such Government or instrumentality is not covered by a retirement system established by a law of the United States shall not, with respect to such service, be regarded as an employee of the United States or any agency or instrumentality thereof, and

(2) The remuneration for service described in subparagraph (1) (including fees paid to a public official) shall be deemed to have been paid by such Government or instrumentality.

9. Section 31.3121(b)(10) is amended by revising the caption and subparagraph (B) thereof, and by revising the historical note, to read as follows:

§ 31.3121(b)(10) Statutory provisions; definitions; employment; services for remuneration of less than \$50 for calendar quarter in the employ of certain organizations exempt from income tax; services performed by certain students in the employ of a school, college, or university or of a nonprofit organization auxiliary thereto.

Sec. 3121. Definitions. \* \* \*

(b) *Employment.* For purposes of this chapter, the term "employment" means \* \* \* any service, of whatever nature, performed after 1954 \* \* \*; except that \* \* \* such term shall not include—

(10) \* \* \*

(B) Service performed in the employ of—

(i) A school, college, or university; or

(ii) An organization described in section 509(a)(3) if the organization is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university and is operated, supervised, or controlled by or in connection with such school, college, or university, unless it is a school, college, or university of a State or a political subdivision thereof and the services performed in its employ by a student referred to in section 218(c)(5) of the Social Security Act are covered under the agreement between the Secretary of Health, Education, and Welfare and such State entered into pursuant to section 218 of such Act;

If such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university:

[Sec. 3121(b)(11), Internal Revenue Code 1954, redesignated paragraph (10) by sec. 205(b), Social Security Amendments 1954; as amended by sec. 129(a)(2), Social Security Amendments 1972]

10. Section 31.3121(b)(10)-1 is amended by revising paragraph (b) thereof to read as follows:

§ 31.3121(b)(10)-1 Services for remuneration of less than \$50 for calendar quarter in the employ of certain organizations exempt from income tax.

(b) See § 31.3121(b)(8)-2, relating to services performed in the employ of religious, charitable, educational, and certain other organizations exempt from income tax; § 31.3121(b)(8)-1, relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; § 31.3121(b)(10)-2, relating to services performed by certain students in the employ of a school, college, or university or of a nonprofit organization auxiliary to a school, college, or university; and § 31.3121(b)(13)-1, relating to services

performed by certain student nurses and hospital interns.

11. Section 31.3121(b)(10)-2 is amended by revising the caption and paragraphs (a), (b), and (c) thereof to read as follows:

§ 31.3121(b)(10)-2 Services performed by certain students in the employ of a school, college, or university, or of a nonprofit organization auxiliary to a school, college, or university.

(a) (1) Services performed in the employ of a school, college, or university (whether or not such organization is exempt from income tax) are excepted from employment, if the services are performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(2) Services performed after 1972 in the employ of an organization which is—

(i) Described in section 509(a)(3) and § 1.509(a)-4;

(ii) Organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university; and

(iii) Operated, supervised, or controlled by or in connection with such school, college, or university;

are excepted from employment, if the services are performed by a student who is enrolled and is regularly attending classes at such school, college, or university. The preceding sentence shall not apply to services performed in the employ of a school, college, or university of a State or a political subdivision thereof by a student referred to in section 218(c)(5) of the Social Security Act (42 U.S.C. 418(c)(5)) if such services are covered under the agreement between the Secretary of Health, Education, and Welfare and such State entered into pursuant to section 218 of such Act. For the definitions of "operated, supervised, or controlled by", "supervised or controlled in connection with", and "operated in connection with", see paragraphs (g), (h), and (i), respectively, of § 1.509(a)-4.

(b) For purposes of this exception, the amount of remuneration for services performed by the employee in the calendar quarter, the type of services performed by the employee, and the place where the services are performed are immaterial. The statutory tests are (1) the character of the organization in the employ of which the services are performed as a school, college, or university, or as an organization described in paragraph (a)(2) of this section, and (2) the status of the employee as a student enrolled and regularly attending classes at the school, college, or university by which he is employed or with which his employer is affiliated.

(c) The status of the employee as a student performing the services shall be determined on the basis of the relationship of such employee with the organization for which the services are per-

formed. An employee who performs services in the employ of a school, college, or university, as an incident to and for the purpose of pursuing a course of study at such school, college, or university has the status of a student in the performance of such services. An employee who performs services in the employ of an organization described in paragraph (a) (2) of this section, as an incident to and for the purpose of pursuing a course of study at a school, college, or university with which such organization is affiliated, has the status of a student in the performance of such services.

[FR Doc. 75-19206 Filed 7-23-75; 8:45 am]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7371]

PART 420—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Disclosure to the Department of Labor and the Pension Benefit Guaranty Corporation of Information Relating to Certain Determination Letters

This document contains temporary regulations on procedure and administration (26 CFR Part 420) under section 6103(g) of the Internal Revenue Code of 1954, as added by section 1022(h) of the Employee Retirement Income Security Act of 1974 (the "Act") (Pub. L. 93-406, 88 Stat. 941) in order to provide rules for the disclosure to the Department of Labor and the Pension Benefit Guaranty Corporation of information relating to certain determination letters.

The temporary regulations provide rules under section 6103(g) for the disclosure to the Department of Labor and the Pension Benefit Guaranty Corporation of information with respect to deferred compensation plans as described in section 3001 (b) and (d) of the Act.

Section 420.6103(g)-3(a)(2) of the temporary regulations authorizes the automatic notification of the following occurrences: (1) the receipt by the Internal Revenue Service of an application for determination of whether a pension, profit-sharing, or stock bonus plan, a trust which is a part of such a plan, or an annuity or bond purchase plan meets the applicable requirements of part I of subchapter D of chapter 1 of the Code; (2) the receipt of an application for determination with regard to a termination or a proposed termination; (3) a determination by the Commissioner of Internal Revenue or his delegate that a plan or a trust is or is not qualified and the issuance of a determination letter to the applicant; and (4) the withdrawal of an application for determination of qualification. In the case of an application for determination with regard to a termination or a proposed termination, the Department of Labor and the Pension Benefit Guaranty Corporation will automatically be furnished with a copy of the

application (exclusive of compensation information).

Under § 420.6103(g)-3(c), the Commissioner of Internal Revenue or his delegate is authorized to disclose, upon request, additional information contained in the administrative record of the Internal Revenue Service with regard to applications and determinations. Except in the case of compensation information—for which a special rule is provided—the request for additional information must be in writing, signed by the Administrator of Pension and Welfare Benefit Programs of the Department of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate, and must specify the particular information desired and state the purpose for which the information is needed in the administration of title I or IV of the Act. The additional information that the Commissioner or his delegate is authorized to disclose pursuant to such a request is an application for determination filed with respect to the qualification of a plan or the exempt status of any related trust or custodial account, any letter or document issued by the Internal Revenue Service and dealing with qualification or exemption from tax, and any other related information which is in the administrative record of the Internal Revenue Service. The terms "application for determination," "supporting documents," and "determination" are defined in § 420.6103(g)-3(c)(4).

Information (including aggregate figures) from which the compensation (including deferred compensation) of any individual may be ascertained will be disclosed by the Internal Revenue Service to the Department of Labor or the Pension Benefit Guaranty Corporation only at the direction of the Commissioner of Internal Revenue or his delegate, after receipt of a written request for such information. Such a request shall be signed by the Administrator of Pension and Welfare Benefit Programs of the Department of Labor or his deputy or the Executive Director of the Pension Benefit Guaranty Corporation or his deputy and shall state the purpose for which the information requested is needed in the particular case for the administration of title I or IV of the Act.

Any information furnished to the Department of Labor or the Pension Benefit Guaranty Corporation will be held confidential, and will not be disclosed to any person, department, or agency except officials of the Department of Labor or the Pension Benefit Guaranty Corporation whose duties require such information for the proper administration of title I or IV of the Act and they may use it only for such purpose.

The disclosure of information pursuant to these temporary regulations is to begin on the date these regulations are published in the FEDERAL REGISTER. Section 6103(g)(1) of the Code does not limit this disclosure to documents filed with or issued by the Internal Revenue Service after its effective date. There-

fore, disclosure of information may be made, pursuant to these regulations, in the case of information received by the Internal Revenue Service before the effective date of these regulations.

ADOPTION OF REGULATIONS

In order to prescribe temporary regulations relating to disclosure to the Department of Labor and the Pension Benefit Guaranty Corporation of information relating to certain determination letters, the following temporary regulations are hereby adopted and inserted immediately after § 420.6103(g)-2 of the Temporary Regulations on Procedure and Administration under the Employee Retirement Income Security Act of 1974:

§ 420.6103(g)-3 Disclosure to the Department of Labor and the Pension Benefit Guaranty Corporation of information relating to certain determination letters.

(a) *Procedures in connection with the issuance of certain determination letters by the Secretary of the Treasury*—(1) *In general.* Section 3001 (b) and (d) of the Employee Retirement Income Security Act of 1974, Pub. L. 93-406 (hereinafter referred to as the "Act") provides for the furnishing to the Department of Labor by the Treasury Department of certain information with respect to applications for determination. Section 6103(g)(1) of the Code authorizes the Secretary of the Treasury or his delegate to furnish returns with respect to any tax imposed by the Internal Revenue Code of 1954 or information with respect to such returns to the proper officers and employees of the Department of Labor and the Pension Benefit Guaranty Corporation for purposes of administration of Titles I and IV of the Act.

(2) *Automatic notification*—(i) *Receipt of application for determination.* (A) Upon receiving an application for a determination of whether a pension, profit-sharing, or stock bonus plan, a trust which is a part of such a plan, or an annuity or bond purchase plan meets the applicable requirements of part I of subchapter D of chapter 1 of the Code, the Internal Revenue Service is authorized to notify the Secretary of Labor or his delegate and the Executive Director of the Pension Benefit Guaranty Corporation or his delegate of such receipt without application or request.

(B) If an application for determination alleges that certain employees may be excluded from participation by reason of section 410(b)(2)(A) of the Code, the Internal Revenue Service is authorized to notify the Secretary of Labor or his delegate of this statement for the purpose of obtaining the finding necessary for the application of such section.

(ii) *Application for determination with regard to a termination.* Upon receiving an application for a determination of whether a pension, profit-sharing, or stock bonus plan, a trust which is a part of such a plan, or an annuity or bond purchase plan meets the applicable requirements of part I of subchapter D

of chapter 1 of the Code with regard to a termination or a proposed termination, the Internal Revenue Service is authorized to furnish such application to the Secretary of Labor or his delegate and the Executive Director of the Pension Benefit Guaranty Corporation or his delegate without application or request. No information, submitted in conjunction with such an application, from which the compensation (including deferred compensation) of any individual may be ascertained will be furnished before the requirements of paragraph (d) of this section are satisfied.

(iii) *Issuance of determinations and withdrawals of applications.* If the Commissioner of Internal Revenue or his delegate determines that a plan or trust meets or does not meet the applicable requirement of part I of subchapter D of chapter 1 of the Code and issues a determination letter to the applicant or if an application for such a determination is withdrawn by the taxpayer, the Internal Revenue Service is authorized to notify the Secretary of Labor or his delegate and the Executive Director of the Pension Benefit Guaranty Corporation or his delegate of the determination or withdrawal without application or request. In any case in which the Department of Labor or the Pension Benefit Guaranty Corporation has commented on the application for determination, the Commissioner of Internal Revenue or his delegate is authorized to send a copy of the letter or document (described in paragraph (c) (3) (iii) of this section) issued to the applicant to the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate without application or request.

(b) *Comments on applications for determination.* Section 3001(b) (2) of the Act provides that the Secretary of Labor may not request an opportunity to comment upon an application for determination unless he has been requested in writing to do so by the Pension Benefit Guaranty Corporation or by the lesser of 10 employees or 10 percent of the employees who qualify as interested parties. Section 3001(b) (2) of the Act also provides that, upon receipt of such a request, the Secretary of Labor shall furnish a copy of the request to the Secretary of the Treasury within 5 days, excluding Saturdays, Sundays, and legal public holidays as set forth in section 6103 of title 5 of the United States Code.

(c) *Additional information with regard to applications and determinations.*—(1) *Applications.* Upon receipt of a request from the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate, the Commissioner of Internal Revenue or his delegate is authorized to furnish to the Secretary of Labor or his delegate or to the Executive Director of the Pension Benefit Guaranty Corporation or his delegate the requested information described in paragraph (c) (3) of this section contained in the administrative record of the Internal Revenue Service

which relates to the application for determination. These requests for information shall be in writing, signed by the Administrator of Pension and Welfare Benefit Programs of the Department of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate, and the Commissioner or his delegate shall furnish such information if the request specifies the particular information desired and states the purpose for which the information is needed in the administration of title I or IV of the Act. In the case of a request for information from the Department of Labor, such request shall also state that the Department of Labor has been requested in writing by either the Pension Benefit Guaranty Corporation or one or more employees to comment on the application.

(2) *Determinations.* If the Commissioner or his delegate determines that a plan or trust meets the applicable requirements of part I of subchapter D of chapter 1 of the Code and issues a determination letter to the applicant, the Commissioner of Internal Revenue or his delegate is authorized, if requested (except as provided in paragraph (a) (2) (iii) of this section), to furnish to the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate the requested information described in paragraph (c) (3) of this section contained in the administrative record of the Internal Revenue Service which relates to the application for determination and the determination. These requests for information shall be in writing, signed by the Administrator of Pension and Welfare Benefit Programs of the Department of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate, and the Commissioner or his delegate shall furnish such information if the request specifies the particular information desired and states the purpose for which the information is needed in the administration of title I or IV of the Act.

(3) *Information which may be disclosed to the Department of Labor and the Pension Benefit Guaranty Corporation upon request pursuant to paragraphs (c) (1) and (2) of this section.* The information referred to in paragraphs (c) (1) and (2) of this section is—

(i) An application for determination (as defined in paragraph (c) (4) (i) of this section), together with any supporting documents (as defined in paragraph (c) (4) (ii) of this section), with respect to the qualification of a pension, profit-sharing, stock bonus, annuity, or bond purchase plan under section 401(a), 403(a), or 405(a);

(ii) An application for determination, together with any supporting documents, with respect to the exemption from tax under section 501(a) of a trust or custodial account forming part of a plan referred to in subdivision (i) of this subparagraph;

(iii) Any letter or other document forming part of the administrative re-

cord, issued by the Internal Revenue Service, and dealing with the qualification of a plan referred to in subdivision (i) of this subparagraph or the exemption from tax under section 501(a) of a trust or custodial account forming part of a plan or account referred to in subdivision (ii) of this subparagraph. These letters or documents include, but are not limited to, determination letters issued with respect to the qualification of employees' trusts or plans or the exemption from tax of any related trust or custodial account (as described in § 601.210(o) of this chapter); rulings, determination letters, and opinion letters issued with respect to the qualification of pension plans of self-employed individuals or the exemption from tax of any related trust or custodial account (as described in § 601.201(p) of this chapter); and rulings, determination letters, and opinion letters issued with respect to the qualification of corporate master and prototype plans or the exemption from tax of any related trust or custodial account (as described in § 601.201(q) (3) of this chapter); and

(iv) Any other papers which are in the administrative record of the Internal Revenue Service and which relate to an application for determination.

(4) *Meaning of terms.*—(1) *Application for determination.* (A) For purposes of this section, the term "application for determination" means the documents described in paragraphs (c) (4) (i) (B) and (C) of this section which the employer, plan administrator (within the meaning of section 414(g)), or other appropriate person files with respect to the qualification of a pension, profit-sharing, stock bonus, annuity, or bond purchase plan under section 401(a), 403(a), or 405(a), or with respect to exemption from tax under section 501(a) of any related trust or custodial account.

(B) With respect to the qualification or exemption from tax for which an application for determination form is prescribed, the application for determination includes such form and all documents and statements required to be filed by such form. Such application forms include those enumerated in § 601.201(o) of this chapter (relating to application forms filed with respect to the qualification of employees' trusts or plans or the exemption from tax of any related trust or custodial account), § 601.201(p) of this chapter (relating to application forms filed with respect to the qualification of pension plans of self-employed individuals or the exemption from tax of any related trust or custodial account), and § 601.201(q) of this chapter (relating to application forms filed with respect to the qualification of corporate master and prototype plans or the exemption from tax of any related trust or custodial account).

(C) With respect to the qualification or exemption from tax for which no application for determination form is prescribed, the application for determination includes the application letter and all documents and statements the In-

ternal Revenue Service requires to be submitted with such application letter.

(D) The term "application for determination" does not include an incomplete application that is returned without action for proper completion.

(ii) *Supporting documents.* (A) For purposes of this section, the term "supporting documents" as used with respect to applications for determination defined in paragraph (c) (4) (1) of this section means any statement or document submitted by an employer, plan administrator or other person in support of such application, whether or not specifically required by the application form. For example, a legal brief submitted in support of the application for determination is a supporting document.

(iii) *Determination.* For purposes of paragraph (a) (2) of this section, a determination means—

(A) A determination by the Internal Revenue Service that a plan or trust is or is not qualified under part I of subchapter D of chapter 1 of the Code or

(B) Any other disposition of the application for determination.

(5) *Information not open to public inspection under section 6104(a) (1) (B).* The provisions of paragraph (c) (3) of this section shall apply to any plan referred to in subdivision (1) of such subparagraph regardless of the number of participants in such plan. Thus, for example, the Commissioner of Internal Revenue or his delegate is authorized by paragraphs (c) (1) and (2) of this section to furnish to the Department of Labor or the Pension Benefit Guaranty Corporation, upon written request, an application for determination filed with respect to the qualification of a pension plan having 20 plan participants and a determination letter issued in response to such application, regardless of the fact that those documents would not be open to public inspection by reason of the last sentence of section 6104(a) (1) (B).

(d) *Withholding of compensation information.* Information (including aggregate figures) from which the compensation (including deferred compensation) of any individual may be ascertained will be disclosed by the Internal Revenue Service to the Department of Labor or the Pension Benefit Guaranty Corporation only at the direction of the Commissioner of Internal Revenue or his delegate, after receipt of a written request for such information. Such a request shall be signed by the Administrator of Pension and Welfare Benefit Programs of the Department of Labor or his deputy or the Executive Director of the Pension Benefit Guaranty Corporation or his deputy and shall state the purpose for which the information requested is needed in the particular case for the administration of title I or IV of the Act.

(e) *Disclosure of information.* Any information obtained under this section by the Department of Labor or the Pension Benefit Guaranty Corporation shall be held confidential, and shall not be disclosed to any person, department, or

agency except officials and employees of the Department of Labor or the Pension Benefit Guaranty Corporation whose duties require such information for the proper administration of title I or IV of the Act and they may use it only for such purpose.

(f) *Effective date.* This section shall be effective on July 24, 1975.

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, and because it is essential that rules relating to disclosure to the Department of Labor and the Pension Benefit Guaranty Corporation of certain information with respect to deferred compensation plans be in effect promptly, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

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

Approved: July 17, 1975.

FREDERIC W. HICKMAN,  
Assistant Secretary  
of the Treasury.

[FR Doc.75-19203 Filed 7-21-75; 11:10 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION

[CGD 74-188]

PART 127—SECURITY ZONES

New London Harbor, Connecticut

On March 12, 1975, there was published in the FEDERAL REGISTER (40 FR 11598), a notice of proposed rule making to establish an additional security zone on the Thames River, west of the Naval Submarine Base, New London, Connecticut. Interested persons were given the opportunity to submit, not later than April 14, 1975, comments concerning the proposed regulations.

No comments were received, and the proposed amendment is adopted without change, as set forth below.

Effective date. This amendment is effective on: August 25, 1975.

Dated: July 16, 1975.

O. W. SILER,  
Admiral, U.S. Coast Guard  
Commandant.

Part 127 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (a) (3) to § 127.305 to read as follows:

§ 127.305 New London Harbor, Connecticut.

(a) \* \* \*

(3) *Security zone C.* The waters of the Thames River, west of the Naval Subma-

rine Base, New London, enclosed by a line beginning at a point on the shoreline at latitude 41°23'15.8" N., longitude 72°05'17.9" W.; thence to latitude 41°23'15.8" N., longitude 72°05'22" W.; thence to latitude 41°23'25.9" N., longitude 72°05'29.9" W.; thence to latitude 41°23'47.2" N., longitude 72°05'42.2" W.; thence to latitude 41°23'53.8" N., longitude 72°05'43.7" W.; thence to latitude 41°24'04.2" N., longitude 72°05'42.9" W.; thence to a point on the shoreline at latitude 41°24'04.2" N., longitude 72°05'38" W.; thence along the shoreline to the point of beginning.

(50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b) (1) E.O. 10173, as amended, 3 CFR 1940-1953 Comp. 356, 773, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.56 (b))

[FR Doc.75-19262 Filed 7-23-75; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

[FRL 391-6]

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a portion of the Kansas Implementation Plan.

The State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6, and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Certain schedules failed to meet the requirements of 40 CFR 51.15(b) (1), in that the compliance schedules extend beyond the attainment date in the State Implementation Plan.

Accordingly, the Administrator proposed approval and disapproval of these schedules on May 15, 1975, in the FEDERAL REGISTER, 40 FR 21045. The proposed approval and disapproval of these schedules published in the May 15, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the

## KANSAS

public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator approves and disapproves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement.

In the indication of approval and disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C.; and the Kansas State Department of Health and Environment, Building 740, Forbes Air Force Base, Topeka, Kansas.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: July 17, 1975.

JOHN QUARLES,  
Acting Administrator.

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

## Subpart R—Kansas

1. In § 52.876, the table in subparagraph (c) (1) is amended by adding the following:

## § 52.876 Compliance Schedules.

- (c) \* \* \*  
(1) \* \* \*

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Gove County Hospital, Incinerator.....	Quinter.....	28-19-40	Mar. 28, 1975	Immediately	July 31, 1975
Gulf Oil Chemicals Co., No. 17, 18, and 19, NH <sub>3</sub> NO <sub>x</sub> neutralizers.....	Pittsburg.....	28-19-20	do.....	do.....	Do.
Highland Community Junior College, Incinerators No. 1 and 2.....	Highland.....	28-19-50	do.....	do.....	July 1, 1975
S-G Metals Industries, Inc., aluminum furnaces 1-7.....	Kansas City....	28-19-40C	do.....	do.....	June 1, 1975
Midwest Solvents Co., animal feed production.....	Atchison.....	28-19-41A	do.....	do.....	July 1, 1975
Certain-Teed Products Corp., KO furnace.....	Kansas City....	28-19-20	do.....	do.....	Apr. 1, 1975
Koppel, Inc., leg cyclone dust collector.....	Salina.....	28-19-50	do.....	do.....	June 1, 1975
Harry M. Liggett, alfalfa dehydrator.....	Concordia.....	28-19-20	do.....	do.....	July 1, 1975

2. In § 52.876, the table in paragraph (c) (2) is amended by adding the following:

## § 52.876 Compliance Schedules.

- (c) \* \* \*  
(2) \* \* \*

## KANSAS

Source	Location	Regulation involved	Date adopted
Cooperative Farm Chemicals, No. 1 NH <sub>3</sub> NO <sub>x</sub> 99-percent evaporator and prilling tower.....	Lawrence.....	28-19-20	Mar. 28, 1975
Sherwin-Williams Chemical Co., oxide calciner exhaust.....	Coffeyville.....	28-19-50A	Do.
Kaw Dehydrating Co., alfalfa dehydrator.....	Lawrence.....	28-19-20	Do.

[FR Doc. 75-19139 Filed 7-23-75; 8:45 am]

[FRL 396-1]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

## New Jersey: Approval of Compliance Schedules

On March 17, 1975, a group of compliance schedules submitted by affected sources in conformity with the requirements of 40 CFR 52.1577(d) (1) were proposed for approval in the FEDERAL REGISTER (40 FR 12112). This proposal was noticed for public hearing in the FEDERAL REGISTER of April 25, 1975 (40 FR 18218), and hearings were thereupon held on May 19, 1975. The purpose of this notice is to approve fifteen (15) of the schedules proposed for approval in the March 17, 1975 FEDERAL REGISTER. No comments relative to the schedules approved herein were received during the course of the May 19, 1975 public hearings, and the Administrator has concluded that these schedules represent the most expeditious means for bringing the emission sources involved into compliance with the relevant provisions of the New Jersey Air Pollution Control Code.

The table published herein identifies the sources for which compliance schedules have been approved. Although only the final compliance date for each subject source is included in that table, interim dates for various increments of progress, which are federally approvable, are embodied in the official compliance schedule for each source. These official compliance schedules are available for public inspection at the addresses set out in the notice of proposed rulemaking published in the FEDERAL REGISTER of March 17,

1975. The approval made effective with publication of this notice makes each of these schedules a revision to the New Jersey Implementation Plan, pursuant to section 110 of the Clean Air Act and 40 CFR 51.8.

The Administrator believes that the Agency's interest in the immediate enforcement of these schedules would be served by making this approval immediately effective. The sources involved have themselves submitted the schedules approved herein, and have in all cases substantially completed the actions necessary to comply with their terms. For the foregoing reasons, this rulemaking will become effective immediately upon publication.

(42 U.S.C. § 1857c-5(c))

Dated: July 16, 1975.

JOHN QUARLES,  
Acting Administrator.

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

## Subpart FF—New Jersey

(1) A new § 52.1577(e) is added as follows:

## § 52.1577 Compliance schedules.

(e) Federal compliance schedules. The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, except where noted.

Source	Location	Regulation Involved	Effective date	Final compliance date
Abex Inc.	Mahwah, Bergen County	40 CFR 52.1577(d) 1	Immediately	July 31, 1975
Gerald A. Barrett, Inc.	Woodbine, Cape May County	do	do	July 1, 1974
G. & W. H. Corson, Inc. (Home Crete Corp.)	Gibbsboro, Camden County	do	do	Dec. 1, 1974
Flockhart Foundry Co.	Newark, Essex County	40 CFR 52.1577(d)	do	Do.
GAF Corp.	Bridgewater Township, Somerset County	do	do	do
1. Preheating and conveying collector outlet.				Nov. 1, 1974
2. Stack for No. 1 side coloring plant.				June 1, 1975
3. Stack for No. 2 side coloring plant.				Do.
4. Dryer Building collector outlet.				July 31, 1975
5. Aerator and Mixer exhaust.				Do.
Grefco, Inc.	Jamesburg, Middlesex County	40 CFR 52.1577(d)	Immediately	Apr. 15, 1975
Lace Creations, Inc.	Newark, Essex County	do	do	June 15, 1975
Metro Containers (Kraftco Corp.)	Jersey City, Hudson County	do	do	July 31, 1975
Trap Rock Industries, Inc.	Kingston, Somerset County			July 31, 1975
1. Stacks 4 and 4A				Do.
2. Stack 5				Do.
Woodward Metal Processing Corp.	Jersey City, Hudson County	40 CFR 52.1577(d)	Immediately	Mar. 11, 1975

<sup>1</sup> Federal regulation.

[FR Doc.75-19140 Filed 7-23-75;8:45 am]

**Title 41—Public Contracts and Property Management**

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

**PART 60-5—WASHINGTON PLAN**

**Notice of Extension**

On December 22, 1970, the Department of Labor published the Washington Plan (35 FR 19352). The Washington Plan is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Washington area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax, and Falls Church, the Virginia counties of Loudoun and Prince William and the Maryland counties of Montgomery and Prince Georges. During the past year, the Department of Labor has endeavored to encourage the development of a voluntary hometown plan which would cover all of the construction trades in the Washington area. Despite these efforts, it appears that a viable hometown plan is not forthcoming. Therefore, in order to ensure positive efforts toward the elimination of underutilization of minorities in the Washington area construction industry, it is deemed appropriate to propose the establishment of a Revised Washington Plan. It is anticipated that such a proposal shall be published in the FEDERAL REGISTER prior to July 31, 1975. Due to the requirement that the proposed Revised Washington Plan be published for comment for at least 30 days prior to promulgation as a final rule it is necessary to extend the Washington Plan until the proposed Revised Washington Plan becomes effective.

Accordingly, Appendix A § 60-5.30, of the present Plan must be included in all invitations or other solicitations for bids

on federally-involved construction contracts for projects, the estimated total cost of which exceeds \$500,000 in the Washington area until the proposed Revised Washington Plan becomes effective. All invitations and other solicitations for bids should be revised to reflect this extension by revising Appendix A, § 60-5.30. The goals in Appendix A for the final year of the Plan will be applicable. Appendix A of the Washington Plan is available for inspection in the Office of the Director, Office of Federal Contract Compliance, Room N3402, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed this 18th day of July, 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

BERNARD E. DELURY,  
Assistant Secretary for  
Employment Standards.

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

[FR Doc.75-19250 Filed 7-23-75;8:45 am]

**Title 45—Public Welfare**

**CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS**

**Need and Amount of Assistance**

On March 19, 1975 (40 FR 12507), Chapter II, Title 45 of the Code of Federal Regulations, was amended after full consideration of comments received after notice of proposed rulemaking was published on July 9, 1973, (38 FR 18251), on the amount and nature of resources which may be retained by a recipient of public assistance. After further consideration the Department has concluded that it should amplify the preamble to the

regulation so as (1) to specify the basis and purpose of the regulation and (2) to respond more fully to the public comments received.

The purpose of these new regulations is to reduce costs, to ensure that some distinction continues to exist between AFDC recipients and the working public and to help promote the essential underlying purpose of the AFDC program to provide aid only to those who are truly needy. Thus the regulations seek to remove from the federally-assisted AFDC rolls those individuals who have assets of sufficient value so as no longer to be truly needy. They further seek to promote public confidence in the welfare system by insuring that those on public assistance do not retain assets greater than those held by many non-welfare members of the community. The regulations also seek to strike a reasonable balance between the need to allow recipients to possess basic personal property items necessary for employment, while at the same time preventing them from acquiring or maintaining at public expense unnecessary or luxurious items.

These regulations are being promulgated at a time of increasingly serious budgetary concern at both the federal and state levels, a time in which all parts of federal, state and local government are being required to reduce excessive costs and make major sacrifices. These regulations seek to insure that in this time of general national belt-tightening, the public will not subsidize either those who are not really in need or those who have placed themselves in a position of need due to the purchase of heavily encumbered items. These policies seek to preserve public confidence in the welfare system while at the same time reducing costs.

This regulation is based on section 1102 of the Social Security Act which gives the Secretary of Health, Education and Welfare the right to publish such rules and regulations not inconsistent with the Act, and as may be necessary to the efficient administration of the functions with which he is charged under the Act.

Public comments were solicited at the time these regulations were first proposed on July 9, 1973 (38 FR 18254). At that time, 59 comments were received from welfare agencies, governors, members of Congress, legal aid groups and other organizations. The major objections to the proposed regulations and SRS' responsive comments are as follows:

1. Making changes that affect the adult categories are unnecessary since at the time the regulations were promulgated these programs were to be superseded by the federal program of Supplemental Security Income for the Aged, Blind, and Disabled (SSI). They would also be burdensome since the States are busy readying their caseload for transfer to the Social Security Administration.

Response: Since the changeover to SSI has now been completed, the comments regarding the lack of necessity for and burdensomeness of this process have been mooted.

2. Resource limitations lessen the states' flexibility and discretion in determining who is needy. Furthermore, the new regulations would add administrative costs to the states while providing limited savings in return.

Response: This objection constituted the most frequent attack on the regulations. There is no doubt that these amendments will result in some additional limitations on the states' flexibility in determining need. However, the federal government has traditionally established ceilings on the amount of resources that may be reserved. The "Handbook of Public Assistance Administration," which pre-dates published federal regulations on the subject of resource limitations, has established limits on the state's power to exclude certain resources at least since 1955. The revised resource limitations merely modified existing policy in this area and did not radically alter any traditional federal-state apportionment of authority. The mere fact that the regulations introduce a lower limit does not invalidate the Secretary's power to act upon those limits.

At present, states have a wide range of resource limitations and some states have a resource limit lower than those in the proposed regulation. Federal ceilings on the amount of resources which may be excluded have been changed several times. For example, in the 1955 "Handbook of Public Assistance Administration" the overall cash limit was \$1500. At that time the Handbook required that automobiles be included within the \$1500 limit. In July 1966 another change was introduced which had the effect of raising the ceiling to \$2000 per individual recipient. The Handbook also established reserves for certain types of property, such as income-producing properties. The current amendments seek to restore public confidence in the welfare system by assuring that recipients do not possess highly valuable property from which they could derive support or which require large payments to maintain. The new lower resources limits seek to assure that, in a time of limited funds, only those who are truly needy will receive those funds.

There is no doubt that in meeting this goal, some additional administrative burdens will be placed on the states. However, this increased burden must be balanced against renewed public confidence in the welfare system and the projected savings that will result from the removal of ineligible from the welfare rolls. The new regulations did not abolish state discretion in this area, but rather merely set the parameters of that discretion. This limitation on the state's discretionary function is done partly for the sake of conformity and partly to assure proper public respect for the welfare system.

3. The "reasonable value" standard applicable to a house constitutes a vague standard. Such a standard would be difficult to apply uniformly throughout a state because it ignores the reality of

great variation in housing costs in different regions of a given state.

Response: Due to the large variation in the cost of housing within the nation, a single dollar ceiling on the value of a home would only result in inequities. Under the regulations, each state could establish for itself reasonable values which would be appropriate for that jurisdiction. A "reasonable value" would be one which prevents a public assistance recipient from owning a home of such high value that payments, taxes, maintenance, etc., would absorb a disproportionate amount of the assistance grant or which represents a large equity that could be used for living expenses. At the same time, the reasonable value would be not so low that it would increase the recipients' cost for necessary housing.

The state would not be bound by one reasonable value for the entire state but would be free to establish different values for different regions of the state. Such a policy would be consistent with the historical state flexibility in determining shelter allowances. The state would continue to have the right to take into account regional variations in the cost of housing. Any difficulty in determining a "reasonable value" standard by a state is outweighed by the injustices that result from a single nationwide or statewide standard.

4. Several objections were made to the inclusion of previously excluded automobiles in the AFDC resource limitations, and others question the validity of the limitation of \$1200 on cars used in employment or rehabilitation.

Response: The comments raised objections to the use of a uniform national standard and the dollar amount of such a standard. Unlike the cost of housing which shows great fluctuation throughout the nation, the cost of a car is much more uniform, and therefore tends to lend itself to the establishment of a national standard. The Department felt that \$1200 would permit the purchase of a vehicle adequate to provide necessary transportation. The price limitation on cars is in keeping with the purpose of the regulation which is to prevent the recipient from assuming financial burdens which he cannot afford, while at the same time allowing the recipient to obtain reasonable amounts of property necessary for employment or rehabilitation. In the final regulation SRS changed the rule to allow for the exclusion of an automobile up to a value of \$1200 when used for employment or rehabilitation. The previous draft of the regulation required that all automobiles be included in the \$1200 ceiling. The change was made to ensure that the recipient was not penalized because he needed an automobile for employment or rehabilitation.

5. Ignoring encumbrances in valuation of property produces an unjust result.

Response: The requirement that encumbrances be ignored in the valuation of property generated a considerable amount of criticism. Although excluding

encumbrances has the possible effect of hiding the amount of cash that an individual could receive if he sold the item it nonetheless serves the justifiable purpose of deterring the recipient from possessing encumbered items which place a drain on his limited budget. Large monthly payments on encumbrances are counterproductive to the goal of making the recipient independent of the welfare system, and results in funds provided for basic necessities being diverted to meet payments on non-essential amenities.

6. Changes in the definitions of "currently available" income and resources are contrary to federal court decisions affirmed by the U.S. Supreme Court and are unnecessarily punitive and open to subjective interpretation.

Response: The comments raised a valid criticism with respect to the interpretation of the phrase "currently available". The language of the regulation was clarified so that the reference regarding consideration of a legal interest in income or resources is a reference to a liquidated sum and not to an uncollected judgment such as a child support order which has not been paid. The regulations were revised to recognize the distinction which exists between that which is actually available and those resources which exist only in the form of unliquidated legal causes of action.

7. At least two of the comments raised a possible equal protection problem, by questioning whether different resource limitation standards could be set for the adult and the AFDC categories.

Response: In "Jefferson v. Hackney," 406 U.S. 535 (1972), the United States Supreme Court recognized that different standards resulting in different amount of benefits did not violate the equal protection clause of the 14th Amendment. The Court recognized that a valid distinction could be made between the four categories of public assistance found in the Social Security Act, and that different standards and benefits among the categories did not violate the equal protection clause of the Fourteenth Amendment.

8. The new regulation would create impossible burdens on the quality control program.

Response: The above statement is speculative and its assumption as to "impossible burdens" is questionable. There is no reason to believe that if sufficient resources are committed to the quality control program it cannot meet this and all other statutory limitations on the distribution of welfare monies. Each additional regulation may create some additional burdens on the quality control program, however, the mere possibility that quality control compliance becomes somewhat more difficult is not a justification for discontinuing reforms in the welfare system. The quality control program seeks to eliminate errors within the welfare system. It should not at the same time eliminate all change.

9. Welfare workers are unable to correctly appraise the value of the recipient's property and the manpower needed to do such a job could be used elsewhere.

Response: This problem of property valuation cannot be avoided in any system that seeks to separate those who are truly needy from those who are not. The problems of valuation are, indeed difficult ones, but they are problems which are inherent in our present system of welfare. Furthermore, the administrative complexity inherent in this type of system can be minimized through the use of general guidelines and standards which determine the value of a particular piece of property by reference to the nature of the property and the length of time that the property has been in use.

The regulations are thus accordingly republished:

§ 233.20 Need and amount of assistance.

(a) Requirements for State plans.

(3) Income and resources; OAA, AFDC, AB, APTD, AABD. (i) Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet the current and future needs while assistance is received on a continuing basis. In addition to a home of reasonable value, as established by the State agency, personal effects, automobile and income producing property allowed by the agency, for applicants or recipients of OAA, AB, APTD, and AABD, the amount of real and personal property, including liquid assets, that can be reserved for each individual applicant or recipient of OAA, AB, APTD, or AABD shall not be in excess of \$1500 or, in case such individual has a spouse with whom he is living, \$2250, including the available resources of such spouse. The amount which may be reserved by an AFDC family of up to 4 persons, other than the reasonable value of a home as determined by the State agency, wedding and engagement rings, heirlooms, an automobile of a retail market value of \$1200 or less and equipment and material of reasonable value necessary to implement a plan, approved by the agency, for employment, or rehabilitation, shall not be in excess of a market value of \$2250. If the retail market value of the automobile exceeds \$1200, the excess value shall be counted against the personal property reserve. For each additional eligible person, an additional \$100 in personal property reserves above the \$2250 limit may be allowed. Real and personal property shall be valued at their gross market value including encumbrances. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

(ii) Provide that, in determining need and the amount of the assistance payment, after all policies governing the reserves and allowances and disregard or setting aside of income and resources referred to in this section have been uniformly applied:

(A) in determining need, all remaining income and resources shall be considered in relation to the State's need standard;

(B) in determining financial eligibility and the amount of the assistance payment, all remaining income and resources may, at the State's option, be considered in relation to the State's need standard, or the State's payment standard;

(C) if agency policies provide for allocation of the individual's income as necessary for the support of his dependents, such allocation shall not exceed the total amount of their need as determined by the State's need standard;

(D) net income available for current use and currently available resources shall be considered; income and resources are considered available both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance;

(E) income and resources will be reasonably evaluated.

For purposes of this paragraph (a) (3): Automobile means a passenger car or other motor vehicle used to provide transportation of persons or goods; Retail market value means the price an item of a particular make, model, size, material or condition will sell for on the open market in the geographic area involved; Liquid assets are those properties in the form of cash or other financial instruments which are convertible to cash and include savings accounts, checking accounts, stocks, bonds, mutual fund shares, promissory notes, mortgages, loan value of insurance policies, and similar properties; Need standard means the money value assigned by the State to the basic needs it recognizes as essential for applicants and recipients; Payment standard means the amount from which non-exempt income is subtracted.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance Maintenance Assistance (State Aid))

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

*Effective date.* These regulations shall become effective August 1, 1975.

Dated: July 18, 1975.

JOHN C. YOUNG,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: July 18, 1975.

CASPAR W. WEINBERGER,  
Secretary.

[FR Doc.75-19265 Filed 7-23-75;8:45 am]

Title 46—Shipping  
CHAPTER 1—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER B—MERCHANT MARINE  
OFFICERS AND SEAMEN  
[CGD 75-061]

PART 10—LICENSING OF OFFICERS AND  
MOTORBOAT OPERATORS AND REGIS-  
TRATION OF STAFF OFFICERS

Licenses for Operation of Uninspected  
Towing Vessels

The purpose of the amendments in this document is to delete from Subpart 10.16 of Title 46 of the Code of Federal Regulations certain references to exceptions to the requirements for a license issued by the Coast Guard as an operator of uninspected towing vessels.

The regulations contained in § 10.16-71 granted exceptions to requirements found in other sections to those persons who had at least 1 year of service as an operator of any towing vessel within the 36 months immediately preceding the date of application for a license as an operator of towing vessels. This section required that applications submitted under the exception be made before December 31, 1974. Section 10.16-21, in two instances, makes reference to section 10.16-71.

Since the time limit for submitting applications has expired, all references to the exception are being deleted from the regulations at this time.

In consideration of the foregoing, Part 10 of Title 46 of the Code of Federal Regulations is amended as follows:

§ 10.16-21 [Amended]

1. By revising § 10.16-21(d) to read as follows:

(d) Meet the character check and personal reference requirements in § 10.02-5(i) except that the three written endorsements required in § 10.02-5(i)(1) may be from a recent marine employer or its authorized representative if at least one such endorsement is from the master, operator or person in charge of a vessel on which the applicant has been employed.

2. By inserting the word "and" after the semi-colon in § 10.16-21(e).

3. By striking the semi-colon and the word "and" in § 10.16-21(f) and inserting a period in place thereof.

4. By deleting § 10.16-21(g).

§ 10.16-71 [Deleted]

5. By deleting § 10.16-71.

(R.S. 4427, as amended; 46 U.S.C. 405(b); 49 CFR 146(o)(3))

*Effective date.* These amendments shall become effective on August 25, 1975.

Dated: July 17, 1975.

O. W. SILER,  
Admiral, U.S. Coast Guard  
Commandant.

[FR Doc.75-19261 Filed 7-23-75;8:46 am]

## Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR  
SPECIAL REGULATIONS

## Upper Mississippi River Wild Life and Fish Refuge, Illinois and Certain Other States

The following special regulations are issued and are effective July 24, 1975.

## PART 28—PUBLIC ACCESS, USE AND RECREATION

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN  
UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public use is permitted on the Upper Mississippi River Wild Life and Fish Refuge in accordance with state laws and subject to the following special conditions:

(1) The cutting of all live trees is prohibited, except that willow may be used for trap stakes, commercial fishing gear and hunting blinds.

(2) No live fire, including hot charcoal, shall be buried and/or left unattended.

(3) The abandonment, burying or placing in the water of garbage, trash, camping and picnic debris, and all other deleterious materials is prohibited.

(4) The use on refuge lands of motorized vehicles of any type is prohibited except on designated public roads and routes of travel.

(5) All state laws on use, possession, transportation and sale of alcoholic beverages which are applicable to the geographic area concerned are adopted and made a part hereof.

(6) The use and/or possession on the refuge of all controlled substances, including but not limited to opiates, cocaine, marijuana, hashish, depressants, stimulants or hallucinogenic drugs is prohibited except when such use or possession is for the person's own use as authorized by law. All state laws on controlled substances applicable to the geographic area concerned are adopted and made a part hereof.

(7) Camping, defined as the use of tent camps; bedrolls; and all types of floating craft, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is permitted on the Upper Mississippi River Wild Life and Fish Refuge subject to the following restrictions:

(a) The period of camping by an individual or group shall not exceed fourteen (14) consecutive days at any one site or within 300 feet of such site.

(b) The leaving of tents, camping equipment or floating craft at an unoccupied campsite for more than 24 hours is prohibited. Such gear will be considered as abandoned and is subject to impoundment.

(c) The erection of tables, fireplaces, latrines and other structures and facilities related to camping is prohibited unless all vestiges of same are removed when the camper departs from the site.

(d) Camping is prohibited on developed access and parking areas and on all other areas posted against camping. Camping on the refuge while engaged in fur animal trapping is prohibited. Camping on land on the refuge while engaged in hunting is prohibited except on sites readily visible from the main commercial navigation channel of the Mississippi River or a designated developed camp site. Camping while engaged in hunting is prohibited in all areas closed to such hunting.

(8) The placement on the refuge of boathouses, boat docks, boat slips, storage boxes or sheds, stairways, wells, septic systems, sewer systems of any type, and all other kinds and types of construction is prohibited without written authorization of the refuge manager or his authorized representative. All new structures, including boathouses, houseboats, docks, piers and floats authorized by permit to be moored, anchored, or secured along the shoreline and on the waters of the Mississippi River within the Upper Mississippi River Wild Life and Fish Refuge must use flotation methods and devices of a type constructed of polyurethane, high-impact polyethylene fiberglass material, or other inert materials to provide flotation. The use of any iron or steel container not fabricated originally for flotation purposes, including barrels, tanks and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited for new structures or for replacement of flotation devices in existing structures unless filled with polyurethane. The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective until June 30, 1976.

## PART 32—HUNTING

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

## ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

## UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is NOT permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following conditions:

(1) The hunting of migratory game birds shall be in accordance with all applicable State and Federal regulations

and seasons which are adopted herein and made a part of this regulation.

(2) No person shall hunt migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's migratory game bird hunting privileges are suspended or under revocation of any state or Canadian province for game law infractions.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1976.

§ 32.22 Special regulations, upland game, for individual wildlife refuge areas.

## ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

## UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes and crows on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting, except that the Goose Island Closed Area in Pool 6 is closed at all times to hunting, and the discharge of guns is prohibited thereon. The "open" areas comprising 153,000 acres and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable state seasons is permitted, but only during the period from the first day of the earliest fall state GAME bird or GAME animal season applicable to the geographic area concerned, until the end of the applicable state seasons, or until the next succeeding March 1, whichever occurs first.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, hunting on designated "closed" areas concurrent with applicable state seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable state seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox and crows shall be in accordance with all applicable state regulations which are adopted herein and made a part of this regulation.

(4) No person shall hunt upland game birds or animals on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's small game hunting privileges are suspended or

under revocation in any state or Canadian province for game law infractions.

(5) Except with permission in writing obtained from the refuge manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wild Life and Fish Refuge during the period from March 1 until the first day of the earliest fall state GAME bird or GAME animal season applicable to the geographic area concerned.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting, except that the Goose Island Closed Area in Pool 8 is closed to all hunting at all times. The "open" areas comprising 153,000 acres and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable state seasons.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, bow and gun deer hunting on designated "closed" areas concurrent with applicable state seasons is permitted, but only during the period from the first day AFTER the close of the last hunting season for DUCKS applicable to the geographic area concerned, until the end of the applicable state seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable state regulations which are adopted herein and made a part of this regulation.

(4) No person shall hunt deer on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's big game hunting privileges are suspended or under revocation in any state or Canadian province for game law infractions.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective until June 30, 1976.

PART 33—SPORT FISHING

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish and clams on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. All fishing is subject to the following conditions:

(1) Unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish and clams shall be taken in accordance with all applicable state regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through or on the Spring Lake Closed Area of the Upper Mississippi River Wild Life and Fish Refuge in Carroll Co., Illinois is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective until June 30, 1976.

Dated: July 17, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc. 75-19183 Filed 7-23-75; 8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on August 23, 1975.

§ 32.22 Special regulations; upland game, for individual refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of gray squirrels, foxes, raccoons, and opossums is permitted only on the areas designated by signs and/or

delineated on maps which are available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Hunting shall be by permit only. Permits may be obtained from the Refuge Manager under prescribed condition.

(2) Foxes may be hunted with dogs, but without guns, during the period October 1, 1975 through February 15, 1976, under conditions set forth in permits obtainable from the Refuge Manager.

(3) Gray squirrels and rabbits may be hunted October 15-18, 1975.

(4) Raccoons and opossums may be hunted February 16-21, 1976.

(5) Rabbits may be hunted February 24-28, 1976.

(6) Shotguns, .22 rimfire rifles, non-powder burning rifles and bows and arrows may be used for squirrel hunting, but .22 rimfire rifles may not be used for other species listed. Raccoon and opossum hunting is limited to use of shotguns only.

(7) Legal hours for entering upon and hunting on the refuge for raccoons and opossums shall be 7 p.m. to 6 a.m. inclusive; for rabbits 8 a.m. to 5 p.m. inclusive; and for squirrels all daylight hours.

(8) No hunting is allowed within 100 yards of buildings on the refuge boundary. No hunting is permitted within the Triana Recreation Area. On the south side of the Tennessee River and west of Interstate 65, squirrels and rabbits only may be hunted, but only with bows and arrows or non-powder burning rifles.

(9) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1976.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on Big Lake National Wildlife Refuge, Arkansas, is permitted on the entire refuge except for areas which may be designated as closed by marking with "Closed Area" signs. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of upland game subject to the following special conditions:

(1) Squirrel hunting permitted in accordance with State regulations, except season closes on the refuge the day duck season in the State opens. Dogs are not permitted.

(2) Raccoon hunting permitted from October 14, 1975, until opening day of

the duck hunting season in the State. Hunting will open at 12:00 noon on October 14. Hunting permitted 24 hours per day. No limit on the number of coons that can be taken per day. Dogs required during night hunts.

(3) Shotguns or rifles not larger than .22 caliber may be used.

(4) Persons are prohibited from possessing, while on the refuge, either on their person or in their vehicle, game for which there is not an open season on the refuge.

(5) Fires and cutting of trees are not permitted.

(6) A special permit is required for hunts held on the refuge.

(7) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1976.

#### WAPAMOCCA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons is permitted only on the area designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal Regulations subject to the following special conditions:

(1) Squirrels may be hunted October 1-10, 1975, during daylight hours only.

(2) Raccoons may be hunted November 1-6, 1975, from dark to 12 midnight only.

(3) Only shotguns and .22 caliber rifles may be used. Handguns are prohibited.

(4) Dogs are required during the raccoon hunts and are prohibited during the squirrel hunt.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(7) A special permit is required for all hunts held on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1975.

#### WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of squirrel and turkey on the White River National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Ex-

ecutive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following conditions:

(1) Species permitted to be taken: Squirrel, rabbit, beaver, and feral hogs by gun; and turkey by archery.

(2) Open season: Gun hunt—October 1-15; archery (turkey)—October 15-30, 1975.

(3) Weapons—(a) Gun—Shotguns and .22 caliber rimfire rifles are permitted, and (b) long bows only.

(4) Permit required.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(6) All hunters must exhibit their hunting licenses, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through October 30, 1975.

#### FLORIDA

##### ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of upland game. A refuge permit is required.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

##### ST. VINCENT NATIONAL WILDLIFE REFUGE

Hogs (minimum 15 inch shoulder height), racoon, and opossum shall be taken incidental to and governed by regulations of the annual deer hunt.

#### GEORGIA

##### BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Raccoon shall be taken incidental to and governed by regulations of the annual deer hunt.

##### PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of bobwhite quail and squirrels on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. The open area, comprising approximately 32,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Re-

gional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of bobwhite quail and squirrels subject to the following special conditions:

(1) Species permitted to be taken: Bobwhite quail and squirrels only.

(2) Open season: Quail—November 25, 1975-February 28, 1976, on Tuesdays, Saturdays, and National holidays only. Squirrels—November 25, 1975-February 28, 1976, on Tuesdays, Saturdays, and National holidays only. Hunters are permitted on areas open to quail and squirrel hunting from 30 minutes before sunrise until 30 minutes after sunset on the above cited hunting days.

(3) No vehicular or horseback travel except on State and county roads.

(4) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(5) Camping and fires are prohibited.

(6) Dogs allowed only for quail hunting.

(7) Buckshot and handguns are prohibited.

(8) A refuge permit is required. An unlimited number of permits for the quail and squirrel hunts will be available at refuge headquarters Monday through Friday 8 a.m.-4:30 p.m. during the respective hunt periods. Permits are valid for entire hunt period. Questionnaire on permit must be completed and returned to refuge office at close of season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1976.

##### WASSAW ISLAND NATIONAL WILDLIFE REFUGE

Raccoon shall be taken incidental to and governed by regulations of the annual deer hunt.

#### KENTUCKY

##### REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprised of 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

*Squirrels.* (1) Squirrels may be hunted on the refuge from September 1-30, 1975.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(3) Dogs are not permitted.

(4) A free Federal permit is required to enter the public hunting area. Permits

available from the refuge manager by mail or in person.

**Raccoons.** (1) Raccoons may be taken without limit, on the Long Point refuge unit during the periods of September 22-27, 1975 and September 29-October 4, 1975.

(2) Hunting hours shall be from 7:30 p.m. to 12 midnight.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 4, 1975.

#### LOUISIANA

##### CATAHOULA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Catahoula National Wildlife Refuge is permitted on the timbered portions of the refuge. Permits are required and may be obtained at refuge headquarters or by writing the Refuge Manager, Catahoula National Wildlife Refuge, P.O. Drawer LL, Jena, Louisiana 71342. Hunting shall be in accordance with State regulations governing the hunting of squirrels except that the season extends from October 4-19, 1975. Hunters may enter the area 30 minutes prior to legal shooting time (30 minutes before sunrise) and must be out of the refuge 30 minutes after legal shooting hours (30 minutes after sunset). Unmarked feral hogs may be taken by squirrel hunters. No vehicles with tires larger than 9.00 x 16" can be used on the refuge. All vehicles must remain on established roads and trails. Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 19, 1975.

#### MISSISSIPPI

##### NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge, Mississippi, is permitted on the area designated by signs as open to hunting. This

open area is delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Squirrels and rabbits may be hunted November 1-15, 1975.

(2) Quail may be hunted January 12-February 24, 1976. Rabbits may be hunted as an incidental species during the quail hunt.

(3) Turkey (gobblers only) may be hunted March 27-April 8, 1976 and April 10-April 20, 1976.

(4) Raccoons and opossums may be hunted January 1-31, 1976.

(5) Sunday hunting is prohibited.

(6) Fires and cutting of trees are not permitted.

(7) Primitive camping is permitted in designated camping area only.

(8) Dogs are permitted during the quail, raccoon and opossum hunts only.

(9) Turkeys killed must be checked at refuge headquarters.

(10) Raccoons and opossums may be hunted only with .22 caliber rimfire firearms.

(11) Squirrels and rabbits may be hunted only with shotguns and .22 caliber rimfire guns.

(12) Quail may be hunted only with shotguns.

(13) Permits are required for all hunts and may be obtained at refuge headquarters.

(14) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 20, 1976.

##### YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, raccoons, and opossums on the Yazoo National Wildlife Refuge, Mississippi, is permitted only in wooded areas not designated by signs as closed to hunting. These areas, comprising about 10,500 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, raccoons and opossums subject to the following special conditions:

(1) Squirrels may be hunted October 4-11, 1975, Sundays excluded, Raccoons and opossums may be hunted November 29 through December 13, 1975, Sundays excluded.

(2) Squirrels may be hunted one-half hour before official sunrise to official sunset. Raccoons and opossums may be hunted from sunset to 12 midnight.

(3) No dogs permitted during the squirrel hunt; however, dogs may be used in the taking of raccoons and opossums.

(4) Weapons: Shotguns, 10-gauge or smaller, and .22 caliber rimfire rifles only.

(5) One-day free permits are required. All hunters must check in and check out at refuge office.

(6) Carrying of loaded firearms in vehicles prohibited. Shooting or spotlighting from vehicles or any paved roads is prohibited. No firearms may be discharged within 250 yards of refuge headquarters or residences.

(7) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 13, 1975.

#### SOUTH CAROLINA

##### CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Rabbits, squirrels and raccoons shall be taken incidental to and governed by regulations of the annual deer hunt.

#### TENNESSEE

##### HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,220 acres, is delineated on maps available at the refuge headquarters, Brownsville, Tennessee 38012 and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) All persons hunting on the refuge must possess a Special Hunting Permit.

(2) Seasons: Squirrels—August 23-September 30, 1975. Raccoons—October 10-November 14, 1975.

(3) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(4) Weapons: Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(5) The hunting hours for raccoons are from sunset to midnight.

(6) Camping is prohibited.

(7) Dogs are prohibited during the squirrel hunt, but are required during the raccoon hunt.

(8) No axes, saws or other cutting implements will be permitted during the raccoon hunt.

The provisions of this special regulation supplement the regulations which

## RULES AND REGULATIONS

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1975.

## LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Lake Isom National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 1,850 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons, subject to the following special conditions:

*Squirrels.* (1) Squirrels may be hunted on the refuge during the period from the opening of the Statewide season until September 30, 1975.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(3) Dogs are not permitted.

(4) A free Federal permit is required to enter the public hunting area. Permits available from Refuge Manager by mail or in person.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

*Raccoons.* (1) Raccoons may be taken, without limit, on the refuge during the period of September 29-October 4, 1975.

(2) Hunting hours shall be from 7:30 p.m. to 12 midnight.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated checking station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 4, 1975.

## REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

*Squirrels.* (1) Squirrels may be hunted on the refuge during the period from the opening of the Statewide season until September 30, 1975.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is required to enter the public hunting area. Permits available from the Refuge Manager by mail or in person.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

*Raccoons.* (1) Raccoons may be taken, without limit, on the Long Point refuge unit during the periods September 22-27 and September 29-October 4, 1975.

(2) Raccoons may be taken, without limit, on the Grassy Island refuge unit during the period September 22-27, 1975.

(3) Hunting hours shall be from 7:30 p.m. to 12 midnight.

(4) The use of dogs and guns is permitted.

(5) No axes, saws, or other cutting implements will be permitted.

(6) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

(7) Each hunter under age 17 must be under the close supervision of an adult.

For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

## TENNESSEE NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Tennessee National Wildlife Refuge is suspended for the 1975-76 season because of low populations and poor quality hunting.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 4, 1975.

KENNETH E. BLACK,  
Regional Director.

JULY 15, 1975.

[FR Doc.75-19192 Filed 7-23-75; 8:45 am]

## PART 32—HUNTING

## Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective July 24, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

## KANSAS

## KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kansas, is permitted from October 1, through November 30, 1975, inclusive, and from December 20, through December 31, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

KEITH S. HANSEN,  
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

JULY 7, 1975.

[FR Doc.75-19273 Filed 7-23-75; 8:45 am]

# proposed rules

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

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ 27 CFR Part 5 ]

[Notice No. 281]

### METRIC STANDARDS OF FILL FOR DISTILLED SPIRITS

Proposed Rulemaking and Public Hearing

#### Correction

In FR Doc. 75-18348, appearing at page 29866 of the issue for Wednesday, July 16, 1975, the following changes are made:

1. On page 29867, second column, in the table the first entry for "liters/case" presently reading "105" is changed to read "10.5".

2. On page 29869, first column, first complete paragraph, eleventh line, the last word "customs" should be deleted.

3. On page 29870, first column, the sixth line is changed to read "abbreviated as "ml"."

4. On page 29870, in § 5.38a, the fifth line of paragraph (b) is changed to read "1975, but must do so after December 31,".

5. On page 29870, in § 5.38a, the table in paragraph (b), the first line is changed to read "1.75 liters (59.0 fl. oz.)—(1.75 liters (59.0))."

6. On page 29871, in § 5.47a, the table in paragraph (a), the fifth line is changed to read "250 milliliters (187.5 milliliters)".

7. On page 29871, in § 5.47a, the heading for paragraph (d) is changed to read "Completeness of Conversion".

8. On page 29871 in § 5.47a, the fifteenth line of paragraph (d) is changed to read "purposes of this paragraph, (1) product shall".

9. On page 29871, in § 5.47a, paragraph (d) the last line is changed to read "ducts," and the following material, which was inadvertently omitted, is inserted:

and (2) the standards of fill in U.S. measure which are comparable to the metric standards are:

Metric standard (prescribed by § 5.47a(a))	Comparable standard (prescribed by § 5.47(a))
1.75 liters	1/2 gallon.
1.00 liter	1 quart.
750 milliliters	3/4 quart.
500 milliliters	1 pint.
(375 milliliters)	(3/4 pint).
250 milliliters	1/2 pint.
(187.5 milliliters)	(3/4 pint).
50 milliliters	1/4 pint, 1/10 pint, 1/16 pint.

Internal Revenue Service

[ 26 CFR Parts 1, 12 ]

### ELECTION TO TREAT INCOME FROM CERTAIN AIRCRAFT AND VESSELS AS INCOME FROM SOURCES WITHIN THE UNITED STATES

#### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 25, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 25, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 861 and 862 of the Internal Revenue Code of 1954 in order to conform such regulations to the amendments made by

section 314 of the Revenue Act of 1971 (85 Stat. 528), relating to the election to treat income from certain aircraft and vessels as income from sources within the United States. These amendments are effective for taxable years ending after August 15, 1971, but only with respect to leases entered into after such date.

This document would also delete § 12.1 of the Temporary Income Tax Regulations under the Revenue Act of 1971 (26 CFR Part 12), which was prescribed by T.D. 7158, 1972-1 C.B. 210, as published in the FEDERAL REGISTER for January 4, 1972 (37 FR 16). When promulgated, § 1.861-9 of the Income Tax Regulations will supersede § 12.1 of such temporary regulations.

Section 1.861-9(a) sets out the general rule that in order for a taxpayer-owner who leases an aircraft or vessel to be allowed to treat income from such aircraft or vessel as income from sources within the United States, the aircraft or vessel must be property described in § 1.861-9(b) which is manufactured or constructed in the United States and the election must be made at the time and in the manner provided.

Section 1.861-9(b) describes the aircraft or vessels to which the election relates. The aircraft or vessels must be section 38 property or property which would be section 38 property but for section 48(a)(5). The aircraft or vessels may not be suspension period property described in section 48(h) or termination period property to which section 49(a) applies. If the aircraft or vessel is used predominantly outside the United States, it must be an aircraft described in section 48(a)(2)(B)(i) of the Code, relating to aircraft registered by the Administrator of the Federal Aviation Agency, or a vessel described in section 48(a)(2)(B)(iii) of the Code, relating to vessels documented under the laws of the United States.

Section 1.861-9(c) makes clear the fact that the election applies only to aircraft or vessels which are leased to, and are in the possession and under the control of, persons who are United States persons, as defined in section 7701(a)(30) of the Code. Subleases to non-United States persons by controlling United States persons will be permitted, however.

Section 1.861-9(d) provides that the election applies only to amounts with respect to the aircraft or vessel, including gains from the disposition of the aircraft or vessel, which without reference to section 861(e) are includible in the taxpayer's gross income. If deductions apportioned or allocated to such gross in-

come result in a loss, the loss will be treated as having a U.S. source.

Section 1.861-9(e)(1) provides that an election remains in effect unless revoked pursuant to § 1.861-9(f). Section 1.861-9(e)(2) provides that where an electing taxpayer transfers or distributes an aircraft or vessel which is subject to an election to another person, and such transfer or distribution involves a carryover of basis, the transferee or distributee will be treated as having made the election. This rule applies even though the transferee or distributee is a nonresident alien individual or a foreign corporation.

Section 1.861-9(f) provides rules for the manner and time of making or revoking an election. Generally, an election is made by filing a statement containing prescribed information with the taxpayer's income tax return (or amended return) for the first taxable year for which the election applies or by March 31, 1972, whichever is later. The election is binding unless revoked with the consent of the Commissioner, except that during the period for making the election the taxpayer may revoke without the consent of the Commissioner. The rule in the temporary regulations (26 CFR 12.1) that a copy of the statement of election must be sent to ACTS:A:P has been deleted. Taxpayers who elected under the temporary regulations are given a grace period to revoke with the consent of the Commissioner. Situations are described in § 1.861-9(f)(4) which will not cause a termination or revocation of the election and which, absent such provision, might serve to circumvent the application of section 861(e)(1).

In view of the foregoing considerations, the Income Tax Regulations and the Temporary Income Tax Regulations under the Revenue Act of 1971 are hereby proposed to be amended as follows:

#### INCOME TAX REGULATIONS

PARAGRAPH 1. Section 1.861-1 is amended by revising paragraph (a)(1) and (2) to read as follows:

#### § 1.861-1. Income from sources within the United States.

##### (a) Categories of income. \* \* \*

(1) *Within the United States.* The gross income from sources within the United States, consisting of the items of gross income specified in section 861(a) plus the items of gross income allocated or apportioned to such sources in accordance with section 863(a). See §§ 1.861-2 to 1.861-7, inclusive, and § 1.863-1. The taxable income from sources within the United States, in the case of such income, shall be determined by deducting therefrom, in accordance with sections 861(b) and 863(a), the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. See §§ 1.861-8 and 1.863-1. For an election to treat income from certain aircraft or vessels as income

from sources within the United States for purposes of section 861(a), see § 1.861-9.

(2) *Without the United States.* The gross income from sources without the United States, consisting of the items of gross income specified in section 862(a) plus the items of gross income allocated or apportioned to such sources in accordance with section 863(a). See §§ 1.862-1 and 1.863-1. The taxable income from sources without the United States, in the case of such income, shall be determined by deducting therefrom, in accordance with sections 862(b) and 863(a), the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. See §§ 1.862-2 and 1.863-1. For an election to treat income from certain aircraft or vessels as income from sources within the United States for purposes of section 862(a), see § 1.861-9.

PAR. 2. The following new section is inserted immediately after § 1.861-8:

#### § 1.861-9. Income from certain aircraft or vessels.

(a) *General rule.* A taxpayer who owns an aircraft or vessel described in paragraph (b) of this section and who after August 15, 1971, leases such aircraft or vessel to a United States person which is not a member of a controlled group of corporations (as defined in section 1563) of which the taxpayer is a member may elect pursuant to paragraph (f) of this section, for any taxable year ending after August 15, 1971, and ending after the commencement of the lease, to treat all amounts includible in gross income with respect to such aircraft or vessel as income from sources within the United States. An election once made with respect to an aircraft or vessel will apply to the taxable year of the taxpayer for which made and to all subsequent taxable years unless it is revoked pursuant to paragraph (f)(3) of this section. A taxpayer entitled to make an election under this section is not required to be a United States person, unless otherwise required by a provision of law not contained in the Internal Revenue Code of 1954; nor is the taxpayer required to be a bank or other financial institution. The election provided by this section may not be used with the primary objective of treating losses in respect of the aircraft or vessel as losses from sources within the United States and income and gains in respect of the aircraft or vessel as income from sources without the United States. Thus, for example, if the rule in the immediately preceding sentence is violated, income in respect of the aircraft or vessel derived in a later taxable year from sources without the United States must be treated as income from sources within the United States. The term "United States person", as used in this section, shall have the meaning assigned to it by section 7701(a)(30).

(b) *Property to which the election applies—(1) In general.* An election under this section may be made only in the case of aircraft or vessels manufactured or constructed in the United States which are section 38 property (as defined in section 48 and the regulations thereunder) or would be section 38 property but for section 48(a)(5), relating to property used by governmental units. Except in the case of property described in section 48(a)(5), the aircraft or vessels must be property which qualifies for the investment credit under section 38. Thus, no election may be made under this section with respect to aircraft or vessels which are suspension period property as defined in section 48(h) or which are termination period property to which section 49(a) applies. If the aircraft is used predominantly outside the United States (as determined by applying the rules of § 1.48-1(g)(1)), it must be registered by the Administrator of the Federal Aviation Agency and qualify under the provisions of section 48(a)(2)(B)(i) and § 1.48-1(g)(2)(i). If the vessel is used predominantly outside the United States (as determined by applying the rules of § 1.48-1(g)(1)), it must be documented under the laws of the United States and qualify under the provisions of section 48(a)(2)(B)(iii) and § 1.48-1(g)(2)(iii).

(2) *Exclusion of certain property used outside the United States.* The term "aircraft or vessel", as used in this paragraph, does not include any property which is used predominantly outside the United States and which qualifies as section 38 property under—

(i) Section 48(a)(2)(B)(v), relating to containers used in the transportation of property to and from the United States.

(ii) Section 48(a)(2)(B)(vi), relating to certain property used for the purpose of exploring for, developing, removing, or transporting resources from the outer Continental Shelf, or

(iii) Section 48(a)(2)(B)(x), relating to certain property used in international or territorial waters.

(c) *Leases or subleases to which the election applies.* An aircraft or vessel will be considered leased to a United States person after August 15, 1971, if the aircraft or vessel is leased to a United States person pursuant to a lease entered into after August 15, 1971, for a period during which a United States person is in possession and control of such aircraft or vessel. For example, if the owner of a vessel enters into an agreement after August 15, 1971, with a United States person to bareboat charter such vessel (that is, to lease the vessel without the owner's bearing any responsibility for its operation) to such United States person and the United States person thereafter enters into a subleasing agreement to bareboat charter such vessel to a person who is not a United States person, the vessel will not be considered leased to a United States person for purposes of section 861(e) because the vessel will be in the possession and under the control of the non-United States person. However, if at any time such United States person

enters into a subleasing agreement to time charter or voyage charter the vessel (that is, the contract to carry cargo for hire while bearing the responsibility of operating the vessel) to a non-United States person, the vessel will be considered leased to a United States person and the election provided by section 861(e) will be available to the owner of the vessel because the vessel will be in the possession and under the control of the bareboat charterer who is a United States person. Section 861(e) and this section do not apply to that part occurring after August 15, 1971, of the term of a lease entered into before August 16, 1971.

(d) *Income to which the election applies.* An election under this section applies to all amounts derived by the taxpayer with respect to the aircraft or vessel which is subject to the election, including any gain from the sale or other disposition of such aircraft or vessel, but only if without regard to section 861(e) such amounts are includible in the taxpayer's gross income during or after the period of the lease. However, if by reason of the allowance of expenses and other deductions such gross income actually results in a loss from sources without the United States, the election applies so as to treat such loss as having a source within the United States. Moreover, if the sale or other disposition of the aircraft or vessel which is subject to the election results in a loss from sources without the United States, such loss will be treated as having a source within the United States. However, see paragraph (a) of this section for the prohibition against using the election to achieve U.S. source treatment for losses in respect of the aircraft or vessel but foreign source treatment for income or gains in respect of such aircraft or vessel. See also paragraph (e) (2) (iii) of this section for the application of an election under this section to the income of certain transferees or distributees.

(e) *Effect of election—(1) In general.* An election under this section shall apply to the taxable year for which it is made and to all subsequent taxable years for which amounts in respect of the aircraft or vessel to which the election relates are includible in gross income, unless the election is revoked pursuant to paragraph (f) (3) of this section.

(2) *Certain transfers involving carry-over of basis.* (i) If an electing taxpayer transfers or distributes an aircraft or vessel which is subject to an election under this section and the basis of such aircraft or vessel in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, whether or not there is any amount of gain recognized to the transferor or distributor by which basis must be increased, the transferee or distributee will be treated as having made an election under this section with respect to that aircraft or vessel. Thus, for example, if an electing corporation distributes a vessel which is subject to an election under this section

to its parent corporation in a complete liquidation described in section 332(b) and the basis of the property in the hands of the parent corporation is determined under section 334(b)(1), relating to the general rule on carryover of basis, the parent corporation will be required to treat all amounts includible in gross income with respect to the vessel as income from sources within the United States, unless the election is revoked pursuant to paragraph (f) (3) of this section. In further illustration, if an electing corporation distributes a vessel which is subject to an election under this section in a distribution to which section 301(a) applies and the basis of the property received is determined under section 301(d)(2), relating to basis of corporate distributees, the corporate distributee will be treated as having made an election under this section with respect to the vessel even though the distributee's basis is the fair market value of the property, as provided in section 301(d)(2)(A). This subdivision applies even though the transferee or distributee is a nonresident alien individual or foreign corporation.

(ii) If an electing taxpayer transfers or distributes an aircraft or vessel which is subject to an election under this section and the basis of such aircraft or vessel in the hands of the transferee or distributee is determined without reference to its basis in the hands of the transferor or distributor, the election under this section with respect to such aircraft or vessel will be terminated as to the transferee or distributee.

(iii) If an aircraft or vessel which is subject to an election under this section is transferred or distributed to a nonresident alien individual or foreign corporation in a transfer or distribution described in paragraph (e) (2) (i) of this section, the transferee or distributee will not be treated as having made an election under this section with respect to any amounts which would not, by reason of section 872(a) or 882(b) without reference to section 861(e), be includible in the transferee's or distributee's gross income. Moreover, in such case the election will not cause any income (not otherwise so treated) to be treated as income which is effectively connected with the conduct of a trade or business in the United States.

(f) *Manner and time of making or revoking an election—(1) Time for making the election.* The election under this section must be made not later than the time, including extensions thereof, prescribed by law for filing the income tax return for the first taxable year for which the election is to apply or by March 31, 1972, whichever is later.

(2) *Manner of making the election.* An election under this section must be made by filing with the income tax return (or an amended return) for the taxable year referred to in paragraph (f) (1) of this section a statement, signed by the taxpayer, to the effect that the election under section 861(e) is being made. The statement must—

(i) Set forth sufficient facts to identify the aircraft or vessel which is the subject of the election.

(ii) State that the aircraft or vessel was manufactured or constructed in the United States.

(iii) State that the aircraft or vessel is section 38 property described in § 1.861-9(b) which was leased to a United States person (as defined in section 7701(a)(30) of the Code) pursuant to a lease entered into after August 15, 1971.

(iv) State that the electing taxpayer is the owner of the aircraft or vessel.

(v) State the lessee of the aircraft or vessel is not a member of a controlled group of corporations (as defined in section 1563) of which the taxpayer is a member.

(vi) Give the name and taxpayer identification number of the lessee of the aircraft or vessel, and

(vii) State that, to the best of the taxpayer's knowledge and belief, the aircraft or vessel will at all times be in the possession and under the control of a United States person not described in paragraph (f) (2) (v) of this section.

(3) *Revocation—(i) Without consent of Commissioner.* A taxpayer having made an election within the time prescribed in paragraph (f) (1) of this section may, within such time, revoke the election without the consent of the Commissioner. If the taxpayer revokes the election under this paragraph (f) (3) (i) of this section without the consent of the Commissioner, he must file an amended income tax return, or claim for credit or refund, where applicable, for any taxable year to which the revocation applies.

(ii) *With consent of Commissioner.* Except as otherwise provided in paragraph (f) (3) (i) of this section, an election made under this section is binding unless consent to revoke is obtained from the Commissioner. A request to revoke the election must be made in writing and addressed to the Assistant Commissioner of Internal Revenue (Technical), Attention: T:C:C:3, Washington, D.C. 20224. The request must include the name and address of the taxpayer and be signed by the taxpayer or his duly authorized representative. It must specify the taxable year or years for which the revocation is to be effective and must be filed at least 90 days prior to the time, but not including extensions thereof, prescribed by law for filing the income tax return for the first taxable year for which the revocation of the election is to be effective or by 90th day following the date of publication in the FEDERAL REGISTER of the regulations under section 861(e) whichever is later. The request must specify the grounds which are considered to justify the revocation. The Commissioner may require such additional information as may be necessary in order to determine whether the proposed revocation will be permitted. Consent will generally not be given to revoke an election where such revocation would result in treating gross income with respect to the aircraft or

vessel (including any gain from the sale or other disposition of such aircraft or vessel) as income from sources without the United States where, during the period the election was in effect, there were losses with respect to such aircraft or vessel treated as losses from sources within the United States. A copy of the consent of the Commissioner to revoke must be attached to the taxpayer's income tax return (or amended return) for each taxable year affected by the revocation.

(4) *Certain factors not causing a termination or revocation of election.* The fact that after the aircraft or vessel is leased to a United States person described in paragraph (c) of this section such lessee subleases the aircraft or vessel to a person who is not a United States person, as so described, will not cause a termination or revocation of the election made under this section with respect to such aircraft or vessel. Thus, for example, the electing taxpayer is not relieved of any of the consequences of making the election merely by reason of the fact that by reason of a sublease the aircraft or vessel comes into the possession and under the control of a person who is not a United States person. Moreover, an election under this section is not terminated or revoked by reason of the fact that after the election is made the aircraft or vessel ceases to be section 38 property described in paragraph (b) of this section.

(5) *Effect of revocation.* If an election is revoked pursuant to this paragraph, the taxpayer shall be required to recompute the tax for its taxable year or years for which the revocation is effective, determined without reference to the provisions of section 861(e) (1).

(6) *Supplementary information.* Any taxpayer who filed a statement of election pursuant to § 12.1(b) of this chapter (T.D. 7158, 1972-1 C.B. 210, 37 FR 16) while such section was in effect must also file an additional statement setting forth any additional information required by paragraph (f) (2) of this section which was not furnished with the earlier statement. The additional statement must be filed on or before the day which occurs one year after the date of publication in the FEDERAL REGISTER of the regulations under section 861(e) with the district director, or the director of the regional service center, with whom the election was filed and must identify the election and the taxable year for which it was made.

PAR. 3. Section 1.862 is revised by adding a new subsection (c) to section 862 and by adding a historical note to read as follows:

§ 1.862 Statutory provisions; income from sources without the United States.

Sec. 862. *Income from sources without the United States.* \* \* \*

(c) *Gross reference.* For source of amounts attributable to certain aircraft and vessels, see section 861(e).

(Sec. 862 as amended by sec. 314(b), Rev. Act 1971 (85 Stat. 528))

PAR. 4. Section 1.862-1 is revised by adding a new paragraph (c) to read as follows:

§ 1.862-1 Income specifically from sources without the United States.

(c) *Income from certain aircraft or vessels.* For provisions permitting a taxpayer to elect to treat amounts of gross income attributable to certain aircraft or vessels as income from sources within the United States which would otherwise be treated as income from sources without the United States under paragraph (a) of this section, see § 1.861-9.

TEMPORARY INCOME TAX REGULATIONS  
UNDER REVENUE ACT OF 1971

PAR. 5. Section 12.1, relating to election to treat income from certain aircraft and vessels as income from sources within the United States, is deleted.

[FR Doc. 75-19207 Filed 7-23-75; 8:45 am]

Office of the Secretary

[ 31 CFR Part 51 ]

FISCAL ASSISTANCE TO STATE AND  
LOCAL GOVERNMENTS

Nondiscrimination Regulations

Notice is hereby given that pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (the Revenue Sharing Act), approved October 20, 1972, the Department of the Treasury proposes to amend the nondiscrimination regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, which became effective April 5, 1973 (38 FR 9132) for entitlement periods beginning on or after January 1, 1973.

These proposed amendments would result in a reorganization and enlargement of the nondiscrimination regulations from their present section format to a separately designated subpart format. The present nondiscrimination provisions would be taken out of § 51.32 and placed in a new Subpart E which would then be entirely devoted to nondiscrimination regulations. Current subparts E and F would be redesignated F and G respectively and sections thereof renumbered accordingly.

These amendments would make more comprehensive the examples of prohibited discriminatory conduct in programs and activities funded with revenue sharing funds. Specifically, these amendments address the subjects of employment and sex discrimination.

Proposed § 51.53 identifies those aspects of employment activity which are subject to scrutiny under the regulations. Also the recipient governments are advised that the Office of Revenue Sharing intends to make use of the Guidelines on Employee Selection Procedures which have been issued by the Equal Employment Opportunity Commission (29 CFR Part 1607). Finally, notice is given that the Office of Revenue Sharing intends to schedule compliance reviews by giving

priority to jurisdictions which show a significant disparity between the percentage of minority persons in the work force and the percentage of minority persons employed in the applicable programs.

Section 51.54 sets forth examples of prohibited discriminatory conduct based on sex. Specifically, employment areas especially vulnerable to sex discrimination are identified, such as recruitment, advertisement, job policies and practices, and marital or parental status. This section also advises recipient governments that the hiring of a member of one sex is not prohibited if sex is a bona fide occupational qualification. However, the regulations make clear that this exemption will be strictly construed by the Office of Revenue Sharing.

Proposed § 51.55 on assurances is a revision of the current assurances regulation (§ 51.32(c)). It has been made more detailed in order to advise recipient governments of the method that will regulate those recipient governments which, in the judgment of the Director, need to provide detailed information and evidence of their capacity to comply with the assurances requirement.

Finally, proposed regulation § 51.32(f) which was published in the FEDERAL REGISTER on February 5, 1975 (40 FR 5370), is being republished as proposed rulemaking. This is being done in order to allow citizen groups, civil rights organizations, recipient governments, and others who had previously been asked to comment solely on proposed § 51.32(f) an opportunity to re-examine that proposed regulation in conjunction with the other amendments and specifically in conjunction with proposed § 51.55 on assurances.

Before these proposed amendments are adopted, consideration will be given to any written comments or suggestions which are received on or before August 21, 1975. Written comments should be made in triplicate and addressed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. Written comments submitted in response to this solicitation will be available to the public upon request, unless the comments are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the Department invokes the applicable exemption.

These proposed regulations are issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title 1, Pub. L. 92-512 (31 U.S.C. Supp. III 1221-1263) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Dated: July 18, 1975.

[SEAL] GRAHAM W. WATT,  
Director,  
Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,  
Under Secretary of  
the Treasury.

## PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

A new subpart E is added to Part 51. Current subparts E and F are redesignated F and G.

## Subpart E—Nondiscrimination in Programs Funded With Entitlement Funds

Sec.	Purpose.
51.50	Definitions.
51.51	Discrimination prohibited.
51.52	Employment.
51.53	Sex discrimination.
51.54	Assurances required.
51.55	Compliance information.
51.56	Complaints and investigations.
51.57	Compliance reviews and affirmative action.
51.58	Procedure for effecting compliance.
51.59	Hearing procedures.
51.60	Jurisdiction over property.

## Subpart E—Nondiscrimination in Programs Funded With Entitlement Funds

## § 51.50 Purpose.

The purpose of this subpart is to effectuate Sec. 122 of the Act to the end that no person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with entitlement funds made available pursuant to subtitle A of title I of the Act.

## § 51.51 Definitions.

Unless the context requires otherwise, as used in this subpart, the term:

(a) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein.

(b) "Funded" means that entitlement funds have been made available for expenditure in a designated program or activity through legislative action.

(c) "Program or activity" means any function conducted by an identifiable administrative unit of the recipient government, or by any other unit of government or private contractor receiving entitlement funds from the recipient government.

## § 51.52 Discrimination prohibited.

(a) *General.* No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with entitlement funds made available pursuant to subtitle A of title I of the Act.

(b) *Specific discriminatory actions prohibited.* (1) A recipient government shall not, under any program or activity to which the regulations of this subpart apply, directly or through contractual or other arrangements, on the ground of race, color, national origin, or sex:

(i) Deny any service or other benefit provided.

(ii) Provide any service or other benefit which is different, or is provided in a different form from that provided to others.

(iii) Subject to segregated or separate treatment in any facility or in any mat-

ter or process related to receipt of any service or benefit.

(iv) Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service or other benefit.

(vi) Deny an opportunity to participate in a program or activity as an employee.

(vii) Deny an equal opportunity to participate as appointed members of planning or advisory bodies in connection with the disposition of entitlement funds.

(2) A recipient government may not utilize criteria or methods of administration which have the effect of: (i) Subjecting individuals to discrimination on the basis of race, color, national origin, or sex; (ii) perpetuating the results of past discriminatory practices; or (iii) defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.

(3) A recipient government may not, with respect to any program or activity to which this subpart applies, make selections of site or location of facilities which have the effect of: (i) excluding individuals from such facilities; (ii) denying the individuals the benefits of such facilities; or (iii) subjecting individuals using the facilities to discrimination on the ground of race, color, national origin, or sex.

(4) Recipient governments are encouraged to take action with entitlement funds to ameliorate an imbalance in services or facilities provided to any geographic area or specific group in order to overcome the effects of prior discriminatory practice or usage.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

## § 51.53 Employment.

(a) *Employment practices.* In any program or activity funded in whole or in part with entitlement funds, a recipient government may not (directly or indirectly through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, national origin, or sex in its employment practices. These practices include recruitment, recruitment advertising, hiring, layoff, termination, upgrading, demotion, transfer, rates of pay or other forms of compensation, and use of facilities.

(b) *Employee selection procedures.* The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with title VII of the Civil Rights Act of 1964, has published Guidelines on Employee Selection Procedures (29 CFR Part 1607) to

assist in establishing and maintaining equal employment opportunities. Among other things, these Guidelines forbid the use of employee selection practices, procedures, and devices (such as tests, minimum educational levels, oral interviews and the like) which have not been shown by the user thereof to be related to job performance and which tend to disqualify a disproportionate number of minority individuals or women for employment. Recipient governments using selection procedures which are not in conformity with the EEOC Guidelines shall, upon request of the Secretary, set forth the specific areas of nonconformity, the reasons for any such nonconformity, and, if necessary, the actions the recipient government will take to correct any existing deficiency.

(c) *Self-evaluation.* Recipient governments are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection, or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals or women.

(d) *Employment compliance reviews.* Compliance reviews of recipient governments will be scheduled by the Office of Revenue Sharing, giving priority to any recipient government programs funded with entitlement funds which show a significant disparity between the percentage of minority persons in the work force and the percentage of minority employees in the applicable programs.

## § 51.54 Sex discrimination.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in recruitment, hiring, or employment, whether full-time or part-time, under any program or activity funded in whole or in part with entitlement funds.

(b) *Recruitment and advertisement.*

(1) Recipient governments engaged in recruiting activity must recruit employees of both sexes for all jobs.

(2) Advertisement in newspapers and other media for employment must not express a sex preference. The placement of an advertisement in columns headed "Male" or "Female" will be considered to be a discriminatory limitation.

(3) A recipient government shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such recruitment has the effect of discriminating on the basis of sex.

(c) *Job policies and practices.* (1) Employees of both sexes shall have an equal opportunity to any available job that he or she is qualified to perform.

(2) Recipient governments must not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. In the area of employer contributions for insurance, pensions, welfare programs and other fringe benefits, the recipient governments will be required to justify any difference between the contribution

of men and women or any difference between the resulting benefits to men and women as not an arbitrary distinction based on sex.

(3) Any distinction between married males and married females and any distinction between unmarried males and unmarried females will be considered to be a distinction made on the basis of sex. Similarly, a recipient government must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to persons of the opposite sex.

(4) A recipient government may not refuse to hire men or women, or deny men or women a particular job because there are no separate restrooms or other separate facilities. The recipient government's policies and practices must assure that appropriate facilities are available for use by both sexes.

(5) Recipient governments may not deny any employee the right to any job, which the employee is qualified to perform, in reliance upon a State "protective" law that does not apply equally to both sexes.

(6) A recipient government shall not:

(i) Classify a job as being for males or for females; or

(ii) Maintain or establish separate lines of progression, seniority lists, career ladders, tenure, systems, position descriptions or job requirements which are based on sex or which classify persons on the basis of sex.

(d) *Marital or parental status.* In any program or activity funded in whole or in part with entitlement funds:

(1) *Family status.* A recipient government shall not treat any employee or applicant for employment differently on the basis of sex in any employment action or policy because of the employee's or applicant's marital status or status as a parent, head of household, or principal family wage earner. Such action may also not be taken with respect to pregnancy unless the recipient government can demonstrate that pregnancy prevents adequate performance of the job.

(2) *Pregnancy as a temporary disability.* A recipient government shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability arising therefrom in the same manner as it treats any other temporary disability for all job related purposes. The term "job related purposes" includes commencement, duration and extensions of leave, payment of disability income, reinstatement or termination of employment, reinstatement pay rate and position, fringe benefits, accrual of seniority or other benefit of service, and promotion.

(e) *Sex as a bona fide occupational qualification.* Nothing in these regulations shall prohibit the hiring of employees of one sex if sex is a bona fide occupational qualification. However, there are only limited instances which would

justify the exclusion of all men or all women from any given job. Further, the burden of demonstrating that sex is a bona fide occupational qualification for a given job rests on the recipient government.

#### § 51.55 Assurances required.

(a) *General.* In order to qualify for any payment for any entitlement period, each Governor of a State or each chief executive officer of a unit of local government shall, prior to the beginning of each entitlement period, execute to the satisfaction of the Secretary an assurance that all programs to be funded in whole or in part with entitlement funds will be conducted in compliance with the requirements of this subpart. Assurances required under this paragraph shall be submitted pursuant to § 51.10(b) and shall be in such form and detail as prescribed by the Secretary.

(b) *Failure to comply.* Any recipient government which fails to comply with paragraph (a) of this section shall have its entitlement payments withheld for the applicable entitlement period. Any recipient government to which a determination of noncompliance with paragraph (a) of this section has been made shall be entitled to notice and opportunity for hearing. However, notwithstanding § 51.59, no payments shall be made for the applicable entitlement period pending the outcome of such hearing.

#### § 51.56 Compliance information and reports.

(a) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Office of Revenue Sharing during normal business hours to such of its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this subpart. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person and such agency, institution, or person fails or refuses to furnish this information, the recipient government shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(b) *Compliance reports.* Each recipient government shall keep such records and submit on request of the Secretary timely, complete and accurate compliance reports at such times, in such form, and containing such information, as the Secretary may determine to be necessary or useful to enable the Office of Revenue Sharing to ascertain whether the recipient government has complied or is complying with this subpart. Recipient governments shall make available on request of Office of Revenue Sharing officials racial, ethnic, male/female, and national origin data showing the extent to which minorities and females are or will be beneficiaries of entitlement funds. In the case of any program under which a

primary recipient government extends or will extend entitlement funds to any other secondary recipient, such secondary recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient government under this subpart. Each recipient government shall identify, on request of the Office of Revenue Sharing, any State or local agency which has been legally authorized to monitor its civil rights compliance activities.

#### § 51.57 Complaints and investigations.

(a) *Complaints.* Any person who believes himself or herself, or any class of persons who believe themselves to be subjected to discrimination prohibited by this subpart, may personally or by a representative file with the Secretary a written statement setting forth the nature of the discrimination alleged and the facts upon which the allegation is based. No representative of a recipient government nor any of its agencies shall intimidate, threaten, coerce, or discriminate against any person or class of persons because of testimony, assistance, or participation in an investigation, proceeding, or hearing under this subpart.

(b) *Investigations.* The Secretary shall advise the chief executive officer of the recipient government of any complaint received pursuant to paragraph (a). If the Secretary has reason to believe that the complaint shows that a recipient government has failed to comply with the provisions of this subpart, he will cause a prompt investigation to be made by the Office of Revenue Sharing, or other appropriate Federal or State agency, of the program or activity concerned. Such investigation may be made, if necessary, with the assistance of complainants or of the recipient government.

#### § 51.58 Compliance reviews and affirmative action.

(a) *Compliance reviews.* The Secretary shall monitor and determine compliance of recipient governments with the requirements of this subpart and of the Act. Compliance reviews will be undertaken from time to time, as appropriate, at the discretion of the Secretary.

(b) *Affirmative action.* Any recipient government which is found to be in violation of this subpart must take reasonable steps to remove or overcome the consequences of such discrimination where a practice or usage has in purpose or effect tended to exclude individuals from participation in, deny them the benefits of, or subject them to discrimination under any program or activity to which this subpart applies, on the ground of race, color, national origin, or sex.

#### § 51.59 Procedure for effecting compliance.

(a) *General.* Whenever the Secretary determines that a recipient government has failed to comply with this subpart, he shall notify the chief executive officer of the recipient government and the

Governor of the State in which the government is located of the noncompliance and shall request the Governor to secure compliance. If, within a reasonable period of time not to exceed 60 days, the Governor fails or refuses to secure compliance, the Secretary is authorized:

(1) To refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted;

(2) To initiate an administrative hearing pursuant to the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

(3) To take such other action as may be provided by law.

(b) *Administrative hearing.* An order of an administrative law judge to withhold temporarily, to repay, or to forfeit entitlement funds will not become effective until:

(1) There has been an express finding on the record, after notice and opportunity for hearing, of a failure to comply with a requirement of this subpart.

(2) At least 10 days have elapsed from the date of the order of the administrative law judge. During this period additional efforts will be made to assist the recipient government to comply with this subpart and to take appropriate corrective action.

(3) Thirty days have elapsed after the Secretary has filed with the Committee on Government Operations of the House of Representatives and the Committee on Finance of the Senate a full written report of the circumstances and the grounds for such action. The time limitation of subparagraphs (2) and (3) can run concurrently.

(4) The Secretary has notified the recipient government that, in addition to whatever sanctions have been imposed by the administrative law judge, the Office of Revenue Sharing shall withhold payment of all entitlement funds until such time as the recipient government complies with the order of the administrative law judge. Further, the amount of the forfeiture or repayment of entitlement funds, if any, will be limited to the program or activity in which the non-compliance has been found. Such funds shall be collected by a downward adjustment to future entitlement payments and will be deposited in the general fund of the Treasury. If the Secretary determines that adjustment to future entitlement payments is impracticable, he may refer the matter to the Attorney General for appropriate civil action to require payment of such amount to the United States.

(c) *Withholding pursuant to court action.* The Secretary may immediately withhold the payment of entitlement funds to a recipient government pending the entry of an affirmative action order by a Federal court if:

(1) A violation of the nondiscrimination provision of this subpart or the Act (Sec. 122) was alleged in the complaint before the court;

(2) The court finds that the recipient government has violated the nondis-

crimination provision of this subpart or the Act; and

(3) The question of withholding has not been resolved by the court.

(d) *Action by Attorney General.* Nothing in these regulations is intended to preclude the United States, in a civil action initiated by the Attorney General of the United States pursuant to § 122(c) of the Act, from seeking, or a court from granting, an order to require the repayment of funds previously paid under the Act, or an order that the payment of funds under the Act be terminated or withheld. In addition, the Secretary may initiate the procedure provided for in paragraph (a) (2) of this section against a recipient government which has been named as a defendant in such civil action if it is the Secretary's judgment, after consultation with the Attorney General, that an administrative withholding of entitlement funds is an appropriate measure to ensure compliance with this subpart.

#### § 51.60 Hearing procedures.

Whenever a procedure which requires notice and opportunity for a hearing is invoked by the Secretary to effect compliance under this subpart, the procedural regulations promulgated in subpart G of this part shall govern.

#### § 51.61 Jurisdiction over property.

The Office of Revenue Sharing shall have jurisdiction over any program or activity for purposes of this subpart for as long as a recipient government retains ownership or possession of any real or personal property or any interest therein, which was purchased in whole or in part with entitlement funds for the applicable program or activity. Further, if such property is transferred to another party, the Office of Revenue Sharing will retain jurisdiction over the recipient government for purposes of this subpart for as long as the property is used to provide benefits similar to those which were provided by the property before the transfer.

[FR Doc. 75-19210 Filed 7-21-75; 11:26 am]

## DEPARTMENT OF JUSTICE

Office of the Secretary

[ 28 CFR Part O ]

[Order No. 612-75]

### DISTRICT OF COLUMBIA CORRECTIONAL INSTITUTIONS

#### Confinement of Persons

The United States District Court for the District of Columbia having held that a delegation of authority made by the Attorney General on October 1, 1974 constitutes rulemaking subject to the provisions of 5 U.S.C. 553, the Department of Justice proposes to reissue the substance of that delegation of authority concerning furlough programs of the District of Columbia Department of Corrections, and invites public comment thereon. Pending comments, the District Court has held, in "Milhouse v. Levi," Civ. No. 74-1596 (July 8, 1975), that the delega-

tion of authority dated October 1, 1974 remains in effect.

Written comments should be addressed to the Assistant Attorney General, Office of Legal Counsel, Department of Justice, 10th & Constitution Avenue, NW., Washington, D.C. 20530. Comments should be submitted by the thirtieth day following the date of this publication. No oral hearings are contemplated.

By virtue of the authority vested in me by the Act of September 1, 1916, 39 Stat. 711 (D.C. Code section 24-402), by section 11 of the Act of July 15, 1932, as added by the Act of June 6, 1940, 54 Stat. 244 (D.C. Code section 24-425), and by the Act of September 10, 1965 (18 U.S.C. 4082), (a) the Mayor of the District of Columbia or his authorized representative is hereby authorized to transfer such prisoners as may be in his custody and supervision, by virtue of having been placed in a correctional institution of the District of Columbia pursuant to the authority of the Attorney General, from such institution to any available, suitable, or appropriate institution or facility (including a residential community treatment center) within the District of Columbia, and the Mayor or his authorized representative is further authorized to extend the limits of the place of confinement of such prisoners for the purposes specified, and within the limits established, by the Act of September 10, 1965 (18 U.S.C. 4082).

(b) With respect to a prisoner convicted of a crime of violence who is not within six months of a firm date of release from confinement, the authority conferred by subsection (a) shall be exercised only in exceptional circumstances and only upon written justification and approval of the Director of the District of Columbia Department of Corrections personally. Prior to the exercise of authority under this subsection, notice and justification of transfers or extensions of the limits of confinement shall be provided to the Mayor.

(c) With respect to all other prisoners, the authority conferred by subsection (a) may be exercised by an authorized representative designated by the Mayor.

(d) As used in this Order "crime of violence" means murder, manslaughter, rape, kidnapping, robbery, burglary, assault with intent to kill, assault with intent to rape, or assault with intent to rob.

Dated: July 21, 1975.

EDWARD H. LEVI,  
Attorney General.

[FR Doc. 75-19225 Filed 7-23-75; 8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 948 ]

### IRISH POTATOES GROWN IN COLORADO, AREA NO. 3

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Area No. 3 Committee to

spend \$1,961 for its operations during the fiscal period ending June 30, 1976, and to collect one-half cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 7, 1975. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

**§ 948.274 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1976, by the Area No. 3 Committee for its maintenance and functioning, and for such purpose as the Secretary determines to be appropriate will amount to \$1,961.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be \$0.005 per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 948.78.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: July 21, 1975.

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

[FR Doc.75-19298 Filed 7-23-75;8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Part 1]

[Docket No. 75P-0080]

**FROZEN DESSERTS AND DAIRY  
PRODUCTS**

**Proposed Amendment to Exemption From  
Label Requirements**

In the FEDERAL REGISTER of June 25, 1975 (40 FR 26682), the Commissioner of Food and Drugs issued a proposal to exempt conditionally certain frozen desserts and milk products packaged in cylindrical containers with separate lids from the placement requirements of § 1.8d for the information required by

§ 1.8a (name and place of business), § 1.10 (ingredient statement), and § 1.17 (nutrition labeling). The Commissioner is amending that proposal to include additional food products. Comments concerning the proposal as amended herein may be filed with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852 on or before September 22, 1975.

The Commissioner's proposal was based on a petition submitted by the Milk Industry Foundation (MIF) and the International Association of Ice Cream Manufacturers (IAICM), Washington, DC. Subsequent to the publication of the proposal, in a letter dated June 27, 1975 (on file with the Hearing Clerk), the MIF and IAICM advised the Food and Drug Administration that, through an oversight, their petition failed to provide for certain products for which the exemption is most urgently needed, namely, cottage cheese dry curd (§ 19.525), lowfat cottage cheese (§ 19.531), cottage cheese (§ 19.530), and yogurt and yogurt products. The MIF and IAICM requested that the proposal be amended to include these products.

The Commissioner has considered the request of the MIF and IAICM and is proposing that any exemption that may be adopted in this matter will apply equally to these additional products.

Interested persons were invited to submit comments on the June 25, 1975 proposal on or before August 25, 1975. The Commissioner is extending that time to September 22, 1975, for the filing of comments on the proposal as amended herein.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 1.8d be further amended by revising new paragraph (d)(2), which was proposed on June 25, 1975 (40 FR 26682), to read as follows:

**§ 1.8d Food labeling; information panel.**

(d) . . . .  
(2) Any of the foods listed in § 1.1c (a) (6) (i), § 1.1c (a) (7) (i), § 19.525 (cottage cheese dry curd), § 19.530 (cottage cheese), § 19.531 (lowfat cottage cheese), and yogurt and yogurt products, when packaged in a cylindrical or nearly cylindrical container consisting of a separate lid and body and bearing nutrition labeling pursuant to § 1.17, and the lid is designed as a principal display panel, shall be exempt from the placement requirements of this section in the following respects:

Interested persons may, on or before September 22, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments re-

garding this proposal. Comments shall be filed in quintuplicate (except that individuals may submit single copies) and in accordance with the requirements of Part 2 (21 CFR Part 2) as published and discussed in detail in the FEDERAL REGISTER of May 27, 1975 (40 FR 22949), and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., eastern standard or daylight saving time, whichever is effective at the time, except on Federal legal holidays.

Dated: July 18, 1975.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.75-19199 Filed 7-23-75;8:45 am]

**[21 CFR Part 25]**

[Docket No. 75N-0120]

**DRESSINGS FOR FOOD  
Revision of Standards**

The Commissioner of Food and Drugs, on his own initiative, proposes to revise the standards of identity for mayonnaise, french dressing, and salad dressing in §§ 25.1, 25.2, and 25.3 (21 CFR 25.1, 25.2, and 25.3) respectively.

The proposed amendments would: (1) Require label declaration of ingredients; (2) allow the use of functional classes of safe and suitable ingredients that would not modify the fundamental characterizing properties of the foods; and (3) revise and update the format of the standards. Interested persons have until September 22, 1975 to comment.

All ingredients in these three standardized foods are optional ingredients, e.g., while salad dressing must not be less than 30 percent by weight vegetable oil, a manufacturer has the option of employing any particular safe and suitable vegetable oil(s) that he prefers to use, such as corn oil, soybean oil, etc. As stated in § 3.88 (21 CFR 3.88), the Commissioner has determined that "There is significant consumer interest that the labels of standardized foods bear complete information of the ingredients contained in the food" and accordingly, "The Food and Drug Administration intends to amend the definitions and standards of identity of food by setting into motion as rapidly as possible the provisions of section 401 of the act (21 U.S.C. 341) to require label declaration of all optional ingredients with the exception of optional spices, flavorings, and colorings which may continue to be designated as such without specific ingredient declaration." Pursuant to the policy enunciated in § 3.88, the Commissioner is proposing to amend these standards of identity to require label declaration of all ingredients except spices, flavorings, and colorings which may be declared generically.

The Commissioner, in the FEDERAL REGISTER of May 15, 1974 (39 FR 17304), promulgated a definition of "safe and suitable" food ingredients in § 10.1(d)

(21 CFR 10.1(d)). The Commissioner has determined that, in promulgating a standard of identity, it is often practicable to authorize a functional class of "safe and suitable" ingredients that may be used, e.g., safe and suitable nutritive sweeteners, rather than listing each such optional ingredient by name. Such a practice benefits the consumer by allowing a manufacturer to select less expensive ingredients which are equally appropriate for a functional purpose and eliminates the need continually to amend standards to specify new ingredients that may be employed. The amendments proposed require that all ingredients be "safe and suitable" and, where practicable, authorize use of functional classes of safe and suitable ingredients. Where applicable, functional terminology established by § 121.1(o) (21 CFR 121.1(o)), published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34173), is employed in the proposed amendments.

The standard of identity for french dressing in § 25.2 has already been amended to provide for optional use of safe and suitable color additives and to require label declaration of ingredients used in the food, by a regulation published in the FEDERAL REGISTER of November 8, 1974 (39 FR 39554).

All three standards are now being proposed for revision so that, to the extent practicable, all standardized dressings for food will be subject to the same regulatory scheme.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended by 74 Stat. 398 (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 25 be amended by revising §§ 25.1, 25.2, and 25.3 to read as follows:

**§ 25.1 Mayonnaise, mayonnaise dressing; identity; label statement of ingredients.**

(a) *Description.* Mayonnaise, mayonnaise dressing, is the emulsified semisolid food prepared from vegetable oil(s), one or both of the acidifying ingredients specified in paragraph (b) of this section, and one or more of the egg yolk-containing ingredients specified in paragraph (c) of this section. One or more of the ingredients specified in paragraph (d) of this section may also be used. The vegetable oil(s) used may contain an optional crystallization inhibitor as specified in paragraph (d) (7) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. Mayonnaise contains not less than 65 percent by weight of vegetable oil. Mayonnaise may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

(b) *Acidifying ingredients.* (1) Any vinegar or any vinegar diluted with water to an acidity, calculated as acetic acid, of not less than 2½ percent by weight, or any such vinegar or diluted vinegar mixed with the additional optional acidifying

ingredient citric acid, as specified in paragraph (d) (6) of this section. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice and/or lime juice in any appropriate form, which may be diluted with water to an acidity, calculated as citric acid, of not less than 2½ percent by weight.

(c) *Egg yolk-containing ingredients.* Liquid egg yolks, frozen egg yolks, dried egg yolks, liquid whole eggs, frozen whole eggs, dried whole eggs, or any one or more of the foregoing ingredients listed in this paragraph with liquid egg white or frozen egg white.

(d) *Other optional ingredients.* The following optional ingredients may also be used:

(1) Salt.  
(2) Nutritive carbohydrate sweeteners.  
(3) Any spice (except saffron or turmeric) or natural flavoring, provided it does not impart to the mayonnaise a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.  
(5) Sequestrant(s), including but not limited to calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) and/or disodium EDTA (disodium ethylenediaminetetraacetate), may be used to preserve color and/or flavor.

(6) Citric acid in an amount not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar, calculated as acetic acid.

(7) Crystallization inhibitors, including but not limited to oxystearin, lecithin, or polyglycerol esters of fatty acids.

(e) *Nomenclature.* The name of the food is "mayonnaise" or "mayonnaise dressing."

(f) *Label declaration of ingredients.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

**§ 25.2 French dressing, identity; label statement of ingredients.**

(a) *Description.* French dressing is the separable liquid food or the emulsified viscous fluid food prepared from vegetable oil(s) and one or both of the acidifying ingredients specified in paragraph (b) of this section. One or more of the ingredients specified in paragraph (c) of this section may also be used. The vegetable oil(s) used may contain an optional crystallization inhibitor as specified in paragraph (c) (11) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. French dressing contains not less than 35 percent by weight of vegetable oil. French dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

(b) *Acidifying ingredients.* (1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, as specified in paragraph (c) (9) of this section. For the purpose of this para-

graph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice and/or lime juice in any appropriate form, which may be diluted with water.

(c) *Other optional ingredients.* The following optional ingredients may also be used:

(1) Salt.  
(2) Nutritive carbohydrate sweeteners.  
(3) Spices and/or natural flavorings.  
(4) Monosodium glutamate.  
(5) Tomato paste, tomato puree, catsup, sherry wine.  
(6) Eggs and ingredients derived from eggs.

(7) Color additives that will impart the color traditionally expected.

(8) Stabilizers and thickeners to which calcium carbonate or sodium hexametaphosphate may be added. Dioctyl sodium sulfosuccinate may be added in accordance with § 121.1137 of this chapter.

(9) Citric acid, in an amount not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid.

(10) Sequestrant(s), including but not limited to calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) and/or disodium EDTA (disodium ethylenediaminetetraacetate), may be used to preserve color and/or flavor.

(11) Crystallization inhibitors, including but not limited to oxystearin, lecithin, or polyglycerol esters of fatty acids.

(d) *Nomenclature.* The name of the food is "french dressing."

(e) *Label declaration of ingredients.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

**§ 25.3 Salad dressing; identity; label statement of ingredients.**

(a) *Description.* Salad dressing is the emulsified semisolid food prepared from vegetable oil(s), one or both of the acidifying ingredients specified in paragraph (b) of this section, one or more of the egg yolk-containing ingredients specified in paragraph (c) of this section, and a cooked or partly cooked starchy paste prepared as specified in paragraph (d) of this section. One or more of the ingredients in paragraph (e) of this section may also be used. The vegetable oil(s) used may contain an optional crystallization inhibitor as specified in paragraph (e) (8) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. Salad dressing contains not less than 30 percent by weight of vegetable oil and not less egg yolk-containing ingredient than is equivalent in egg yolk solids content to 4 percent by weight of liquid egg yolks. Salad dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

(b) *Acidifying ingredients.* (1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional op-

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration[ 29 CFR Parts 1910, 1915, 1916, 1917,  
1918, 1926 ]

[Docket No. H-001]

STANDARD FOR WORK IN CONFINED  
SPACES

## Advance Notice of Proposed Rulemaking

tional acidifying ingredient citric acid, as specified in paragraph (e) (6) of this section. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice and/or lime juice in any appropriate form, which may be diluted with water.

(c) *Egg yolk-containing ingredients.* Liquid egg yolks, frozen egg yolks, dried egg yolks, liquid whole eggs, frozen whole eggs, dried whole eggs, or any one or more of the foregoing ingredients listed in this paragraph with liquid egg white or frozen egg white.

(d) *Starchy paste.* It may be prepared from a food starch, food starch-modified, tapioca flour, wheat flour, rye flour, or any two or more of these. Water may be added in the preparation of the paste.

(e) *Other optional ingredients.* The following optional ingredients may also be used.

(1) Salt.  
(2) Nutritive carbohydrate sweeteners.

(3) Any spice (except saffron or turmeric) or natural flavoring, provided it does not impart to the salad dressing a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.

(5) Stabilizers and thickeners. Diocetyl sodium sulfosuccinate may be added in accordance with § 121.1137 of this chapter.

(6) Citric acid may be used in an amount not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid.

(7) Sequestrant(s), including but not limited to calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) and/or disodium EDTA (disodium ethylenediaminetetraacetate), may be used to preserve color and/or flavor.

(8) Crystallization inhibitors, including but not limited to xystearin, lecithin, or polyglycerol esters of fatty acids.

(f) *Nomenclature.* The name of the food is "salad dressing."

(g) *Label declaration of optional ingredients.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Interested persons may, on or before September 22, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate and shall be identified with the Hearing Clerk docket number found in the document heading. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 17, 1975.

ROBERT M. SHAFFNER,  
Acting Director,  
Bureau of Foods.

[FR Doc.75-19201 Filed 7-23-75; 8:45 am]

The Occupational Safety and Health Administration (OSHA) has received several petitions and other recommendations concerning the need for a revision of the existing standards for work in confined spaces, such as tanks, boilers, sewer vaults, manholes, pressure vessels, trenches, and other confined compartments, or for a standard for work in these environments applicable to all industries regulated under the occupational safety and health standards contained in Chapter XVII of Title 29, Code of Federal Regulations. In response to these petitions and recommendations, and due to a concern for the continued incidence of occupational injuries and fatalities occurring from exposure to the hazards of entering and working in confined spaces, OSHA is developing proposed rules to amend the existing standards to provide broader coverage for all industries covered by Parts 1910, 1915, 1916, 1917, 1918 and 1926.

Present standards for work in confined spaces are found in several sections of Parts 1910, 1915, 1916, 1917, 1918 and 1926. These sections include the following: §§ 1910.94(d)(11), 1910.132, 1910.252, 1910.261(b)(5), 1910.268(o)(2); 1915.2(m), 1915.2(n), 1915.11, 1915.23, 1915.24, 1915.31, 1915.32, 1915.33, 1915.54, 1915.82; 1916.2(m), 1916.2(n), 1916.11, 1916.23, 1916.24, 1916.31, 1916.32, 1916.33, 1916.54, 1916.82; 1917.2(m), 1917.2(n), 1917.11, 1917.31, 1917.33, 1917.54, 1917.82; 1918.93; and 1926.21(b)(6), 1926.352(g), 1926.353, 1926.354, 1926.956. Requirements for ventilation, respirators, welding operations, security of equipment, lifelines, and attendants are included in these paragraphs.

The Office of Standards Development of the Occupational Safety and Health Administration would appreciate public comment regarding both revision of the above sections and the proposal of new standards providing broader coverage to all of the regulated industries. Data, views, and arguments on any of the following issues would be particularly useful:

1. Difficulties with the requirements of the present standards relating to work in confined spaces.
2. Appropriate scope of a standard for work in confined spaces, including the inclusion of work done in confined spaces at other than normal atmospheric pressures.
3. Incidence of injuries or death associated with work in confined spaces.
4. Case histories of injuries and death from the hazards of work in confined spaces and a discussion of causal factors.

5. Procedures for and methods of atmospheric testing prior to personnel entry into confined spaces.

6. Feasible methods of continuous monitoring of concentrations of toxic or explosive substances during periods of employee entry into and occupancy of confined spaces.

7. Feasible methods of continuous monitoring of oxygen concentrations during periods of employee entry into and occupancy of confined spaces.

8. The oxygen level at which an atmosphere would be declared "oxygen deficient."

9. Need for and responsibilities of a full time safety observer external to the confined space.

10. Controls on and supervision of personnel entering a confined space.

11. Control of ignition sources in or near potentially explosive atmospheres.

12. Alternatives to the proposed rule-makings under considerations.

13. Probable impact of these alternatives on health, safety and technology.

14. Any other related issues.

Communications should be mailed to the Docket Officer, Docket H-001, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3618, 200 Constitution Avenue, NW., Washington, D.C. 20210 by August 25, 1975. The communications will be available for public inspection and copying at the above location.

This advance notice of proposed rule-making is issued under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), section 107 of the Contract Work Hours and Safety Standards Act as amended (83 Stat. 96; 40 U.S.C. 333), section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C., this 1st day of July 1975.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.75-19247 Filed 7-23-75; 8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 39 ]

[Docket No. 14806]

PILATUS AIRCRAFT LTD. MODEL PC-6  
AIRPLANES

## Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Pilatus Model PC-6 airplanes. There have been reports of corrosion developing inside the wing struts and on the wing strut attachment brackets of Pilatus Model PC-6 airplanes that could result in weakening and eventual failure of the struts and brackets. Since this condition

is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections and anticorrosive treatment or replacement of the strut and bracket, as necessary, on Pilatus Model PC-6 airplanes manufactured by Pilatus Aircraft Ltd. The proposed AD would not be applicable to Pilatus Model PC-6 airplanes manufactured by Fairchild Hiller.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before September 8, 1975, will be considered by the Administrator before taking action upon the proposed rule.

The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed 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, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**PILATUS AIRCRAFT LTD.** Applies to Pilatus Model PC-6 airplanes (all variants) manufactured by Pilatus Aircraft Ltd.

**NOTE.**—This AD does not apply to Pilatus Model PC-6 airplanes manufactured by Fairchild Hiller.

Compliance is required within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 75 hours time in service, and thereafter at intervals not to exceed 100 hours time in service from the last inspection, until the conditions of paragraph (f) are met.

To prevent a hazardous degree of corrosion from developing inside the wing struts and on the wing strut attachment brackets, accomplish the following:

(a) Visually inspect the internal surface of each wing strut for corrosion in accordance with paragraph 2.1 of Pilatus Aircraft Ltd. Service Bulletin No. 105, dated May 1971 (hereafter Pilatus Service Bulletin No. 105), or an FAA-approved equivalent.

(b) Visually inspect each wing strut attachment bracket for corrosion in accordance with paragraph 2.1 of Pilatus Aircraft Ltd. Service Bulletin No. 93, dated June 1969, (hereafter Pilatus Service Bulletin No. 93), or an FAA-approved equivalent.

(c) If only light corrosion (corrosion which has not caused surface blistering) is found during the inspection required by paragraph (a) of this AD, within the next 100 hours time in service or within the next 60 days after finding the corrosion, whichever occurs sooner, remove the corrosion from, and apply an anticorrosive treatment to, the inside of the wing strut in accordance with paragraph 2.3 of Pilatus Service Bulletin No. 105 or an FAA-approved equivalent.

(d) If only light corrosion (corrosion which has caused 2% to 10% reduction in cross-section per paragraph 2.2 of Pilatus Service Bulletin No. 93) is found during the inspection required by paragraph (b) of this AD, within the next 100 hours' time in service or within the next 60 days after finding the corrosion, whichever occurs sooner, remove the corrosion and apply an anticorrosive treatment to the wing strut attachment bracket in accordance with paragraph 2.4, and reinstall the bracket in accordance with paragraph 2.5.1 of Pilatus Service Bulletin No. 93 or an FAA-approved equivalent.

(e) If corrosion is found during the inspections required by paragraphs (a) and (b) of this AD which has resulted in exceeding the limits prescribed in paragraphs (c) or (d), within the next 100 hours' time in service or within the next 60 days, whichever occurs sooner, after finding the corrosion, accomplish the following:

(1) Replace the wing strut with a serviceable strut of the same part number that has had anticorrosive treatment applied to the inside surface in accordance with paragraph 2.3 of Pilatus Service Bulletin No. 105 or an FAA-approved equivalent.

(2) Replace the wing strut attachment bracket with a new wing strut attachment bracket (P/N 111.35.06.055 (left) or 111.35.06.056 (right)) in accordance with paragraph 2.5.2 of Pilatus Aircraft Ltd., Service Bulletin No. 93 dated June 1969 or an FAA-approved equivalent.

(f) The inspections required by paragraph (a) or (b) of this AD may be discontinued, in accordance with the following:

(1) Inspection of the wing strut when the strut has had light corrosion removed and has had the anticorrosive treatment in accordance with paragraph (c) or when the strut has been replaced in accordance with paragraph (e)(1) of this AD.

(2) Inspection of the wing strut attachment bracket when the bracket has had light corrosion removed and has had the anticorrosive treatment in accordance with paragraph (d), or when the bracket has been replaced in accordance with paragraph (e)(2) of this AD.

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

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

[FR Doc. 75-19296 Filed 7-23-75; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-SW-44]

#### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Big Sandy, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 25, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the

Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the Big Sandy, Tex., transition area is amended to read:

BIG SANDY, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Ambassador Field (latitude 32°35'00" N., longitude 95°03'45" W.), and within 2.5 miles each side of the Big Sandy, Tex., Ambassador Field NDB 271° bearing extending from the 8.5-mile-radius area to a point 11.5 miles west of the NDB.

Alteration of the transition area will provide controlled airspace for aircraft conducting the proposed NDB standard instrument approach procedure to Ambassador Field, Big Sandy, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tx., on July 14, 1975.

ALBERT H. THURBURN,  
Acting Director,  
Southwest Region.

[FR Doc. 75-19296 Filed 7-23-75; 8:45 am]

#### Federal Highway Administration

#### [ 49 CFR Part 310 ]

[Docket No. 75-6, Notice 1]

#### BRIDGE TOLLS

#### Proposal To Require Advance Notice of Toll Increases and Escrow Toll Increase Revenues

The purpose of this document is to elicit public comment on a Federal Highway Administration proposal to require advance notice of toll increases, and to escrow toll increase revenues.

The Federal Highway Administrator is considering amending the Bridge Toll Procedural Rules, 49 CFR Part 310, to implement a part of the legislative authority provided by section 133(b) of the Federal-Aid Highway Act of 1973, 33 U.S.C. 526a. That section provides:

The Secretary of Transportation shall promulgate regulations establishing guidelines governing any increase in tolls for use of any bridge constructed pursuant to either

the General Bridge Act of 1906 or the General Bridge Act of 1946.

The first of the proposed amendments would require the proprietors of federally regulated toll bridges to give the Administrator 90 days written advance notice of the effective date of a proposed toll increase, setting forth both the rates in effect and the proposed increases. The purpose of this amendment is to provide the Administrator with an opportunity to investigate the increase before it becomes effective, with a view to commencing an expeditious and economical rate determination, which might lead either to forestalling the increase or to confirming its necessity.

The second group of proposed amendments are closely related, and relate to the safeguarding of the additional funds generated by a disputed toll rate. The Bridge Toll Procedural Rules do not now over the subject of what may or must be done with such funds, and it is not clear what action the Administrator might take to prevent their irreversible commitment in a manner which would make them unavailable for restoration to the use of tollpayers should the assailed rate ultimately be found to be unreasonable and unjust.

Therefore, these amendments would require the bridge proprietor to place the incremental revenues generated by the disputed toll rate in escrow, subject to procedures approved by the Administrator. Should the assailed rate ultimately be struck down, the escrow fund would be used to reduce tolls below the prior level by the same amount for the number of tollpaying units of traffic upon which the disputed toll was collected.

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Federal Highway Administration, Room 4226, 400 Seventh Street, SW., Washington, D.C. 20590. Comments should refer to the docket and notice number (75-6, notice 1), and be submitted in triplicate. Comments received before October 31, 1975, will be considered before action is taken on the proposal, and will be available for examination in the docket at the above address both before and after that date.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 310 by adding new §§ 310.2a and 310.3a as follows:

**§ 310.2a Notice of increase in tolls.**

Any person or agency which has responsibility for establishing or collecting a toll, and which proposes to increase the rate of toll, must give written notice of the proposed increase to the Administrator not less than ninety days before the increased rate of toll is to take effect. The notice must contain a statement of both the tolls proposed to be increased and the proposed increase in rates.

**§ 310.3a Escrow of toll revenues.**

(a) Upon notice of the commencement of a proceeding under § 310.3, the respondent must:

(1) Identify and deposit in a separate interest account all revenues derived from an increase in toll; and

(2) Submit to the Administrator for his approval, within thirty days of the commencement of the proceeding, a statement of its procedures for holding the toll increase revenues in escrow.

If the Administrator does not approve the escrow procedures submitted by the respondent, he prescribes procedures which the respondent must follow in holding the toll increase revenues in escrow.

(b) In the event that the Administrator finds tolls to be unjust and unreasonable, he requires in his final order under § 310.13 that revenues held in escrow be applied to the reduction of future tolls to below the level of tolls prevailing prior to the increase in question, by the same amount, and for the same number of tollpaying traffic units, that was charged during the increase in question.

(Sec. 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494), sec. 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 526), sec. 2 and sec. 6 of the International Bridge Act of 1972 (33 U.S.C. 535 and 535(d)), sec. 133(b) of the Federal-Aid Highway Act of 1973 (33 U.S.C. 526a), sec. 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48)

Dated: July 18, 1975.

LESTER P. LAMM,  
Acting Federal  
Highway Administrator.

[FR Doc. 75-19278 Filed 7-23-75; 8:45 am]

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL 403-4]

[40 CFR Part 52]

**ALABAMA**

**Approval and Promulgation of Implementation Plans; Approval of Plan Revisions**

On May 31, 1972 (37 FR 10842), the Administrator approved portions of the Alabama plan to attain and maintain the national ambient air quality standards in that State. Under the particulate control strategy of the approved plan, Portland cement plants were to be regulated by the process weight regulations, Part 4.4, of the Alabama air pollution control regulations. Since the application of these rules to certain new sources has the effect of requiring them to meet emission limits more stringent than those set forth in the Agency's New Source Performance Standards (NSPS) for this category of sources, the State now proposes to add specific regulations for particulate emissions from cement plants. Under the new regulations, which were adopted after notice and public hearing and then submitted to EPA for approval on June 4, 1975, all new sources of this type would be required to meet particulate emission limits identical to those of the NSPS for Portland Cement Plants (40 CFR 60.62(a)(1) and 60.62(b)(1)). The purpose of this notice is to announce the new regulations as proposed rule-

making and to invite public comment on them.

The new regulations are set forth as Part 4.11 of the State's air pollution control regulations. Since Part 4.11 is brief, it is now quoted in its entirety:

**4.11 Cement Plants.**

**4.11. Applicability.** This part applies to existing cement plants that have a process weight that is greater than 88.7 tons per hour; this part also applies to new cement plants and specifically exempts new cement plants from § 4.4.5.

**4.11.2 Emission Limits.**

(a) No owner or operator shall cause, permit, or allow the emissions of particulate matter from the kiln which is in excess of 0.30 lbs. per ton of feed to the kiln, maximum two-hour average.

(b) No owner or operator shall cause, permit, or allow the emissions of particulate matter from the clinker cooler which is in excess of 0.10 lbs. per ton of feed to the kiln, maximum two-hour average.

Since the regulations just cited do not affect any existing facility, the State did not submit a revised particulate control strategy to support their approval. Copies of the information submitted by the State are available for public inspection during normal business hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.  
Alabama Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36104.

Interested persons are encouraged to participate in this rulemaking by submitting written comments on the proposed Alabama plan revision. In particular, comments are invited on the air quality maintenance aspects of the revision. To be considered, comments must be received on or before August 25, 1975. After relevant comments have been weighed with other available information in the light of requirements set forth in the Clean Air Act and in the Agency's implementing regulations (40 CFR Part 51), the Administrator will act on the Alabama proposal.

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)).

Dated: July 16, 1975.

ORIN G. BRIGGS,  
Acting Regional Administrator,  
Region IV.

[FR Doc. 75-19144 Filed 7-23-75; 8:45 am]

(FRL 403-3)

[40 CFR Part 52]

**CALIFORNIA**

**Approval and Promulgation of Implementation Plans; Approval of Compliance Schedules**

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812), and May 14, 1973 (38 FR 12702), pursuant to section 110 of the Clean Air Act, as amended (42 U.S.C. § 1857c-5) and 40 CFR Part 51, the Administrator approved and promulgated portions of the California plan for the implementation of the na-

tional ambient air quality standards. On February 21 and May 13, 1975, after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) revisions to the state compliance schedule portion of the approved plan. This publication proposes that these revisions be approved, with specific exceptions discussed below, pursuant to section 110 of the Clean Air Act and 40 CFR 51.8.

Fifty-seven compliance schedules were submitted. Three of the schedules require compliance with regulations for the control of pollutants for which the Administrator of EPA has not established national standards. Since EPA has no authority to promulgate or enforce such regulations, it will take no formal action with respect to these 3 schedules. However, the lack of such action by EPA in no way affects the ability of the State or local air pollution control agencies to enforce the schedules.

Eleven of the compliance schedules are not being proposed for approval because the final compliance date in each schedule extends beyond the allowable attainment dates specified in 40 CFR 52.238 and the State has not demonstrated that the revisions will not prevent the attainment or maintenance of the national ambient air quality standards. One schedule is not being proposed for approval because the schedule has been revised by the local air pollution control agency since the time of submittal.

The remaining 42 schedules have been found to satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51. However, 21 of the schedules have expired and the affected sources are now required to be in compliance with the applicable air pollution control regulations. Therefore, EPA will take no action with regard to the compliance schedules submitted for these sources. It is proposed that the remaining 21 schedules listed below be approved as revisions to the State plan.

Each proposed compliance schedule revision establishes a new date by which the individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date". In some cases, the schedule includes incremental steps towards compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act, as amended.

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally-enforceable when the final promulgation of the schedule becomes effective.

Proposed compliance schedule revisions listed below are available for public inspection at the California Air Resources Board, at the office of EPA, Region IX, and the EPA's Washington, D.C. office, at the addresses listed below. An evaluation report setting forth EPA's position on each of the schedules is also available at the office of EPA, Region IX.

State of California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.  
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco, CA 94111.  
Environmental Protection Agency, Division of Stationary Source Enforcement, Room 3202 Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Interested persons are encouraged to submit written comments on any proposed compliance schedule. All comments postmarked on or before August 25, 1975, will be considered by EPA prior to finalizing this proposed rulemaking. Comments should be addressed to: Director, Enforcement Division, EPA, Region IX, 100 California Street, San Francisco, California 94111. All comments will be available for public inspection during business hours at the above address.

This proposed rulemaking is issued under the authority of section 110(a) of

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

Dated: July 10, 1975.

L. RUSSELL FREEMAN,  
Acting Regional Administrator,  
Region IX.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

**Subpart F—California**

1. In § 52.220, paragraph (c) is amended as follows:

**§ 52.220 Identification of plan.**

(c) \* \* \*

(8) Supplemental information (compliance schedules) was submitted by the California Air Resources Board on December 27, 1973; February 19, April 22, June 7 and 19, September 4 and 19, October 18, and December 4, 1974; January 13, February 21, April 3, and May 12, 1975.

2. In § 52.240, paragraph (f) is amended by adding the following schedules to the table in subparagraph (1):

**§ 52.240 Compliance schedules.**

(f) \* \* \*  
(1) \* \* \*

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Interpace Corp. (Order No. 13-R1 as revised)	Amador	3, 10	Dec. 18, 1974	Immediately	July 31, 1975
Interpace Corp. (Order No. 14-R1 as revised)	do	3, 10	do	do	Do
Interpace Corp. (Order No. 15-R1 as revised)	do	3, 10, 14	do	do	Do
Interpace Corp. (Order No. 16-R1 as revised)	do	3, 10, 14	do	do	Do
Interpace Corp. (Order No. 17-R1A as revised)	do	2, 3, 7	do	do	Do
Interpace Corp. (Order No. 17-R1B as revised)	do	2, 3, 7	do	do	Do
Interpace Corp. (Order No. 20-R1 as revised)	do	10	do	do	Do
Interpace Corp. (Order No. 21-R1 as revised)	do	3, 10, 14	do	do	Do
Owens-Illinois Corp. (Order No. 29-R1 as revised)	do	10, 14	do	do	July 14, 1975
Alco-Gravure Corp. (Order No. 1860)	Los Angeles	66(c)	Aug. 14, 1974 Dec. 27, 1974	do	Oct. 30, 1975
Gravure West (Order No. 1861)	do	do	Aug. 15, 1974	do	July 15, 1975
Kerr-McGee Chemical Corp. (Order No. 99-C)	San Bernardino	50A, 52A, 54A	Dec. 27, 1974	do	July 31, 1975
Kerr-McGee Chemical Corp. (Order No. 99-D)	do	do	do	do	Do
Holly Sugar Corp. (Order No. 74-34 as revised)	San Joaquin	401, 404	Dec. 19, 1974	do	Do
Owens-Illinois, Inc. (Order No. 74-35)	do	401	do	do	July 25, 1975
Robinson Farms (Order No. 74-31)	San Joaquin	do	Jan. 16, 1975	do	July 31, 1975
Happyholme Farms, Inc. (Order No. 75-2)	do	401, 404	do	do	Do
The Learner Co. (Order No. 75-4-R2 as revised)	do	401	do	do	Do
Masonite Corp. (Order No. 15)	Stanislaus	409	do	do	Nov. 30, 1975
Waterman Industries (Order No. 17)	Tulare	401, 404, 405	Jan. 22, 1975	do	July 31, 1975
Fibreboard Corp. (Pickering Lumber Operations) (Order No. PV-74-01 as revised)	Tuolumne	401a, 401b	Oct. 3, 1974	do	Do

[FR Doc. 75-19143 Filed 7-23-75; 8:45 am]

**[ 40 CFR Part 120 ]**

[FRL 399-7]

**WATER QUALITY STANDARDS**

**Withdrawal of Proposed Rule**

The purpose of this notice is to withdraw the notices of proposed rulemaking

published in the FEDERAL REGISTER on December 20, 1973 (38 FR 34894-34897) for the States of New Jersey and New York and on September 21, 1973 (38 FR 26463) for the Commonwealth of Puerto Rico, in which the Environmental Protection Agency proposed to amend 40 CFR Part

120 to set out water quality standards for those States.

The December 20, 1973 and September 21, 1973 notices of proposed rulemaking were issued pursuant to section 303 of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251 et seq., the "Act"), which provides for Federal promulgation of water quality standards where a State fails to adopt water quality standards meeting the requirements of the Act. The EPA is required to promulgate standards within 180 days of the proposal, unless by such time the State shall have adopted water quality standards which are found to be in accordance with the requirements of the Act.

The New Jersey Department of Environmental Protection adopted revisions to water quality standards effective December 2, 1974.

The EPA partially approved the revised standards on March 3, 1975, and further recommended revisions to two procedural provisions, which were independent to those proposed rules set out in the December 20, 1973 FEDERAL REGISTER. New Jersey proposed to adopt acceptable revisions, published the same in the New Jersey Register (7 N.J.R. 144, Thursday, April 10, 1975, p. 20), and requested EPA approval. On the condition that New Jersey adopt the revisions as proposed, the EPA approved the standards in full on April 25, 1975, thereby obviating the need for final rulemaking. New Jersey adopted the proposed procedural revisions on May 19, 1975.

The water quality standards for the State of New Jersey include all rules set forth in the December 20, 1973 FEDERAL REGISTER notice of proposed rulemaking except as noted in the following discussion:

(1) The proposed rules state that turbidity shall not exceed 10 Jackson Turbidity Units (JTU) for FW-2, FW-3 and TW-1 waters, and shall not exceed 50 JTU for TW-2 waters. The standards adopted by New Jersey require that turbidity shall not exceed a maximum 30-day average of 20 JTU nor a maximum of 110 JTU at any time for FW-2 and FW-3 waters, and turbidity shall not exceed a maximum 30-day average of 25 JTU nor a maximum of 130 JTU at any time for TW-1 and TW-2 waters. These modifications were made based on an analysis of existing background data made jointly by the EPA and the New Jersey Department of Environmental Protection.

(2) The proposed criterion for dissolved solids was adopted with modifications that allow greater flexibility of application.

(3) The proposed rules state that phosphorus as total P shall not exceed 50 µg/l for FW-2 and FW-3 waters. This criterion was modified to allow exemptions in cases where it can be demonstrated that total P is not a limiting factor considering the morphological, physical, chemical and other characteristics of the water body.

These modifications were determined to be consistent with the requirements of the Act.

New York State adopted revisions to water quality standards on February 21, 1974. The standards were approved by the EPA on May 8, 1974, thereby obviating the need for final rulemaking.

The water quality standards for the State of New York include all rules set forth in the December 20, 1973 Federal Register notice of proposed rulemaking except as noted in the following discussion:

(1) The proposed rules require upgrading the use classifications of several water bodies in New York State. Because of the extensive procedural requirements of Article 17 of the State Environmental Conservation Law (Chapter 664, Laws of New York), New York could not adopt these classifications within the time limitation prescribed by the Act. Therefore, the EPA and the New York State Department of Environmental Conservation agreed that these waters would be considered for upgrading in a timely fashion as each basin is periodically reviewed.

(2) The proposed rules state that criteria shall apply at all times except during periods when flow is less than the minimum average seven-day low flow occurring once in ten years. This statement was not adopted because it is inconsistent with New York State Law, which implies that duly-adopted standards of quality and purity apply at all times.

(3) The proposed rules require a narrative criterion for zones of passage. New York did not adopt this criterion on the grounds that adherence to the provisions of the mixing zone statement would be sufficient to guarantee a zone of passage.

(4) The proposed rules state that the dissolved oxygen (DO) concentration shall not be less than 6.0 mg/l within the hypolimnion of small, inland oligotrophic lakes and large lakes. New York did not adopt this criterion maintaining that adherence to the Great Lakes Water Quality Agreement of 1972 would protect the large lakes and that the New York State Constitution and special limitations on trout propagation waters of the State would protect the waters in the forest preserves and other cold water fisheries.

(5) The proposed rules state that there shall be no increase in turbidity that will cause a substantial, visible contrast to natural conditions for all waters, and that turbidity shall not exceed 5 Jackson Turbidity Units (JTU) for Class AA waters. New York adopted only the former, non-numerical criterion for waters of all classes except those classified special Class II. The EPA granted the waters in special Class II temporary exceptions to the fish propagation requirement and permitted retention of the existing non-thermal criteria.

(6) The proposed rules require adoption of criteria for pH, turbidity, and temperature as established by the Dela-

ware River Basin Commission (DRBC) for Zones 1A and 1B of the Delaware River. These zones are within the interstate waters of New York and are classified by the State as Class A (criteria for trout or non-trout as applicable). New York did not adopt these revisions directly, but, as a signatory part to the Delaware River Basin Compact, the State must abide by effluent limitations established by DRBC pursuant to the Compact.

These modifications were determined to be consistent with the requirements of the Act.

The Environmental Quality Board of Puerto Rico adopted revised water quality standards on June 19, 1973. These standards were consistent with the requirements of the Act with two exceptions. The exceptions were an inadequate mixing zone policy for coastal waters and failure to adopt the recommended minimum dissolved oxygen (DO) criterion for Class SC coastal waters. The September 21, 1973 Federal Register notice of proposed rulemaking set out criteria limiting the mixing zone to 4000 feet in coastal waters and requiring a minimum DO concentration of 5 mg/l for Class SC coastal waters. On September 12, 1973 Puerto Rico submitted justification that a minimum dissolved oxygen concentration of 4 mg/l was acceptable for Class SC coastal waters because of naturally-occurring conditions of high temperature and salinity. EPA accepted this justification on November 15, 1973.

On January 4, 1974 Puerto Rico adopted revised standards, which limited the maximum extent of mixing zones to 4000 feet for all waters. Consequently, the water quality standards for the Commonwealth of Puerto Rico were determined to be consistent with the requirements of the Act and were approved by the EPA on June 26, 1974, thereby obviating the need for final rulemaking.

In consideration of the foregoing, the notices of proposed rulemaking published in the FEDERAL REGISTER, December 20, 1973 (38 FR 34894-34897) entitled "Navigable Waters of the State of New Jersey, Proposed Water Quality Standards" and "Navigable Waters of the State of New York, Proposed Water Quality Standards" and in the FEDERAL REGISTER, September 21, 1973 (38 FR 26463) entitled "Puerto Rico, Interstate Water Quality Standards" are hereby withdrawn.

These withdrawals are issued under the authority of section 303 of the Federal Water Pollution Control Act, as amended.

(Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251 et seq.).

Dated: July 17, 1975.

JOHN QUARLES,  
Acting Administrator.

[FR Doc. 75-19141 Filed 7-23-75; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 19879; RM-2064, RM-2113, RM-2226, RM-2177, RM-2264, RM-2288, RM-2305, RM-2313, RM-2381, RM-2404, RM-2487, RM-2527]

### FM BROADCAST STATIONS

#### Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Little Rock, Benton, Batesville and Mountain View, Arkansas. Also Cherokee Village, Dardanelle, Dumas Fayetteville, Lonoke, Malvern, Morrilton, Pine Bluff, Russellville, Sheridan and Van Buren, Arkansas, and Neosho, Missouri).

1. On April 18, 1975, the Commission adopted a further notice of proposed rule making and order to show cause in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on April 2, 1975, 40 FR 18452. The date for filing comments has expired and the date for filing reply comments is presently July 22, 1975.

2. On July 8, 1975, Counsel for Central Arkansas Broadcasting Company, Inc. requested that the time for filing reply comments be extended to and including August 12, 1975. Counsel states that the proceeding is a very complicated one which involves considerable technical and legal analysis so that a final resolution accommodating the requests of all participants can be made. Counsel contends that such an analysis cannot be made in the eight-day period presently specified and therefore requests the additional time.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, That the date for filing reply comments is extended to and including August 12, 1975.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: July 15, 1975.

Released: July 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

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

[FR Doc. 75-19237 Filed 7-23-75; 8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 20492; RM-2351, RM-2428, RM-2521]

### FM BROADCAST STATIONS

#### Table of Assignments, (Garden City, Hinesville and Springfield, Georgia)

1. On May 22, 1975, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was made in the FEDERAL

REGISTER on June 10, 1975, 40 FR 24751. The dates for filing comments and reply comments are presently July 18 and August 7, 1975, respectively.

2. On July 7, 1975, counsel for West Chatham Broadcasting Co., Inc., requested that the time for filing comments and reply comments be extended to and including August 18 and September 8, 1975, respectively. Counsel states the additional time is necessary in order to complete its assessment of the Commission's proposal and the possible alternatives, if any.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, that the dates for filing comments and reply comments are extended to and including August 18 and September 8, 1975, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: July 15, 1975.

Released: July 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

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

[FR Doc. 75-19236 Filed 7-23-75; 8:45 am]

[ 47 CFR Parts 74, 78 ]

[Docket No. 20539; RM-2446]

### TELEVISION TRANSLATORS

#### Inquiry and Proposed Rulemaking

1. On November 30, 1966, the Commission adopted a Report and Order in Docket No. 16424 establishing a new class of microwave relay station to be known as Television Translator Relay Stations. Various portions of Subparts F and G of Part 74 of the rules were amended to allow microwave to feed television translator stations. The 2 GHz frequency band was chosen for use by the relays, as this band was not overly crowded, it would permit relatively long hops, and the necessary equipment was available. The relays were authorized to use AM modulation and heterodyne conversion and therefore were functionally similar to translator stations; FM modulation was not permitted for reasons to be discussed in this Notice. The rule changes allowed translator relays only on a second priority to other television auxiliary services; i.e., channel assignments were to be made to other television auxiliary services without regard to the existence of translator relay stations. The translator relay could not cause interference to any user, and had to accept any interference it received from any user in the same band.

2. On August 23, 1974, the National Translator Association (NTA) filed a petition to amend Subparts F and G of Part 74 to allow for the use of FM microwave by television translator relay stations, and to allow translator relays access to all three television auxiliary microwave

bands.<sup>1</sup> NTA's petition further asks for rulemaking to allow a video and audio feed from any suitable source, such as a broadcast station microwave system, a microwave common carrier, a Community Antenna Relay Service station, or from the originating station itself. NTA's petition asks for use of the bands subject to causing no interference to other users in the same bands. The proposal would necessitate use of a modulator, as an interface between the "base band" (direct video and audio) output of the microwave system and the radio frequency input of the translator. NTA proposes various requirements for the characteristics of the modulator. The proposal, NTA claims, will not change the concept of how translators serve the public, but will eliminate unnecessary limitations on how signals are transported to the translator site.

3. Television translators are relatively low power devices which are designed to pick up a distant TV signal, translate this signal to another frequency, and re-broadcast the signal without changing its characteristics other than frequency and amplitude. The TV station being re-broadcast employs the complex modulating equipment needed to produce TV signals having the proper technical qualities; translators may be relatively simple and inexpensive devices which are not required to meet as many rigid technical standards. Translators were authorized by the Commission as one way of bringing TV service to rural areas and isolated communities which do not enjoy direct reception of regular TV Stations due to terrain limitations or distance from such stations. By obtaining their broadcast quality signals from the parent station, translators operate as slave devices merely retransmitting the original signal on a different frequency. Translators receive their input signal from the primary station itself, from another translator, or from a translator relay station. At present, translator relay stations are authorized solely as AM heterodyne devices. The translator and the translator relay interface by the use of simple frequency conversion rather than demodulation and modulation. If the FM microwave system were adopted for translator relays, the translator would receive a direct video and audio feed, and modulating equipment would be needed at the translator site. The quality of the translator output signal would become more heavily dependent on the equipment at the translator station. Consequently, translators would be subject to heavier restrictions similar to those imposed on other services that employ television modulating equipment. The Commission considered essentially the same request in proceeding 66-1102 (Docket 16424), but rejected it, saying "This would change the concept of the translator from its present one to that of a regular low powered

<sup>1</sup> The Commission is also in receipt of a letter from Blue Mountain TV Association in support of the proposal.

transmitter, requiring the strict specifications and standards of the TV broadcast service" (paragraph 4, *Report and Order*, adopted November 30, 1966). Broadcast television transmitters require an operator on duty and complex monitoring equipment; translators have no monitoring requirements and are exempt by the Communications Act from operator requirements.

4. However, the NTA proposal suggests that there are individuals willing to meet the requirements for a system that employs its own modulator, and are willing to purchase and use the more expensive FM microwave equipment even if it is authorized only on a secondary, non-interference basis. AM modulation as now employed in the translator relay service has a basic disadvantage: re-broadcasting with AM modulation results in degradation of the television signal after several repetitions. FM microwave overcomes this limitation, and is able to produce a consistently high quality picture after numerous repetitions. There are, then, advantages to authorizing FM microwave and an associated modulator for use by translator stations. The outlying areas of the country could receive a picture of essentially the same quality as in the areas immediately surrounding television stations. This becomes especially important when the growth of color television is considered; signal degradation that is acceptable in black and white may be totally unacceptable in color. With an FM microwave and translator system, a quality picture could be viewed hundreds of miles from the primary station's transmitter location.

5. Upon examination, we find that this proposal warrants further consideration. A number of implications are raised by this proposal which require further study, and we therefore invite comments from interested parties on the various aspects of this matter: what impact the use of bands A, B and D by translator relays may have on present and future uses for these bands; what technical standards should be applicable to translator systems employing modulating equipment; under what criteria could unattended operation be authorized for translators employing modulators; whether television translator relay stations should continue to be authorized on a secondary, non-interference basis; whether the FM system should be authorized in addition to, or in lieu of, the AM heterodyne translator relay service. In addition to submitting comments in response to the specific questions set forth above, interested parties are urged to point out and discuss any other aspect of this matter which they believe should be considered herein.

6. If on the basis of the comments received, we believe the proposals should be implemented in whole or in part, we propose to amend the appropriate rules contained in Subparts F and G of Part 74, and Subpart B of Part 78. These would include §§ 74.602 (a) and (b), 74.604(a), 74.613(g), 74.637(a), 74.701 (a), 74.731 (b), 74.750, 78.11 and 78.18.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before August 18 and reply comments on or before August 28, 1975. All relevant and timely comment and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission must also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: July 2, 1975.

Released: July 11, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.  
[FR Doc.75-19238 Filed 7-23-75;8:45 am]

[ 47 CFR Part 76 ]

[Docket No. 20523]

CABLE TELEVISION RELAY SERVICE

Extending Time for Filing Reply Comments

1. On June 17, 1975, the Commission adopted a notice of proposed rule making in the above-captioned proceeding. Publication was made in the *FEDERAL REGISTER* on June 26, 1975, 40 FR 27051. The dates for filing comments and reply comments are July 11 and July 16, 1975, respectively.

2. On July 14, 1975, Greeley, Bernard and Tierney, a law firm which represents applicants for Cable Television Relay Service (CARS) authorizations, filed a "Motion for Extension of Time" requesting that the time for filing reply comments be extended from July 16 to July 30, 1975. The request states that the initial comments, filed on July 11, 1975, in the above-captioned proceeding were not available for public inspection as of July 14, 1975, and that the five days allocated for reply comments are not sufficient to permit full and detailed consideration of all comments filed.

3. Although § 1.46(b) of the Commission's rules provides that motions for extension of time to file reply comments in rule making proceedings shall be filed at least seven days prior to the filing date, we feel that good cause has been shown for acceptance of the "Motion for Extension of Time" and for extending the deadline for filing replies in this proceeding. We are of the view, however, that the requested extension to July 30, 1975, is unwarranted. It would appear that an additional five days would permit all parties ample time to analyze the

comments submitted and formulate replies.

Accordingly, it is ordered, That the date for filing reply comments in the above-captioned proceeding is extended to July 21, 1975.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: July 16, 1975.

Released: July 17, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] DAVID D. KINLEY,  
Chief, Cable Television Bureau.  
[FR Doc.75-19239 Filed 7-23-75;8:45 am]

FEDERAL RESERVE SYSTEM

[ 12 CFR Part 226 ]

[Reg. Z]

TRUTH IN LENDING

Fair Credit Billing Amendments

On May 5, 1975, the Board of Governors published for comment in the *FEDERAL REGISTER* (40 FR 19489-19495) proposed regulations implementing the Fair Credit Billing Act (Title III of Pub. L. 93-495). The comment period on this proposal was initially set to terminate on May 30 and was subsequently extended through June 20, 1975. Approximately 300 comments were received regarding these proposed regulations. Several issues within the proposed rules were the subject of extensive comment, primarily focusing on the expense or burden to creditors of implementing procedures required under the proposals. The Board herewith announces its intent to schedule informal hearings on issues arising out of the proposed regulations, particularly those outlined below, for August 5 and 6, 1975. The Board also plans to publish revised proposed regulations in advance of the hearing which would indicate proposed treatment of the issues described below, as well as proposed solutions to certain substantive and technical problems raised by the comments. Comments on the revised proposal will be received through August 12, 1975.

Among the issues on which the hearings are designed to solicit comment are the following:

1. The Fair Credit Billing Act provides that one type of billing error is "a reflection on the statement of goods or services not accepted by the obligor or his designee or not delivered to the obligor or his designee in accordance with the agreement made at the time of the transaction" (Sec. 161(b)(3)). The proposed rule of May 5, 1975, included within the definition of billing error goods "not accepted" (§ 226.2(j)(3)) in the sense that the term "accepted" is defined in the Uniform Commercial Code. Comments suggested that the use of this UCC term may allow disputes over the quality of goods to be alleged as billing errors—for example, a toaster that does not work. Numerous comments suggested

that Congress intended only to refer to the question of whether there has been delivery or physical acceptance and taking of possession. Creditors claimed that to include in the definition of billing error disputes as to the quality of goods beyond the initial delivery would result in a conflict with Sec. 170 of the Fair Credit Billing Act, which grants the customer limited remedies in certain specific circumstances in regard to defective products for which the customer is billed on his credit card account. It is now proposed to delete reference to the UCC definition of acceptance. Instead, the term "not accepted" would include, among other things, goods or services which were not delivered, which differ from those described in the agreement, or which are delivered late, to the wrong location or in the wrong quantity; disputes as to quality of merchandise in the physical possession of the customer would not be included.

2. Section 164 of the Fair Credit Billing Act requires creditors to post payments received under an open end consumer credit plan "promptly" and states that the Board's regulations "shall prevent a finance charge from being imposed on an obligor if the creditor has received the obligor's payment in a readily identifiable form in the amount, manner, location, and time indicated by the creditor" to prevent the imposition of finance charges. The proposed regulation § 226.7 (g) of May 5 would have implemented this language by requiring creditors to credit payments as of the date of receipt, regardless of when physical posting occurs. Creditors objected to this proposal because of the practical operational problems imposed. The problems cited include those encountered when payment is received at a branch or other remote location and may not reach the computer billing center for several days. Some comments also suggested that there can be delays in getting payments from a central location, for example, a bank's main office, to the central processing center, as well as delays within the central processing center itself. In addition, it was suggested that additional time subsequent to the October 28, 1975, effective date of the Fair Credit Billing Act may be needed to revise procedures to accommodate crediting as of the date of receipt.

It is now proposed to provide the following with respect to prompt posting of payments:

a. The creditor would specify at least one location at which all payments received at that location would be credited to the customer's account as of the day of receipt. The Board understands that a number of practical problems may be involved in implementing this requirement on October 28, 1975, and therefore desires comments to be directed at the time frame which should be allowed to permit creditors to make this transition. During the transition period, creditors would be required to post payments promptly, but in no event later than three full business days from the day of receipt.

b. In connection with accounts that are paid in full by a specified date to

avoid additional finance charges, the creditor would be required to credit the payment so that no additional finance charges are imposed. If a creditor should fail to post the customer's payment in time to avoid the imposition of finance charges, the creditor would be required to adjust the customer's account so that the finance charges would be credited to the account during the next billing cycle.

c. Payments received at branches and other remote locations would be required to be posted promptly but in no event later than three business days, provided that it was clearly and conspicuously disclosed to the customer that there would be such a delay.

3. The May 5 proposals specified that no finance charges could be imposed on any disputed amount during the period a billing dispute remained unresolved, regardless of whether the creditor or customer was correct. This initial proposal for adjustments of finance charges for the dispute period has evoked widespread creditor criticism.

It is now proposed that finance charges would be adjusted whenever there has been an actual error in the customer's account, including improper dates or descriptions of transactions or failure to send the customer's bill to his current address, as well as errors in dollar amounts. A mere request for information concerning the customer's bill without such an error on the creditor's part would not, however, result in adjustment of finance charges.

4. The Fair Credit Billing Act prescribes that a form of notice be given to consumers of their rights to obtain correction of billing errors (Sec. 304 of Pub. L. 93-495). The proposed regulations of May 5 contain such a notice which has been the subject of numerous creditor complaints that it is too long and will not be read by consumers. Creditors have requested that a shortened notice be permitted, with a fuller statement of consumer rights available upon consumer request. Consumers on the other hand have suggested that additional language be included on the form notice. The statute appears to require that a full statement of rights be delivered to customers semiannually, and therefore, it would not be proposed to permit a shortened form of notice. The notice could, however, be printed on both sides of a single sheet.

5. Section 167 of the Fair Credit Billing Act amends the provision of the Truth in Lending Act which presently requires that merchants make finance charge disclosures when they allow cash customers to pay a lower price than credit card purchasers. In addition, many existing contracts between merchants and card issuers forbid the merchant to offer such lower prices. Congress provided in § 167 of the Act that contracts forbidding the offering of discounts for cash would be unlawful and that discounts up to 5 per cent for cash payment need not be considered as part of the finance charge. The proposed regulations of May 5 followed the literal language

of the statute and provided that only discounts from the posted prices for cash payment would be exempted from the requirement of being disclosed as part of the finance charge. Surcharges added to the cash price for use of a credit card would still have to be disclosed as finance charges. Some comments objected to this different treatment of surcharges and suggested that both types of two-tiered pricing systems, whether by discount or by surcharge, should be included within the statutory concept of discount. It was urged that merchants should be free to select either the discounts or surcharge method, whichever best fits their merchandising plans. Consumer groups also suggested that card issuers be required to notify their participating merchants that any clauses within their contracts prohibiting the offering of a discount or surcharge are no longer valid.

The Board desires additional comments on the question of whether surcharges should be treated in the same way as discounts under this provision and the question of whether creditors should be required to notify merchants of any invalid clauses in contracts relating to prohibition of lower prices on cash purchases than on credit card purchases.

6. Section 171(a) of the Fair Credit Billing Act preempts certain State laws. Those State laws that provide greater protection than do the Federal provisions are not preempted. The proposed regulation of May 5 in § 226.12(a) reflected the language of the Act. Numerous comments were received from creditors indicating that they were uncertain as to which law to follow—State or Federal—when there is an apparent inconsistency or a conflict. Recommendations by interested parties as to possible solutions to this problem are invited.

7. The proposed regulations published on May 5 provided that if the creditor received a billing error notice subsequent to his having reported the delinquency of the account to a third party, the creditor must notify any such third party of the dispute and its subsequent resolution. Such a requirement would assure that a consumer's credit rating was not damaged merely because payment was withheld on a disputed item. Creditors objected to this proposal because of the burden of maintaining records reflecting the parties to whom reports were given. It is now proposed that, in the case where a billing error notification is received after the creditor has reported adversely on the account, the creditor must send a correction only to those parties who had received a report of delinquency and who are in the business of collecting and disseminating information about the creditworthiness or credit standing of customers. Up to one full billing cycle would be allowed to provide such correction.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR § 262.2(a)).

To aid in consideration of this proposal, a hearing will be held before available members of the Board in its building on 20th and Constitution Avenue, N.W., Washington, D.C., on August 5 and 6, 1975, beginning at 10 a.m. The proceeding will consist of presentations of statements in oral and written form.

Any persons desiring to give testimony, present evidence, or otherwise participate in the hearing should file with the Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by July 30, 1975, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence, and the names and affiliation of witnesses who propose to appear. All such communications will be made available for inspection and copying in Room 1118 of the Board Building.

All parties will be given until August 12, 1975, to submit such additional material related to the issues raised at the hearing, or any other issues in the proposed regulations, as they desire. Interested persons need not participate in the oral presentation to have their views considered but may submit their views in writing to be received by the Secretary no later than August 12, 1975. Comments on the proposed revised regulations, soon to be published, should also be received by the Secretary no later than August 12, 1975. Written comments, as they are received, will be made available for inspection and copying in Room 1118 of the Board Building.

By order of the Board of Governors,  
July 22, 1975.

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

[FR Doc.75-19390 Filed 7-23-75;8:45 am]

## FEDERAL TRADE COMMISSION

[ 16 CFR Part 255 ]

### ENDORSEMENTS AND TESTIMONIALS IN ADVERTISING

#### Proposed Guides Concerning Use; Notice of Additional Opportunity To Present Views

On May 21, 1975, there was published in the FEDERAL REGISTER (40 FR 22187) a notice of proposed guides concerning use of endorsements and testimonials in advertising. Interested parties were afforded the opportunity to present to the Commission their written views concerning the guides, including such pertinent information, suggestions, or objections as they may desire to submit. Such views were to be submitted not later than July 21, 1975, to the Assistant Director for National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue at 6th Street, N.W., Washington, D.C. 20580.

The Commission has determined that additional opportunity for the presenta-

tion of written views is warranted. Accordingly, the Commission extends the time during which such views may be submitted, as provided, to not later than August 20, 1975.

Issued: July 21, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-19317 Filed 7-23-75;8:45 am]

## NATIONAL TRANSPORTATION SAFETY BOARD

[ 49 CFR Part 802 ]

### PRIVACY ACT OF 1974

#### Exemption

On July 17, 1975, at 40 FR 30130, the National Transportation Safety Board (NTSB) issued a proposed rule to implement the Privacy Act of 1974 (Act), designated as Part 802, Chapter VIII, Title 49, Code of Federal Regulations.

Pursuant to 5 U.S.C. 552a(k), each Federal agency that maintains any system of records retrievable by name or identifying number, symbol, or other identifying particular assigned to an individual may promulgate rules to exempt any such system of records from certain provisions of the Act.

NTSB maintains among its systems of records one designated as "Security Records." With respect to each employee or prospective employee of NTSB, or potential contractor with NTSB, the Security Records contain loyalty checks, and/or Federal Bureau of Investigation records, evaluations, and similar records.

NTSB plans to amend proposed Part 802 by exempting the Security Records from the provisions of subsections (d) (Access to Records), (e) (1), and (e) (4) (H) and (I) (Agency Requirements) of 5 U.S.C. 552a. The purpose of the amendment is to avoid disclosure of material, and NTSB handling thereof, which would reveal the identity of a source furnishing the information under a promise that his identity would be held in confidence.

Any person interested in the amendment herein may participate in this proposed rulemaking by submitting written data, views, or arguments, addressed to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, on or before August 18, 1975.

Accordingly, the National Transportation Safety Board hereby proposes to amend Part 802, Chapter VIII, Title 49, Code of Federal Regulations, by adding a new subpart, as follows:

#### Subpart H—Specific Exemptions

Sec.  
802.20 Security records.

AUTHORITY: Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.); and Freedom of Information Act, Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552.

#### Subpart H—Specific Exemptions

##### § 802.20 Security Records.

Pursuant to, and limited by, 5 U.S.C. 552a(k) (5), the NTSB's system of records, which contains the Security Records of NTSB employees, prospective employees, and potential contractors, shall be exempt from disclosure of the material and the NTSB's handling thereof under subsections (d), (e) (1) and (e) (4) (H) and (I) of 5 U.S.C. 552a.

Signed at Washington, D.C., on July 18, 1975.

[SEAL] JOHN H. REED,  
Chairman.

[FR Doc.75-19282 Filed 7-23-75;8:45 am]

## POSTAL SERVICE

[ 39 CFR Parts 262, 266, 267 ]

### RECORDS AND INFORMATION MANAGEMENT

#### Revised Policies and Procedures

Notice is hereby given of a proposed amendment to Postal Service regulations to establish revised policies and procedures relating to records and information management practices within the U.S. Postal Service, and in particular those practices dealing with information Privacy and Security as required by the provisions of the Privacy Act of 1974 (Pub. L. 93-579).

The Postal Service proposes to adopt new Parts 262, containing definitions, 266, relating to personal information, and 267, relating to the security of information. Part 266 will replace Part 263, relating to employee information.

Part 262 is a new part and is intended to provide a comprehensive set of definitions of terms used in subsequent Records and Information Management parts. Part 266 is a new part and consists of a set of rules which establish the general Postal Service policy regarding the subject of information privacy. The issues addressed within this part are primarily intended to satisfy the requirements of the Privacy Act of 1974. Part 267 is a new part and establishes the general policy for information security within the Postal Service. The intent of this Part is to provide for information security for personal information as required by the Privacy Act as well as for other types of sensitive information maintained by the Postal Service.

Any person interested in the amendments herein may participate in this proposed rulemaking by submitting written data, views or arguments on these proposed amendments to the USPS Records Officer, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, on or before August 18, 1975.

Accordingly, the Postal Service proposes the following amendment:

In 39 CFR Part 263 is revoked, and new Parts 262, 266 and 267 are adopted to read as follows:

## PART 262—RECORDS AND INFORMATION MANAGEMENT DEFINITIONS

Sec.	
262.1	Custodian.
262.2	Records.
262.3	Non-record material.
262.4	Information.
262.5	Information system (System of records).
262.6	Information system executive.

AUTHORITY: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

## § 262.1 Custodian.

The Postmaster or other head of a facility, such as a Postal Data Center, mailbag depository, management sectional center, district office or Regional Headquarters, or a group or department of Headquarters, who maintains USPS records.

## § 262.2 Records.

Any medium, regardless of form or characteristics (paper, film, magnetic surfaces, etc.), that contains information developed or received by the United States Postal Service in connection with the transaction of its business and retained in its custody.

(a) *Types of Records*.—(1) *Official Record*—primary copy of any record created or the original received by any Postal Service organizational component in the line of its duties or function.

(2) *Duplicate Records*—additional copies of the official record.

(3) *Historical Records*—Postal Service records which may have value beyond their scheduled destruction date or which are required to be permanently retained.

(4) *Vital Records*—Records which are necessary for the effective operation of the Postal Service or the protection of its interests, its employees, its contractors or the general public.

(b) *Categories of Records*. (1) *Records (Active)*—records for which the retention period has not yet expired and which are in regular use.

(2) *Records (Inactive)*—records for which the retention period has not yet expired and which are not in regular use.

## § 262.3 Non-record material.

Includes blank forms and surplus publications, handbooks, circulars, bulletins, announcements, and other directives, as well as any material not directly associated with the transactions of Postal Service business.

## § 262.3 Information.

A combination of data which has the potential to serve a useful purpose.

(a) *Types of Information*. (1) *General Information*—that information which is available to the public without restriction.

(2) *Restricted Information*—that information which because of federal statute or USPS regulation, cannot be released to the public. (Includes, but is not limited to, personal and national defense information.)

(3) *Discretionary Information*—that information which is available to the public only on a selective basis.

(4) *Critical Information*—that information for which integrity must be assured in order for the Postal Service to effectively perform its mission, or to prevent significant financial loss. (This information is contained within Vital Records.)

(5) *Sensitive Information*—that information which is either restricted, discretionary or critical in nature.

## § 262.5 Information system (system of records).

A methodology which receives, accesses and processes groups of records in an efficient manner for the purpose of producing useable output records.

## § 262.6 Information system executive.

The Postal Service Manager who prescribes the existence of and the policies for an information system.

## PART 266—PRIVACY OF INFORMATION

Sec.	
266.1	Purpose and scope.
266.2	Policy.
266.3	Responsibility.
266.4	Collection and disclosure of personal information.
266.5	Notification.
266.6	Procedures for requesting inspection and copying.
266.7	Procedures for requesting amendment.
266.8	Schedule of fees.
266.9	Exemptions.

AUTHORITY: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

## § 266.1 Purpose and scope.

This part is intended to protect individual privacy and affects all personal information collection and usage activities of the entire U.S. Postal Service. This includes the information interface of Postal Service employees to other employees, to individuals from the public at large, and to any private organization or governmental agency.

## § 266.2 Policy.

It is the policy of the U.S. Postal Service to insure that any record within its custody that identifies or describes any characteristic or provides historical information about an individual or that affords a basis for inferring personal characteristics, or things done by or to such individual; and the record of any affiliation with an organization or activity, or admission to an institution, is accurate, pertinent, complete, timely, relevant, and reasonably secure from unauthorized access. Additionally, it is the policy to provide the means for individuals to know: (a) Of the existence of all Postal Service personal information systems, (b) the recipients and usage made of such information, (c) what personal information is optional or mandatory to provide to the Postal Service, (d) the procedures for individual review and update of all relevant personal information, (e) the reproduction fees for personal records, and (f) the procedures for individual legal appeal in cases of dissatisfaction.

## § 266.3 Responsibility.

(a) *Records Officer*. The Records Officer will insure Postal Service-wide compliance to this policy.

(b) *Custodian*. Custodians are responsible for adherence to this part within their respective units and in particular for the collection, use and disclosure of personal information, and for affording individuals their rights to inspect, obtain copies of and correct records concerning them.

(c) *Information System Executive*. These managers are responsible for reporting the existence of personal records systems, changes to the contents of those systems, and changes of routine use to the Records Officer and also for establishing the relevancy of information within those systems.

## § 266.4 Collection and disclosure of personal information.

(a) The following rules govern the collection of personal information throughout Postal Service operations:

(1) The Postal Service will:

(i) Collect, solicit and maintain only such personal information as is relevant and necessary to accomplish a purpose required by statute or Executive Order.

(ii) Collect information, to the greatest extent practicable, directly from the subject individual when such information may result in adverse determinations about an individual's rights, benefits or privileges.

(iii) Inform any individual requested to disclose personal information whether that disclosure is mandatory or voluntary, by what authority it is solicited, the principal purposes for which it is intended to be used, the routine uses which may be made of it, and any penalties and specific consequences for the individual, which are known to the Postal Service, which will result from non-disclosure.

(2) The Postal Service will not discriminate against any individual who fails to provide personal information unless that information is required or necessary for the conduct of the system or program in which the individual desires to participate.

(3) No information will be collected (or maintained) describing how individuals exercise rights guaranteed by the First Amendment unless the Postmaster General specifically determines that such information is relevant and necessary to carry out a statutory purpose of the Postal Service.

(4) The Postal Service will not require disclosure of any individual's Social Security account number or deny a right, privilege or benefit because of the individual's refusal to disclose the number unless disclosure is required by Federal law.

(b) *Disclosures*. (1) *Disclosures: Limitations On*. The Postal Service will not disseminate personal information unless reasonable efforts have been made to assure that the information is accurate, complete, timely and relevant and unless:

(i) The individual to whom the record pertains has requested in writing that the information be disseminated, or

(ii) It has obtained the prior written consent of the individual to whom the record pertains, and any external recipient of the personal information has adopted rules in conformity with established Postal Service standards for maintaining the security and confidentiality of personal information, or

(iii) The dissemination is in accordance with subsection (2) hereof.

(2) Dissemination of personal information may be made:

(i) To a person pursuant to a requirement of the Freedom of Information Act (5 U.S.C. 552);

(ii) To those officers and employees of the Postal Service who have a need for such information in the performance of their duties;

(iii) For a routine use as contained in the system notices published in the FEDERAL REGISTER;

(iv) To a recipient who has provided advance adequate written assurance that the information will be used solely as a statistical reporting or research record, and to whom the information is transferred in a form that is not individually identifiable;

(v) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, U.S. Code;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual;

(viii) To a federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if such activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Postal Service specifying the particular portion of the record desired and the law enforcement activity for which the record is sought;

(ix) To either House of Congress or its committees or subcommittees to the extent of matter within their jurisdiction;

(x) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office;

(xi) Pursuant to the order of a court of competent jurisdiction.

(3) *Names and Addresses of Postal Customers.* The disclosure of lists of names or addresses of Postal customers or other persons to the public is prohibited (39 U.S.C. 412). Names or addresses

will be disclosed only in those cases permitted by Section 265.64 of Title 39 C.F.R. relating to the Release of Information.

(4) *Employee Credit References.* A credit bureau or commercial firm from which an employee is seeking credit may be given the following information upon request: length of service, job title, and salary range for the employee's grade (but not exact salary).

(5) *Employee Job References.* Prospective employers of a Postal employee or a former Postal employee may be furnished with the information in § 266.4b (4) above, in addition to the date and reason for separation if applicable.

(c) *Correction Disclosure.* Any person or other agency to which a personal record has been or is to be disclosed shall be informed of any corrections or notations of dispute relating thereto affecting the accuracy, timeliness or relevance of that personal record.

(d) *Recording of Disclosure.* (1) An accurate accounting of each disclosure will be kept in all instances except those in which disclosure is made to Postal Service employees in the performance of their duties or is required by the Freedom of Information Act (5 U.S.C. 552).

(2) The accounting will be maintained for at least five (5) years or the life of the record, whichever is longer.

(3) The accounting will be made available to the individual named in the record upon inquiry, except for disclosures made pursuant to provision 4(b) (2) (viii) above relating to law enforcement activities.

#### § 266.5 Notification.

(a) *Notification of Systems.* The following procedures permit individuals to determine the types of personal records systems maintained by the Postal Service.

(1) Upon written request, the Postal Service will notify any individual whether a specific system named by him contains a record pertaining to him. See § 266.6 for suggested form of request.

(2) The Postal Service shall publish annually in the FEDERAL REGISTER a notice of existence and character of all personal systems of records. This notice will contain the following information:

(i) Name and location of the system,  
(ii) Nature and purposes of the system,

(iii) Categories of individuals on whom personal information is maintained and categories of personal information generally maintained in the system,

(iv) Confidentiality requirements and the extent to which access controls apply to such information,

(v) Postal Service policies and standards regarding the safeguarding and disclosure of information, information storage, duration of retention of information, and elimination of such information from the system,

(vi) Routine uses made by the Postal Service of the personal information contained in the system, including the cate-

gories of users and the purpose of the use,

(vii) Title and official address of the custodian,

(viii) Procedures by which an individual can be informed if a system contains personal information pertaining to one's self, gain access to such information, and contest the accuracy, completeness, timeliness, relevance and necessity for retention of the information,

(ix) Categories of sources of such personal information,

(x) System status—either developmental or operational.

(b) *Notification of Disclosure.* The Postal Service shall make reasonable efforts to serve notice on an individual before any personal information on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. (Also see § 266.4(b) (1) (ii) and (2) (vii).)

(c) *Notification of Amendment.* (See § 266.7 (b) (3) relating to amendment of records upon request.)

(d) *Notification of New Use.* Any newly intended use of personal information maintained by the Postal Service will be published in the FEDERAL REGISTER thirty (30) days before such use becomes operational. Public views may then be submitted to the Records Officer.

(e) *Notification of Exemptions.* The Postal Service will publish within the FEDERAL REGISTER its intent to exempt any system of records and shall specify the nature and purpose of that system.

#### § 266.6 Procedures for requesting inspection and copying.

The purpose of this section is to provide procedures by which an individual may have access to personal information within a comprehensible format.

(a) *Submission of Requests for Access.*

(1) *Manner of Submission.* Inquiries regarding the contents of records systems or access to personal information should be in writing and directed to the custodian of the official record, if known, or to the Records Officer, United States Postal Service, Washington, DC 20260. Any inquiry concerning a specific system of records should provide the Postal Service with the information contained under "Notification" for that system as published in the FEDERAL REGISTER. If the information supplied is insufficient to locate or identify the record, the requester will be notified promptly and, if possible, informed of additional information required.

(2) *Period for Response by Custodian.* Upon receipt of an inquiry, the custodian will respond with an acknowledgement of receipt within ten (10) days. If the inquiry requires the custodian to determine whether a particular record exists, the inquirer shall be informed of this determination as a part of the acknowledgement letter.

(b) *Compliance with Request for Access.* (1) *Notification of Time and Place for Inspection.* When a requested record has been identified and is to be disclosed, the custodian shall ensure that the record

is made available promptly and shall immediately notify the requester where and when the record will be available for inspection or copying. Postal Service records will normally be available for inspection and copying during regular business hours at the postal facilities at which they are maintained. The custodian may, however, designate other reasonable locations and times for inspection and copying of some or all of the records within his custody.

(2) **Identification of Requester.** The requester must present personal identification sufficient to satisfy the custodian as to his identity prior to record review. Examples of sufficient identification are a valid driver's license, medicare card, and employee identification cards.

(3) **Responsibilities of Requester.** The requester shall assume the following responsibilities regarding the review of official personal records:

(i) Requester must agree not to leave Postal Service premises with official records unless specifically given a copy for that purpose by the custodian or his representative.

(ii) Requester must sign a statement indicating he has reviewed a specific record(s) or category of record.

(iii) Requester may be accompanied by a person he so chooses to aid in the inspection of information; however, requester must furnish the Postal Service with written authorization for such review in that person's presence.

(4) **Special Rules for Medical Records.** Medical records shall be disclosed to the requester to whom it pertains unless, in the judgment of the custodian, access to such record could have an adverse effect upon such individual. When the custodian, in consultation with a medical doctor, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the custodian will transmit such information to a medical doctor named by the requesting individual.

(5) **Limitations on Access.** Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding. Other limitations on access are those specifically addressed in §§ 266.6(b)(4) above and 266.9 below.

(c) **Response When Compliance Is Not Possible.** A reply denying a written request to review a record shall be in writing signed by the custodian or other appropriate official and shall be made only if such a record does not exist or does not contain personal information relating to the requester, or is exempt under § 266.6(b)(5). This reply shall include a statement regarding the determining factors of denial, and the right to obtain judicial review in a district court.

#### § 266.7 Procedures for requesting amendment.

(a) **Submission of Requests for Amendment.** Upon review of a personal record pertaining to an individual, that individual may submit a request to amend

the record. This request will be submitted in writing to the custodian and will include a statement of the amendment requested and the reasons therefor which normally will relate to such characteristics as relevance, accuracy, timeliness or completeness.

(b) **Action to be Taken by the Custodian.** Upon receiving an amendment request, the custodian shall promptly:

(1) Acknowledge in writing receipt of the request within ten (10) working days,

(2) Make such inquiry as is necessary to determine whether the amendment is appropriate, and

(3) Correct or eliminate any information that is found to be incomplete, inaccurate, not relevant to a statutory purpose of the Postal Service, or not timely, and notify the requester when this action is complete, or

(4) Not later than thirty (30) working days after receipt of a request to amend, notify the requester of a determination not to amend and of the individual's right to appeal.

(c) **Appeal Procedure.** (1) If a request to inspect, copy, or amend a record is denied, in whole or in part, or if no determination is made within the period prescribed by this part, the requester may appeal to the Assistant Postmaster General, Management Information Systems Department, U.S. Postal Service, Washington, D.C. 20260.

(2) The requester should submit his appeal in writing within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure of the custodian to make a determination. The letter of appeal should include, as applicable:

(i) Reasonable identification of the record access to which or the amendment of which was requested.

(ii) A statement of the Postal Service action or failure to act and of the relief sought.

(iii) A copy of the request, of the notification of denial and of any other related correspondence.

(3) Any record found on appeal to be incomplete, inaccurate, not relevant, or not timely, shall within thirty (30) working days of the date of such findings be appropriately amended.

(4) The decision of the Assistant Postmaster General, MIS Department, constitutes the final decision of the Postal Service on the right of the requester to inspect, copy, change, or update a record. The decision on the appeal shall be in writing and in the event of a denial shall set forth the reasons for such denial and state the individual's right to obtain judicial review in a district court. An indexed file of decisions on appeals shall be maintained by the Records Officer.

(d) **Submission of Statement of Disagreement.** If the final decision does not satisfy the requester, any statement of reasonable length provided by that individual setting forth a position regarding the disputed information, will be accepted and included in the relevant personal record.

(e) **Availability of Assistance in Exercising Rights.** The USPS Records Officer is available to provide an individual with assistance in exercising rights pursuant to this part.

#### § 266.8 Schedule of fees.

(a) **Policy.** The purpose of this section is to establish fair and equitable fees to permit reproduction of records to concerned individuals while substantially covering the direct costs incurred by the Postal Service.

(b) **Reproduction.** (1) For reproducing any paper or micrographic record or publication, the fee is \$.10 per page. Computer reports will be provided at \$.015 per page. No charge will be made if the total fees authorized by this Part in compliance with a request or series of related requests is less than \$1.00.

(2) The Postal Service may at its discretion make coin-operated copy machines available at any location. In that event, the requester will be given the opportunity to make copies at his own expense.

(3) The Postal Service will not normally furnish more than one copy of any record.

(c) **Limitations.** No fee will be charged to any individual for the process of retrieving, or amending records.

#### § 266.9 Exemptions.

(a) Subsections 552a (j) and (k) of Title 5, U.S. Code, empower the Postmaster General to exempt systems of records meeting certain criteria from various other subsections of section 552a. With respect to systems of records so exempted, nothing in this part shall require compliance with provisions hereof implementing any subsections of section 552a from which those systems have been exempted.

(b) [Reserved for list of exempt systems to be later identified.]

### PART 267—SECURITY OF INFORMATION

#### Sec.

267.1 Purpose and scope.

267.2 Policy.

267.3 Responsibility.

267.4 Information security standards.

AUTHORITY: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

#### § 267.1 Purpose and scope.

This Part addresses the protection of information and records in the custody of the Postal Service throughout all phases of information flow and within all organization components, and includes micromated, manual and data processing information.

#### § 267.2 Policy.

Consistent with the responsibility of the Postal Service to make its official records available to the public to the maximum extent required by the public interest, and to insure the security, confidentiality, and integrity of official records containing personal information, it is the policy of the Postal Service to maintain definitive and uniform information secu-

rity safeguards. These safeguards will have as their purpose:

(a) Insuring the effective operation of the Postal Service through appropriate controls over critical information, and

(b) Protecting personal privacy and the public interest by limiting unauthorized access to restricted and discretionary information.

**§ 267.3 Responsibility.**

(a) *Chief Postal Inspector and USPS Records Officer.* The Chief Inspector and the Records Officer will insure within their respective areas of jurisdiction:

(1) Postal Service-wide compliance with this policy and related standards and procedures, and

(2) that remedial action is taken when violations or attempted violations of these standards and procedures occur.

(b) *Custodians.* All custodians are responsible for insuring that information security standards and procedures are followed and that all relevant employees participate in the information security awareness programs.

**§ 267.4 Information security standards.**

(a) The Postal Service will operate under a uniform set of information se-

curity standards which address the following aspects of information flow and management:

(1) Information collection,  
(2) Information handling and processing (includes manual, ADP, and micrographic processing),

(3) Information dissemination and disclosure,

(4) Information storage and destruction.

(b) Supplementing this list are information security standards pertaining to the following functional and administrative areas:

(1) Personnel selection, rules of conduct and training,

(2) Physical environment,

(3) Controlling access to information,

(4) Contingency planning,

(5) Information processing or storage system procurement,

(6) Information systems development,

(7) Information system and environment audits,

(8) Contractual relationships.

LOUIS A. COX,  
General Counsel.

[FR Doc.75-19212 Filed 7-23-75;8:45 am]

**SECURITIES AND EXCHANGE COMMISSION**

[ 17 CFR Parts 231, 239, 241, 249 ]

[Release Nos. 33-5597, 34-11540, 35-19091;  
File No. S7-586]

**OIL AND GAS RESERVE DISCLOSURE  
Definitions and Classification; Extension of  
Comment Period**

The Securities and Exchange Commission today extended the comment period on its proposals relating to disclosure of oil and gas reserves (Release No. 33-5588, May 30, 1975, and published Friday, June 13, 1974 at 40 FR 25230). The Commission believes that an extension from July 15 until August 15, 1975 is appropriate in view of the extension requests it has received.

Accordingly, all interested persons are invited to submit their views and comments on the proposals contained in Release No. 33-5588 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before August 15, 1975. Such communications should refer to File No. S7-566. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

JULY 17, 1975.

[FR Doc.75-19306 Filed 7-23-75;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

### Office of the Secretary

[Public Notice CM-5170]

#### SHIPPING COORDINATING COMMITTEE

##### Meeting

The working group on subdivision and stability of the Subcommittee on the Safety of Life at Sea will hold an open meeting on Thursday, August 14, 1975, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. at 9:30 a.m.

Items to be considered are:

Subdivision and stability of special purpose ships.

Improvements to the Load Lines Convention.

Further information on this working group meeting may be obtained from Mr. E. H. Middleton, United States Coast Guard by phoning him on (area code 202) 426-2170.

RICHARD K. BANK,  
Chairman, Shipping  
Coordinating Committee.

JULY 17, 1975.

[FR Doc.75-19186 Filed 7-23-75;8:45 am]

[Public Notice CM-55/69]

#### STUDY GROUP 8 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

##### Meeting

The Department of State announces that Study Group 8 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on August 27, 1975, at 9:30 a.m. in Room 8210, FCC Building, 2025 M Street, N.W., Washington, D.C.

Study Group 8 studies matters relating to systems of radiocommunications and radiodetermination for the mobile services. The main purpose of this meeting will be to approve documents prepared for submission to the international meeting of CCIR Study Group 8 to be held in Geneva March 1 to March 18, 1976.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: July 17, 1975.

GORDON L. HUFFCUTT,  
Chairman, U.S. CCIR  
National Committee.

[FR Doc.75-19187 Filed 7-23-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order No. 152]

#### SERVICE CENTER DIRECTORS

##### Delegation of Authority

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150-69 dated March 14, 1969, Service Center Directors are hereby authorized to issue a notice and demand for payment of any funds due the United States from any officer or employee of the Internal Revenue Service who fails to account for and pay over any amount of money or property collected or received by them in connection with internal revenue laws. If payment is not received within the time limit prescribed by the notice and demand, the unpaid amount is deemed assessed as of the date of the notice and appropriate action will be taken as required by subsection 7803(d) of the Internal Revenue Code.

The authority herein delegated may not be redelegated.

Issued: July 16, 1975.

Effective: July 16, 1975.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.75-19209 Filed 7-23-75;8:45 am]

### Office of the Secretary

#### RECHARGEABLE SEALED NICKEL-CADMIUM BATTERIES FROM JAPAN

##### Antidumping; Withholding of Appraisal Notice

Information was received on December 24, 1974, that rechargeable sealed nickel-cadmium batteries 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 January 25, 1975, on page 3790. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(c)), 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 rechargeable sealed nickel-cadmium batteries from Japan is less, or is likely to

be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

*Statement of reasons.* 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, or exporter's sales price, as applicable, and the adjusted home market price of such or similar merchandise.

Purchase price will probably be calculated on the basis of the resale price in the United States, with deductions for the applicable transportation costs, selling expenses in both the United States and Japan, U.S. duty and import charges.

Home market price will probably be calculated on the basis of weighted-average delivered prices in Japan. Deductions from these prices will probably be made for the applicable inland freight costs, interest costs, and differences in the merchandise where appropriate. Adjustment will also be made for differences in packing and selling expenses which will be limited to the actual selling expenses incurred in the United States.

Using these criteria, there are reasonable grounds to believe or suspect that the purchase price of the merchandise in question will be lower than the adjusted home market price of such or similar merchandise.

Accordingly, Customs officers are being directed to withhold appraisal of rechargeable sealed nickel-cadmium batteries from Japan in accordance with § 153.48, Customs regulations (19 CFR 153.48).

Rechargeable sealed nickel-cadmium batteries produced and sold by Matsushita Electrical Industrial Co., Ltd., Japan, are excluded from this withholding of appraisal since 100 percent of its export sales of these articles during the period under consideration were examined, and the purchase price or exporter's sales price, as appropriate, was found to be not less than the home market price of such or similar merchandise in every instance.

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, N.W., Washington, D.C. 20229, in time to be received by his office on or before August 4, 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 on or before August 25, 1975.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on July 24, 1975. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

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

JULY 21, 1975.

[FR Doc.75-19307 Filed 7-23-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection  
Service

### COMBINATIONS OF STANDARDIZED NAMES

#### Prohibited Labeling Practices

This notice is to inform the public that in accordance with the requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the Department of Agriculture will not permit the use of labeling on federally inspected meat food products, on which are combined two or more names of products for which definitions and standards of identity or composition have been prescribed by regulations of the Secretary under the Act.

Section 1(n) of the Act (21 U.S.C. 601(n)) provides that any carcass, part thereof, meat or meat food product is misbranded, among other things, "(1) if its labeling is false or misleading in any particular . . . ; (7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 7 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard. . . ." The Act (§ 10, 21 U.S.C. 610) prohibits the misbranding of such articles in an establishment preparing any such articles for commerce; the sale, transportation, offer for sale or transportation, or receipt for transportation, in commerce of any such articles which are capable of use as human food and are misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; and doing, with respect to any such articles which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be misbranded.

It is the Department's position that any carcass, part thereof, meat or meat food product would be misbranded, as defined in the Act, if labeled with a combination of such standardized names. To illustrate, names such as "breakfast beef sausage" or "beef breakfast sausage" would not be permitted for labeling of

sausage in that the federal meat inspection regulations provide for standards of identity for "fresh beef sausage" (9 CFR 319.142) and "breakfast sausage" (9 CFR 319.143). If names such as "breakfast beef sausage" and "beef breakfast sausage" would be permitted for use on labeling, consumers could be confused as to the relationship between products labeled "breakfast beef sausage" or "beef breakfast-sausage," and the standardized products, and as a result might purchase different products than contemplated, including lesser quality products.

Further, the use of such combined names on labeling of meat food products is prohibited by the Act and subject to criminal penalties. Also, products bearing such labeling would be subject to retention if found at official establishments or subject to detention if found outside of official establishments.

Done at Washington, D.C., on July 17, 1975.

HARRY C. MUSSMAN,  
Acting Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc.75-19116 Filed 7-23-75;8:45 am]

#### Forest Service

### LINCOLN NATIONAL FOREST GRAZING ADVISORY BOARD

#### Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 10:00 AM, August 25, 1975, at the Alamogordo, New Mexico Municipal Building. The purpose of this meeting is to elect officers and adopt bylaws for operation of the board.

The meeting will be open to the public. Persons who wish to attend should notify Larry S. Allen at Alamogordo, New Mexico, 437-6030. Written statements may be filed with the board before or after the meeting.

Dated: July 17, 1975.

JOHN A. HAFTERSON,  
Forest Supervisor.

[FR Doc.75-19175 Filed 7-23-75;8:45 am]

### MT. HOOD, ROGUE RIVER AND WILLAMETTE NATIONAL FORESTS, OREGON

#### Vegetation Management Using Selective Herbicides; Availability of Final Addendum

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final addendum to the final environmental statement for vegetation management using selective herbicides on the Mt. Hood, Rogue River, and Willamette National Forests, Oregon, for the period July 1, 1975 through June 30, 1976. USDA-FS-R6-FES(Adm) 75-15.

The final addendum concerns a proposed use of herbicides 2,4-D, 2,4-DP, 2,4,5-T, silvex, amitrole, picloram and dicamba to reduce the competition from native vegetation where it hampers forest management activities in Oregon. The

proposed uses of herbicides are for reforestation site preparation, release and thinning of conifers, range improvement work, and right-of-way maintenance.

This final addendum was transmitted to CEQ on July 18, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th & Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.

Mt. Hood National Forest, 2440 S.E. 195th Avenue, Portland, Oregon 97233.

Rogue River National Forest, Federal Building, P.O. Box 520, Medford, Oregon 97501.

Willamette National Forest, Federal Building, P.O. Box 10607, Eugene, Oregon 97401.

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

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

CURTIS L. SWANSON,  
Region Environmental Coordinator,  
Planning, Programming,  
and Budgeting.

JULY 18, 1975.

[FR Doc.75-19178 Filed 7-23-75;8:45 am]

### RUBY MOUNTAINS-EAST HUMBOLDT PLANNING UNIT

#### Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Ruby Mountains-East Humboldt Planning Unit, Humboldt National Forest, Nevada. The Forest Service report number is USDA-FS-FES (Adm) R4-75-9.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Ruby Mountains-East Humboldt Planning Unit on the Humboldt National Forest, Nevada. The purpose of the plan is to allocate 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. The mix of uses provided for includes moderate levels of consumptive resource uses. Significant areas will remain undeveloped with options for future management remaining open.

This final environmental statement was transmitted to CEQ on July 17, 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., SW, Washington, D.C. 20250.  
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.  
Forest Supervisor, Humboldt National Forest, 976 Mountain City Highway, Elko, Nevada 89801.  
District Forest Ranger, Lamoille Ranger District, P.O. Box 651, Lamoille, Nevada 89828.  
District Forest Ranger, Wells Ranger District, P.O. Box 246, Wells, Nevada 89835.

A limited number of single copies are available upon request to Forest Supervisor Vern L. Thompson, Humboldt National Forest, 976 Mountain City Highway, Elko, Nevada 89801.

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

Dated: July 17, 1975.

P. M. REES,  
Director,

Regional Planning and Budget.

[FR Doc.75-19176 Filed 7-23-75; 8:45 am]

**SMITH CREEK PLANNING UNIT;  
MULTIPLE USE PLAN  
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 Smith Creek Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-76-2.

The environmental statement concerns a proposed land use plan for the Smith Creek Planning Unit, Boundary County, Idaho. Approximately 92,130 acres are included in the planning unit of which 79,830 acres are National Forest lands. This plan allocates resources and specifies land use prescriptions for National Forest land. Resource information is also provided for private land which is available to owners to use as they wish.

The proposed plan emphasizes management of mountain caribou habitat in that portion of the planning unit containing part of the only known habitat in the lower United States. Other portions feature management of the Selkirk Crest Special Management area, grizzly bear habitat, timber management on productive sites, fisheries habitat and recreation. Approximately 11,350 acres will remain undeveloped and analyzed in conjunction with an adjacent planning unit containing a 41,000-acre inventoried roadless area before a final resource management decision is made.

This draft environmental statement was filed with CEQ on July 17, 1975.

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

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.  
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

USDA Forest Service, Idaho Panhandle National Forests, 218 North 23rd, Coeur d'Alene, ID 83814.

USDA Forest Service, Bonners Ferry Ranger District, Bonners Ferry, ID 83805.

A limited number of single copies are available upon request to Forest Supervisor Ralph Kizer, Idaho Panhandle National Forests, 218 North 23rd, Coeur d'Alene, ID 83814.

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 Ralph Kizer, Idaho Panhandle National Forests, 218 North 23rd, Coeur d'Alene, ID 83814.

Comments must be received by September 17, 1975 in order to be considered in the preparation of the final environmental statement.

RALPH D. KIZER,  
Forest Supervisor.

JULY 17, 1975.

[FR Doc.75-19177 Filed 7-23-75; 8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Food and Drug Administration**

[DESI 9955; Docket No. 75N-0139; (formerly FDC-D-588); NDA 9-955 etc.]

**ORAL PROTEOLYTIC ENZYMES**

**Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application**

In a notice (DESI 9955) which was published in the FEDERAL REGISTER of June 25, 1970 (35 FR 10393) pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, the Commissioner of Food and Drugs announced his conclusion that the drug products described below are possibly effective and lacking substantial evidence of effectiveness, and that additional evidence is required to fully establish their effectiveness. The drugs are used to control edema and inflammation associated with surgical or accidental trauma anywhere in the body or with infections or allergic manifestations. Data and clinical studies submitted by the sponsors have been reviewed and found not to support the effectiveness of the drugs. The products are now regarded as lacking substantial evidence of effectiveness for all indications and this notice proposes to withdraw approval of the new drug applications.

NDA No.	Drug	NDA holder
9-955	Cytolav capsules, 7,000 Armour units chymotrypsin.	Formerly marketed by Armour Pharmaceutical Co., division of Armour & Co., Greyhound Tower, Phoenix, Ariz. 85077.
11-783	Orenzyme enteric-coated tablets, containing 50,000 or 100,000 units of trypsin and 4,000 or 8,000 units of chymotrypsin.	Merrell-National Laboratories, division of Richardson-Merrell Inc., 100 East Amity Rd., Cincinnati, Ohio 45215.
11-908	Chymar Buccal tablets containing 10,000 Armour units chymotrypsin.	Formerly marketed by Armour Pharmaceutical Co., division of Armour & Co.
12-178	Chymoral enteric-coated tablets, containing trypsin and chymotrypsin equivalent to 50,000 or 100,000 units enzyme activity.	Armour Pharmaceutical Co., division of Armour & Co.
12-293	Papase tablets, containing enzymes extracted from Carica papaya equivalent to 10,000 units enzyme activity.	Warner-Chilcott Laboratories, division of Warner-Lambert Pharmaceutical Co., 301 Tabor Rd., Morris Plains, N.J. 07950.
12-527	Ananase enteric-coated tablets, containing bromelains equivalent to 50,000 or 100,000 units enzyme activity.	William H. Rorer, Inc., 500 Virginia Dr., Fort Washington, Pa. 19034.
12-636	Avazyme enteric-coated tablets, containing 20 mg chymotrypsin.	Wampole Laboratories, division of Denver Chemical Manufacturing Co., 35 Commerce Rd., Stamford, Conn. 06904.
12-724	Wilzyme enteric-coated tablets, containing 50,000 units of proteolytic activity (approximately 3 to 1 ratio of trypsin activity to chymotrypsin activity).	Wilson Laboratories, division of Wilson Pharmaceutical and Chemical Corp., 2600 Bond St., Park Forest South, Chicago, Ill. 60466.

The following preparations, although not mentioned in the initial announcement of June 25, 1970, are provided for in NDA 12-724 and are affected by this notice.

Haugase enteric coated tablets, containing 50,000 units of proteolytic activity (approximately 3 to 1 ratio of trypsin activity to chymotrypsin activity) distributed by Madland Laboratories, Inc., 125 W. Wisconsin Ave., Milwaukee, WI 53203.

Chymolase enteric coated tablets, containing 50,000 units of proteolytic activity (approximately 3 to 1 ratio of trypsin activity to chymotrypsin activity); distributed by The Warren-Teed Products Co.,

Subsidiary of Rohm & Haas Co., 582 W. Goodale St., Columbus, OH 43215.

In response to the notice data were submitted concerning the following products: Papase tablets, Ananase enteric coated tablets, Avazyme enteric coated tablets, Chymolase (Wilzyme) enteric coated tablets, Chymoral enteric coated tablets, and Orenzyme enteric coated tablets. No data were submitted for Chymar Buccal tablets or Cytolav capsules.

Buclamase Tablets (NDA 12-118) (an amylolytic enzyme) was also included in the notice of June 25, 1970. A final order withdrawing approval of that new drug application was published in the FEDERAL REGISTER of May 13, 1975 (40 FR 20844).

Following are discussions of the studies submitted:

#### I. PAPASE TABLETS (PROTEOLYTIC ENZYMES EXTRACTED FROM CARICA PAPAYA)

On October 31, 1973, Warner Chilcott Laboratories submitted reports and/or reprints of 40 studies and a review by Dr. Ronald Okum. Of the studies, one was concerned with animals (Kapur et al.) and three others (Edelson, Sweeny, Trickett) had no control group of any kind and thus failed to meet a fundamental requirement of an adequate and well-controlled study as described under 21 CFR 314.111(a) (5) (ii) (a) (4). A fifth and sixth study (Innerfield, Flautner et al.) utilized a control group but did not administer a placebo. In view of the subjective nature of the signs and symptoms of inflammation, these unblinded studies fall to meet the requirements of adequate and well-controlled studies in that inadequate measures were taken to minimize bias on the part of the subject and on the part of the observer (21 CFR 314.111(a) (5) (ii) (a) (3)). A seventh study (Miller), distributed patients into test groups without randomization and thus failed to assign subjects in a way that minimized bias (21 CFR 314.111(a) (5) (ii) (a) (2) (ii)). The remaining 33 studies were placebo controlled, randomized and double-blind. Following are discussions of these studies together with three other similar studies which were also supported by Warner Chilcott but had been omitted from the October 31, 1973 submission (Danforth, Connell, Merck).

In each of these studies, except as noted, the placebo and the Papase groups were comparable as specified by 21 CFR 314.111(a) (5) (ii) (a) (2) (iii) in that there were no significant differences between them regarding sex, age, type and severity of injury or surgical procedure, or ancillary therapy.

In many of the studies the technique of blinding used to minimize observer bias was seriously flawed (21 CFR 314.111(a) (5) (ii) (a) (3) and (4)). In most of the studies the medication was supplied in individual, serially numbered bottles. Although it is not explicitly stated in all cases, it appears that all the investigators, except for Danforth, Hubbard, and possibly Markman and Leberman, were supplied with a sealed copy of the code at the beginning of the study in order to be able to identify the medication in case of side effects and to classify the results at the end of the study. Except for the studies of Mickal and Mannstein, the entire code was enclosed in a single envelope. Breaking the seal to determine which drug any patient was receiving, therefore, would reveal the entire code. In the most recent studies (Mickal and Mannstein) a more satisfactory method was used; the identification of the medication in each bottle was sealed into a tear-off section of the label. Thus, breaking of the seal in these studies would identify only the medication taken by a single patient.

In a number of the studies the investigator evaluated the symptoms or overall

response of the patient not according to their actual severity or rate of resolution but according to whether or not they were better than, equal to, or worse than what he had expected them to be. In several of these studies, internal inconsistencies or highly improbable findings suggest that the use of these subjective comparisons with expectations introduces unnecessary error into ratings of patient response. Many investigators were able to rate various symptoms on numerical scales and avoided the need for such comparisons with expectations. In no study has there been provided any evidence that the "comparison with expectations" technique is a valid or reproducible measurement. It is thus impossible on its face to utilize such a measurement in a comparison of treatment and control groups in such a fashion as to permit quantitative evaluation (21 CFR 314.111(a) (5) (ii) (a) (4)).

#### STUDIES ASSOCIATED WITH INJURIES (SURGICAL OR ACCIDENTAL)

##### 1. HEAD AND NECK TRAUMA

**Eye-Muscle Surgery.** Shimek treated 27 patients who had undergone eye-muscle surgery with Papase and 22 others with placebo. No significant differences were found between the two groups regarding the incidence and severity of edema of the eyelids, edema of the conjunctiva, hemorrhage, "inflammation," and ability to open the eye (graded according to their actual severity on a scale of 0 to 3).

**Rhinoplasty or Mainly Rhinoplasty.** Vallis treated 23 patients undergoing elective rhinoplasty with Papase and 25 others with placebo starting 2 days preoperatively. He reported that edema and ecchymosis were less in the Papase treated patients. There are several deficiencies which render the study less than adequate and well-controlled. The investigator did not record the actual severity of patients' symptoms but only whether they were more, less, or the same as he had expected. He also did not record, in advance, how severe he expected the symptoms to be. Although color photographs were taken of each patient preoperatively and on each postoperative day, they were not submitted. There is, therefore, no means at all of assessing the comparability of the two groups with regard to the most important variable, the severity of trauma resulting from the surgical procedure (21 CFR 314.111(a) (5) (ii) (a) (2) (iii)). In considering the validity of the investigator's observations, it should also be noted that Vallis found that 85% of patients receiving placebo did worse than expected. This finding, which, if accurate, would imply that the inert placebo was harmful, casts great doubt on the accuracy of Vallis' ratings. The explanation of the methods of observation does not include any discussion of their accuracy nor any accounting for the peculiarly poor result in the placebo group, and it is thus inadequate (21 CFR 314.111(a) (5) (ii) (a) (3)). Vallis is one of the investigators who had a sealed copy of the code (on a single sheet of paper) throughout the

study. The study thus did not take adequate steps to minimize observer bias (21 CFR 314.111(a) (5) (ii) (a) (3)). A large number of corrections (21 corrections in 49 patients) were introduced, possibly after the study was completed. Of the 13 corrections which are legible, 12 favor the drug.

Royer performed head and neck surgery on 50 patients. Twenty-three of them were treated with Papase and the other 27 with placebo. Using an evaluation technique similar to Vallis', he found no difference between the groups with regard to wound induration, but found a significant advantage for Papase with respect to edema. This study cannot be considered to be adequate and well-controlled as defined in 21 CFR 314.111(a) (5). The comparability of the placebo and Papase groups (21 CFR 314.111(a) (5) (ii) (a) (2) (iii)) cannot be assessed since there was no initial rating of the actual severity of injury or of the expected degree of injury. Only at the end of the study did Royer rate the degree of edema and wound induration, and then not on any absolute scale but only in comparison to his expectations, presumably as he recalled them from earlier in the study. In fact the placebo group appears to have been more seriously injured than the Papase group since there were more fractures in this group (21 vs. 13;  $p < 0.05$ ). Royer had a sealed copy of the code in a single envelope throughout the study; thus adequate steps to minimize observer bias were not taken (21 CFR 314.111(a) (5) (ii) (a) (3)). The study is further inadequate in that there was a potential breakdown of randomization by the apparent exclusion of a large number of case reports without explanation (21 CFR 314.111(a) (5) (ii) (a) (2) (ii)). Medication bottles were to be administered consecutively and bottles up to number 68 were given but no case reports were supplied for 21 of the apparently administered bottles. This exclusion without explanation further renders insufficient assurance that adequate methods were used to minimize observer and analyst bias (21 CFR 314.111(a) (5) (ii) (a) (4)).

Manstein treated patients who had undergone elective rhinoplasty and septoplasty, 28 with Papase and 24 with placebo, starting 3 days before the operation. The study, unlike the other studies in patients with rhinoplasty, meets the requirements of 21 CFR 314.111(a) (5) and included an adequate method of blinding and documentation of comparability of placebo and treatment groups. The study showed no difference between the groups regarding the severity or speed of resolution of edema, skin ecchymosis, and conjunctival ecchymosis. It thus does not provide evidence of effectiveness of Papase.

**Maxillofacial Surgery.** Hubbard treated treated patients who had been hospitalized for oral corrective surgery or for accidental facial trauma, 27 with Papase and 26 with placebo. The author concluded that although inflammation and edema were not significantly different between the two groups, the patients

who were treated with Papase had greater decreases in ecchymosis than the patients on placebo. However, this result was obtained by calculating the "percent reduction from maximum to minimum," a calculation not adequately explained as required by 21 CFR 314.111 (a) (5) (ii) (a) (5). Evaluation of the results of this study, using the actual daily ecchymosis scores provided by Hubbard, indicates that Papase had no significant effect on ecchymosis. The study thus provides no evidence of effectiveness for Papase in the treatment of the edema and ecchymosis resulting from facial trauma and oral corrective surgery.

**Oral Surgery.** Protzel treated 60 patients with Papase and another 60 with placebo after oral surgery. He reported a significant advantage of Papase over placebo, but the study is not an adequate and well-controlled study as required by 21 CFR 314.111(a) (5). Although the predominant condition evaluated was "localized infection," no laboratory (culture) or detailed clinical evaluation was reported (21 CFR 314.111(a) (5) (ii) (a) (2)), and it is thus uncertain that patients had the condition being studied. Patient response was measured as overall "clinical results" but there is no discussion of the variables measured or their quantitation (21 CFR 314.111(a) (5) (ii) (a) (3)). In addition, the study did not contain sufficient information regarding the methods of blinding, e.g., whether there were 2 bottles of medication or whether there were 120 of them individually numbered, and whether or not a sealed copy of the code had been sent to the investigator (21 CFR 314.111(a) (2) (ii) (a) (3) and (4)) at the beginning of the study.

Harrigan treated patients who had suffered surgical or accidental oral wounds, 13 with Papase and 9 with placebo. Like Protzel, he evaluated only the overall response of the patients; he used a four-point scale based on his experience. The results indicated that there was no significant difference between the two drugs.

Bonda treated 39 patients who had undergone oral surgery with Papase and 39 with placebo. He rated a number of clinical parameters and the results indicated no significant difference between the two groups regarding edema, inflammation, pain, or use of analgesic tablets.

Bruni treated 93 patients with Papase and 83 with placebo after oral surgery. He recorded the day of maximal swelling, the day of disappearance of swelling, the day of disappearance of pain, and the overall response to treatment based on his experience. There was no significant difference between the two groups regarding any of the parameters.

Lippe treated 25 patients undergoing oral surgery for prosthesis placement with Papase and 24 with placebo, starting 1 day before the surgical procedure. There was no significant difference between the two groups regarding the incidence and severity of pain, inflammation, edema, gum recession, or the overall evaluation of treatment.

Metro performed identical bilateral procedures on 25 patients to correct maxillary and mandibular impactions and exostoses. He treated one-half of the patients with Papase during and after the first operation and with placebo during and after the second operation; he treated the other half of the patients in the reverse order, i.e., first with placebo and then with Papase. He found less edema and less need for analgesics during the Papase period. The study fails to meet several of the requirements of an adequate and well-controlled study. There is insufficient information provided to fully evaluate the conditions of blinding. However, methods of blinding susceptible to breakdown appear to have been used (21 CFR 314.111(a) (5) (ii) (a) (3) and (4)). Metro appears to have had the code for all patients in a single envelope, and opening it to evaluate adverse effects (adverse effects occurred in 2 patients) would have revealed the entire code. The cross-over design, resulting in all patients receiving both drugs, introduces the possibility of patient bias since patients could distinguish Papase from placebo tablets by taste. (Papase tablets are not enteric coated and cause a slight tingling sensation.) In addition, important observations were either omitted or not reported. The only statistically significant difference in edema in favor of Papase occurred 72 hours post-operatively. However, the scores from 4 placebo and 4 Papase treatments (in different patients) were not recorded at this time. This is inconsistent with the assumptions underlying the cross-over design and renders the two treatment groups non-comparable since the patients evaluated on placebo at 72 hours were not the same as the patients evaluated on Papase at 72 hours (21 CFR 314.111(a) (5) (ii) (a) (2) (iii)).

Magnes performed oral surgery on 24 patients; 13 received Papase and 11 received placebo. The investigator evaluated edema, inflammation, pain, and trismus and rated them by comparison with the "usual" amount of the symptom. He reported a very significant difference between the two groups regarding the first three symptoms. Since there was no initial rating of actual severity of symptoms, comparability of the Papase and placebo groups with respect to degree of injury cannot be assessed and the comparability of the experimental groups with respect to important variables was thus not assured as required by 21 CFR 314.111(a) (5) (ii) (a) (2) (iii). The Papase group, in fact, was clearly not comparable to the placebo group in that it had twice as many women as the placebo group; in another study of an oral proteolytic enzyme, women were found to withstand oral procedures better than men (Bromelains—Erdelyi study). There is also doubt that the method of assessment of the subjects' response was reliable. (21 CFR 314.111(a) (5) (ii) (a) (3)). As in the Vallis study, the symptoms of a high percentage of the placebo patients were rated as "worse than usual", suggesting that the placebo

was harmful. Since this is highly unlikely, either an invalid method of evaluation or a breakdown of blinding is suggested. Magnes had been supplied with a sealed copy of the code at the beginning of the study, a method of blinding that does not constitute adequate steps to minimize observer bias (21 CFR 314.111(a) (5) (ii) (a) (3) and (4)). He had used Papase previously on his patients, and was convinced of its efficacy.

Smith treated 100 patients who were each subjected to two similar oral surgery procedures; 50 of the subjects received Papase and the other 50 received placebo after the first procedure. None of the patients received medication after the second procedure. No statistically significant differences between the placebo and the Papase groups were reported.

**Tonsillectomy, Adenoidectomy.** Yarrington treated 55 patients who had undergone tonsillectomy and/or adenoidectomy with Papase and 51 others with placebo. Local inflammation was evaluated by monitoring earache and fever, and also by recording the day that the patient was able to eat solid food for the first time after the operation. No statistically significant differences between the two groups were reported.

Danforth performed tonsillectomies on 43 patients; 13 patients received Papase, 15 received Chymoral, and the remaining 15 received placebo. The results indicated no significant difference between the three groups regarding edema of the uvula, submucosal hemorrhage, general morbidity, and trismus (measured with calipers).

## 2. ABDOMINAL SURGERY

Thorek treated 43 patients who had undergone cholecystectomy or surgical repair of inguinal hernia with Papase and 42 others with placebo. He found that 90% of the Papase patients had little or no edema and 72% of them had little or no "inflammation" at the wound area. The placebo percentages were 17 and 48 respectively. Although reprints of published articles have been submitted, copies of the original protocol and case reports never have been supplied to the Agency. The study is thus seriously deficient in those details which permit scientific evaluation (21 CFR 314.111(a) (5) (ii) (c)). Without this data it is impossible to evaluate certain aspects of the study, e.g., whether all patients were included, the details of blinding procedures, etc. It is not possible to conclude that the study is adequate and well-controlled as required by 21 CFR 314.111(a) (5). A particularly important deficiency is the lack of any information in the publication concerning the comparability of the two groups of the patients with regard to age, sex, severity of surgical procedures, and pre-operative status (21 CFR 314.111(a) (5) (a) (2) (iii)).

Connell performed a study similar to Thorek's; 21 patients who had undergone abdominal surgery were treated with Papase and 22 others were treated with

placebo starting 12 hours preoperatively. The results indicated that symptomatic improvement (edema, ecchymosis, and wound pain graded according to their actual severity) was faster in the placebo group than in the Papase group, although the differences were not statistically significant.

### 3. PERINEAL SURGERY

**Episiotomy.** Boutsells treated 105 patients who had undergone midline episiotomy with Papase and 104 others with placebo. Edema, pain, and the rate of healing were evaluated on a 4-point scale by the author according to his experience (none, less than average, average, more than average). At the conclusion of treatment he also recorded his evaluation of the overall clinical response of each patient. The results, analysed by the sponsor, showed no significant difference between the two groups in any of the measured parameters or in the number of days of hospitalization required.

Pollack treated 35 women, both primiparas and multiparas, with Papase and 34 others with placebo after midline or mediolateral episiotomy. He found a significantly better overall response in the Papase treated patients. This study cannot be considered well-controlled because it does not explain adequately the methods used to minimize observer bias (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). In addition, case reports needed to evaluate the study were not submitted. Twelve cases were insufficiently evaluated, without explanation, and were excluded from the analysis (21 CFR 314.111(a)(5)(ii)(a)(5)). The study thus fails to provide many of the details needed for scientific evaluation (21 CFR 314.111(a)(5)(ii)(c)).

Solomkin treated 25 patients (mostly multiparas) with Papase and 25 others with placebo after episiotomy (type not specified). Results showed no significant difference between the two groups regarding pain.

Lucas treated 60 primiparous women after episiotomy (type not stated) with Papase and 51 others with placebo. Results showed no significant differences between the two groups regarding the incidence and severity of edema, inflammation, pain at rest, or pain on walking (all graded according to actual severity) on postoperative days 1, 2, 3, and 4. In addition, there was no significant difference regarding the overall evaluation of the rate of recovery (graded as a comparison with what had been expected) on the day of discharge.

Mickal supervised a three-hospital study in which 83 patients (primiparas and multiparas) received Papase and 86 others received placebo before and after mediolateral episiotomy. No difference between the two groups was found regarding the incidence and severity (graded on a 4-point scale according to actual severity) of perineal edema, induration at the suture line, erythema, ecchymosis, hematoma, pain related to the operation, or itching on any day of hospitalization, or in the number of days

of hospitalization required, or in the global score (the sum of all 5 symptom severity scores divided by 5). In this study, the code was not contained in a single envelope; rather, each medication bottle had a sealed, tear-off identification portion. This blinding method does not expose the entire code if the medication for one patient must be determined because of an adverse reaction.

**Ureteral Catheterization and Urethroplasty.** Logan performed ureteral catheterizations on 122 patients (65 receiving placebo and 57 receiving Papase) who needed this procedure for diagnostic purposes. He evaluated renal function with a radioactive ( $I^{131}$ ) renogram which he compared to a renogram which was taken before the catheterizations. He found that in 9 of the placebo patients (14%) the renogram indicated retention of radioactivity, while only one patient in the Papase group (2%) exhibited retention. The study cannot be considered adequate and well-controlled. Comparability of study groups is not documented (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). Case reports from which age distribution, the length and difficulty of catheterization, and pre-catheterization renal status could be determined were not submitted.

Lipton performed catheterizations similar to those by Logan on 50 patients. He found no significant difference between the patients on Papase and the patients on placebo (25 and 25) regarding the incidence and severity of hematuria, fever, colic, and the final evaluation of therapy.

Leberman treated 32 male patients who had been operated for penile strictures (first stage urethroplasty) with Papase or placebo (16 and 16). The patients were examined by at least three observers to assess the degree and the speed of resolution of edema, the degree of inflammation, and the severity of pain. No significant difference between the two groups was found. The investigator discontinued the study before the total of fifty planned patients was reached, because he became convinced of the ineffectiveness of the drug.

**Anorectal Surgery.** Merck treated 49 patients suffering from hemorrhoids with Papase and 52 others with placebo. There were no significant differences between the two groups regarding pain, pruritus, edema, inflammation, bleeding, the presence or absence of thrombosis or the effectiveness of treatment (patients' overall response).

Prigot treated patients who had been subjected to anorectal surgery for hemorrhoids and/or fistulas, 11 with Papase and 13 with placebo. There was no significant difference between the two groups regarding severity of edema and the overall clinical evaluation of the patients' response.

### 4. FOOT SURGERY

Weinstock treated 73 patients who underwent foot surgery with Papase and 74 others with placebo. Swelling, redness, and pain were graded according to a comparison with the investigator's expectations on the second and fifth postoperative days and on the day of suture

removal. He found significant differences favoring Papase for all parameters on the last two evaluation days. The study cannot be considered adequate and well-controlled. The deficiencies of the rating technique used in the study have been discussed. In addition, comparability of placebo and treatment groups cannot be assessed with respect to initial extent of injury since the actual severity of swelling, redness, and pain was not provided (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). Adequate methods to minimize observer bias were not carried out. Although a full description of blinding methods has never been provided, there was an apparent breakdown of double-blinding; the code was broken during the study to identify the medication of a patient who had a drug reaction (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). Although the investigator states that the code was broken only partially during this episode and in its entirety at the end of the study, the usual blinding practice of the sponsor was to ship the entire code to the investigator at the start of each study in a single envelope; thus, breaking of the seal would reveal the entire code, not just part of it. The sponsor has never supplied the actual code used in this study. The code for later medications which were shipped to Weinstock has been supplied, however, and this code was contained on a single sheet of paper. There is no description of blinding techniques which would indicate the use of a more satisfactory blinding methodology during the earlier study. In addition, confirmatory photographs of representative cases for use in documenting response, as called for in the protocol, were not submitted.

### 5. ORTHOPEDIC SURGERY

Stevens treated 104 patients with Papase and 103 others with placebo after orthopedic surgery, starting 1 day before the operation. No significant difference was found regarding the incidence and severity of edema and inflammation, the rise in oral and skin temperature, and the number of analgesics, narcotics, or sedatives consumed by the patients of the two groups. There was also no significant difference in the overall clinical response.

### 6. ATHLETIC AND HORSE-INFLECTED INJURIES

Marvin-Stevens and two other physicians treated 80 boxers who had suffered ring injuries with Papase and 60 others with placebo. They concluded that there was no significant difference between the two groups regarding the rate of disappearance of pain and swelling. However, based on their clinical experience (i.e., the expected time needed for recovery) the physicians concluded that the overall response of the placebo patients was significantly superior to the response of the Papase patients. This study is of interest because it is the only one in which it is possible to compare actual days needed for recovery with expected days needed for recovery. On the average there was a significant overestimate of the number of days that would be needed for recovery

(139% for Papase and 163% for placebo) and these errors in estimation led to an improbable conclusion. Although the actual number of days needed for recovery was virtually identical in the two groups, the expected number of days for the Papase patients was lower. Using the "comparison with expectations" technique, the Papase group thus appeared to do worse (i.e., there was less "improvement" over expectations than the placebo group with its worse expectation) simply because they were expected to do better. The technique thus introduced a gross error that was unnecessary. Good direct assessment of the actual severity of signs and symptoms in properly randomized patient groups appears to be a more reliable measurement technique than is a simple global evaluation of whether the patient did worse or better than expected.

Parker treated 22 persons who had suffered injuries while training horses; 13 received Papase and 9 received placebo. The rate of healing during the treatment period (3-10 days) was evaluated by grading the severity of edema, inflammation, and tenderness on a four-point scale according to their actual severity on three occasions. The investigator's scores indicated no significant differences between the two groups. Yet based on experience, the investigator rated the overall response of the Papase patients as significantly superior to the response of the placebo patients ( $p < 0.02$ ). There is no apparent basis for this evaluation provided in any of the ratings, and the method of assessment of response is not adequately described as required under 21 CFR 314.111(a)(5)(ii)(a)(3).

Holt treated 64 male athletes who had sustained injuries during practice or play with Papase and 61 others with placebo. He measured actual days of disability and the duration of swelling, ecchymosis and pain. FDA's calculations from the case reports indicate that there were no statistically significant differences between the two groups regarding any of the measured parameters. However, the investigator classified the response of the athletes who received the Papase as "better than expected" more often (63 percent) than the response of the patients on placebo (22 percent). The Marvin-Stevens study points out clearly the dangers of approaches which measure results by comparing actual severity of symptoms with expected severity. It should be recognized that if the actual duration of symptoms of the two groups are not different, as in the Holt study, but one group is described as having done better than expected while the other is described as having done as well as or worse than expected there are only two explanations. One is that the groups were not comparable with respect to the severity of injury (i.e., the treatment group was more severely injured but was brought up to the level of the control group by treatment). If this were the case, the study must not have assured initial comparability of treatment groups (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). The second explanation is that the two

groups were comparable as a result of randomization but the physician's expectations are inaccurate. The Marvin-Stevens study shows that the technique has inherent large errors. Holt classified the responses of 42 percent of the placebo patients as "worse than expected", (i.e., they appear to have been harmed by the placebo). This finding obviously further calls into serious question his ability to make an accurate estimate of expected duration of injury (21 CFR 314.111(a)(5)(ii)(a)(3)). Holt did not record his expected durations of disability or swelling, ecchymosis, and pain in any of the cases so that his initial estimates of severity cannot be used to compare the treatment and placebo populations and the accuracy of his estimates cannot be evaluated precisely. Although the protocol specified that color photographs be taken of the injuries for documentation, copies of them have never been submitted to the Agency. The study thus cannot be considered adequate and well-controlled in that the comparability of the treatment groups is not assured (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)) and the methods of evaluation are of undemonstrated validity and appear unreliable (21 CFR 314.111(a)(5)(ii)(a)(3)). Moreover, details of blinding procedures were not provided (21 CFR 314.111(a)(5)(ii)(a)(3)).

Levy treated 12 high school athletes with Papase and 10 others with placebo after injury and found Papase helpful. There are several deficiencies similar to those in the Holt study which render the study less than adequate and well-controlled. The investigator evaluated the response of the athletes according to his expectations finding 42 percent of the athletes on Papase had responded better than had expected while 67 percent of the subjects on placebo had responded worse than expected. Again the large percentage of placebo patients doing worse than expected casts doubt on the whole evaluation method. The investigator did not record his predictions in any of the cases so that it is impossible to use such information to assess the comparability of the treatment and placebo groups, as required by 21 CFR 314.111(a)(5)(a)(2)(iii), or the quality of the investigator's estimates. Photographs of injured athletes to document the investigator's scores, specified by the protocol, have not been submitted to the Agency. The study thus lacks assurance that treatment and control groups were comparable with regard to severity of illness (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)) and that the methods of observation are valid (21 CFR 314.111(a)(5)(ii)(a)(3)). In addition, blinding procedures were not fully described (21 CFR 314.111(a)(5)(ii)(a)(3)). Although the study was completed in February 1965, 76 additional bottles were shipped February 18, 1966, a year later, as replacements. Since the study included only 21 patients and the initial bottle numbers went from 1-300, there appear to be far more medication bottles than treatment courses. There is no mention that the study was interrupted, no explanation of why it was

started with a particular group of bottles (numbers 230-251), and no comment as to the fate of the bottles of medication that the additional ones were to replace. These irregularities raise the possibility that some patients' results were excluded from the study without this being noted. In its present form the study is incomplete (21 CFR 314.111(a)(5)(ii)(a)(4)) as well as inadequate and not well-controlled.

#### STUDIES ASSOCIATED WITH INFECTIONS

**Acute Epididymitis.** Markman studied the effect of Papase on the clinical course of acute epididymitis in 50 young men (26 received Papase and 24 received placebo). Edema, inflammation, and pain during all or most of the days of hospitalization were evaluated, as was rectal temperature. On the day of discharge the investigator rated the patients' overall response according to his expectations. The sponsor's analysis indicated that there was no significant difference between the two groups regarding these parameters except that: (a) the Papase patients remained in the hospital, on the average, 1 day less than the placebo patients; and (b) the Papase patients felt less pain on the fifth postoperative day than the placebo patients. The case reports indicate, however, that for 6 placebo and 7 Papase patients the number of days of hospitalization recorded on the chart did not agree with the number of days calculated from the admission and discharge days. Analysis by FDA of the number of days of hospitalization, corrected by using the dates of admission and discharge (calculated either including or excluding the patients with the controversial length of hospitalization), indicates that the difference between the Papase patients and placebo patients was not statistically significant. Apart from these calculations, the length of hospitalization in this study probably is not meaningful since the case reports indicate that some patients were discharged while they still had had some symptoms of swelling, inflammation, or pain, while other patients remained at the hospital for 1 to 3 additional days although they were free of symptoms.

**Chronic Sinusitis.** Fishgold treated 10 patients suffering from chronic sinusitis with Papase for 1 week and then switched them to placebo for another week; he treated 10 other patients in the reverse order. Pain, local tenderness, nasal stuffiness and drainage (drip), and cervical adenopathy were graded according to their actual severity. The investigator found that both medications reduced the intensity of the symptoms but the reduction following the placebo treatment was greater regardless of the order in which the drugs were given.

#### STUDIES ASSOCIATED WITH ALLERGY

**Chronic Asthma.** This cross-over study was conducted by selected members of the Drug Committee of the American Academy of Allergy in six centers (Texas, New York City, Minnesota, California, South Hampton, NY, and Illinois) and was coordinated by Earl Brown, the

Chairman of the Committee. Forty-six patients, whose asthmatic condition was essentially stable, were treated for 2 weeks with either Papase or placebo and then were changed to the other drug. Cough, dyspnea, and wheezing were evaluated before the initiation of treatment, and at weekly intervals during treatment, on a five-point scale. The patients' condition was further assessed by measuring total vital capacity (TVC) and first-second vital capacity (FSVC). In some cases the mean expiratory flow rate and the three-second vital capacity were also measured. It was found that Papase increased the TVC after 1 week of therapy, particularly in patients with small initial TVC. However, at the same time, there was a tendency for the symptoms of wheezing and dyspnea to become worse. Such a finding does not support the usefulness of Papase in the treatment of chronic asthma.

#### SUMMARY

Thus, of 36 controlled, double-blind trials only 14 report results favoring Papase. In each instance these studies fail to meet one or more of the criteria that characterize an adequate and well-controlled study (21 CFR 314.111(a)(5)). As noted above, a rating technique of undocumented validity (21 CFR 314.111(a)(5)(ii)(a)(3)), the technique of assessing results by rating how the patients' actual course compared with the expected course, was used in a number of studies. In many of these studies the technique produced improbable results, such as a finding that the patients treated with placebo did much worse than expected, as though the placebo was harmful (Vallis, Magnes, Holt, Levy), or a finding that although actual disability was identical for both groups, and both groups were randomly assigned and were supposed to have had similar initial injuries, one group did better than expected while the other group did not (Parker, Marvin-Stevens). It is not made clear why this "comparison with expectations" technique was utilized since control groups were present in every case. While this technique could possibly be useful in an uncontrolled pilot study using a wide variety of degrees and kinds of trauma, it does not appear necessary in a controlled, randomized trial. Its imprecision makes it unnecessary and unsatisfactory in a study using a population with essentially similar injuries such as rhinoplasty (Vallis), oral surgery (Magnes), foot surgery (Weinstock), and athletic trauma (Holt, Levy, Parker). In these situations, patients should be randomly allocated, or allocated after stratification according to specific injury or severity of injury; comparability of the treatment and control groups should then be assessed. In the studies discussed here, except for the Marvin-Stevens study, not only is the comparability not assessed, it is not even possible to use the investigators' initial evaluation of expected degree or duration of injury or disability as a measure of initial comparability because this information was not provided.

In the one study where the expected disability was provided (Marvin-Stevens), analysis shows that the investigator's expectations were very inaccurate, and served only to introduce error. It is striking that 7 of the 14 studies favoring Papase used this method of evaluation while only 2 of the 22 studies showing no effect of Papase used it. All of the studies using this technique as the only method of evaluating the effectiveness of Papase must be considered less than adequate and well-controlled. The method, which has not been evaluated for accuracy and which produces improbable results in several instances, cannot serve as the basis for a comparison between Papase and placebo groups that permits quantitative evaluation (21 CFR 314.111(a)(5)(ii)(a)(4)).

In addition to use of this questionable method of evaluation, many studies utilized an inadequate blinding technique in which the entire code was contained in a single envelope. Breaking the code for any patient thus exposed the entire code.

Each of the 14 studies favoring Papase is decisively flawed in that it fails to meet one or more of the criteria detailed in 21 CFR 314.111(a)(5)(ii)(a), describing an adequate and well-controlled study.

As noted, 7 of the studies use a questionable and undocumented method of rating improvement (Vallis, Royer, Magnes, Weinstock, Parker, Holt, Levy). In addition, there was clear noncomparability of Papase and placebo groups in 2 studies (Magnes, Royer) and insufficient data to assess comparability in 6 others (Vallis, Thorek, Levy, Holt, Weinstock, Logan) (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). Blinding procedures were inadequately documented in 4 studies (Holt, Levy, Protzel, Pollack) and clearly inadequate blinding methods were used in 5 studies in that a single envelope containing the entire code was used (Vallis, Royer, Weinstock, Metro, Magnes) (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). In one study (Vallis) case reports showed numerous corrections, nearly all favoring the drug; it cannot be determined when the corrections were made. In another study there are errors within the case reports with respect to computing days of hospitalization which are responsible for the reported effectiveness of Papase (Markham). In a third study using a cross-over design (Metro) Papase and placebo tablets could have been distinguished by patients because of a tingling sensation which Papase causes, possibly introducing patient bias (21 CFR 314.111(a)(5)(ii)(a)(3)); in addition, several observations were omitted during the study which may invalidate the assumptions behind the cross-over design. In one study the patient population was inadequately defined (Protzel) (21 CFR 314.111(a)(5)(ii)(a)(2)(i)). One investigator (Hubbard) found a difference between the effect of Papase and placebo for one of the three parameters of inflammation studied only after introducing a manipulation of some of the data which he did not explain fully (21 CFR 314.111(a)(5)(ii)(a)(5)); the actual

daily numerical ratings for these parameters showed no significant difference. In 4 studies, original data and case reports needed to evaluate the study were not provided (Pollack, Logan, Thorek, Protzel) (21 CFR 314.111(a)(5)(ii)(c)).

#### II. ANANASE ENTERIC COATED TABLETS (BROMELAINS)

In response to the notice of June 25, 1970, William H. Rorer, Inc., submitted information in support of Ananase Tablets on October 31, 1973, and November 27, 1973. The October submission contains reports on 11 clinical and 2 experimental studies, a review by Dr. Ronald Okum, and a compilation of 13 abstracts from the literature. The November submission, containing 6 abstracts from the literature, a discussion and statistical analysis of the Debrovner data, a reprint of the Weiss Study, and copies of 5 studies without placebo, does not offer any new information. These data do not provide substantial evidence of effectiveness for Ananase Tablets.

The Levy and Cahn and the Woolf et al. studies on experimental hematomas cannot be considered adequate to support any of the indications for Ananase. Even as suggestive evidence that Ananase might have clinical usefulness, the Woolf study is deficient in that it took no measures to eliminate observer bias (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). The results of both these studies are contradicted by the results of a more recent double-blind study by Woolf, mentioned only in the 1969 annual report, in which he found no significant differences in the rate of resolution of induced hematoma between the placebo and the Ananase-treated subjects.

Of the 11 clinical studies which were reported in the submissions under review, the first study (Cirelli) had no control group and therefore did not satisfy 21 CFR 314.111(a)(5)(ii)(a)(4). The Seltzer study on rhinoplasty used a placebo control but was not double-blind. In view of the subjective nature of evaluations of post-surgical trauma, this study did not meet the requirements of an adequate and well-controlled study by providing adequate measures to minimize bias on the part of the observer (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). The remaining 9 studies were placebo-controlled and double-blind and are summarized below. Of these only the Seltzer study on facial and scalp surgery was reviewed by the NAS/NRC panels.

#### STUDIES ASSOCIATED WITH INJURIES (SURGICAL OR ACCIDENTAL)

##### 1. HEAD AND NECK SURGERY

*Eye Surgery.* Spaeth treated 59 patients with Ananase and 52 others with placebo for 2 days before and 5 days following surgical removal of cataracts. The author reported that the patients on Ananase had less edema of the lids and conjunctivae and less conjunctival hyperemia, had fewer cells in the anterior chamber, and showed a weaker vitreous reaction on the seventh postoperative day than did the patients on placebo. However, the study cannot be considered to be adequate and

well-controlled for the following reasons:

(1) Steps taken to minimize bias on the part of the observer and analyst have not been adequately described and appear to have been inadequate (21 CFR 314.111(a)(5)(ii)(a)(3)(4)). It is not stated whether or not the investigator was supplied with a sealed copy of the code from the beginning of the study or who did the tabulation and analysis of the data. In addition, medications were shipped in such a way as to make breakdown of the code extremely likely. All of the Ananase bottles were shipped together in one container while all of the placebo bottles were shipped in another. One box was given to the men's ward and the other was given to the women's ward. A further problem is that 200 medication bottles were shipped, but only 111 patients are reported. It cannot be ascertained from available information whether the remaining medication was not used or was used but the resulting data excluded. (2) Comparability of the treatment groups regarding sex and other relevant characteristics was obviously not achieved since all the placebo medication was given to males and all the Ananase tablets were given to females (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). (3) There were 15 unplanned extracapsular cataract extractions (4 in the Ananase and 11 in the placebo group), which were excluded from the analysis of the data. This fact, coupled with the finding that four case reports (numbers 24, 75, 97, and 111) were written on improper forms, suggests carelessness in the selection of subjects suitable for the study (21 CFR 314.111(a)(5)(ii)(a)(2)(i)) and in the performance of the investigation (21 CFR 314.111(a)(5)(ii)(a)(3)).

**Oral Surgery.** Tassman and two other dentists attempted to corroborate the results of a published open study in which administration of bromelains (Ananase) appeared to be effective after oral surgery in reducing the degree and duration of swelling and associated pain. A double-blind crossover study in 16 patients with multiple impactions who were subjected to oral surgery twice was conducted. Each patient was treated with Ananase for 72 hours before and 72 hours after one operation and with a placebo before and after the other. The investigators found that 75 percent of the patients treated with Ananase developed mild or no inflammatory reactions, and swelling and pain from the affected side generally disappeared within 3 to 5 days. However, when these patients were receiving placebo only 19 percent of them showed mild or no symptoms and as a group needed 7 to 8 days to become free of swelling and pain. The study fails to meet the requirements of an adequate and well-controlled investigation in that there is not sufficient information about the steps which were taken to minimize bias on the part of the observers and analysts (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). It is not stated whether or not the identification of the medication was sealed in the bottle label or whether the investigators were supplied with a sealed copy of the code, all written on

a single page, from the beginning of the study. Similarly it is not known whether or not all the placebo-containing bottles were shipped in one container and all the Ananase bottles were shipped in another. Such a method of shipment, used in another study conducted during the same year with Ananase, would have facilitated premature decoding. It also appears that the investigators themselves tabulated and analyzed the data. Since all of them were known to believe that Ananase was effective, it is clearly essential that the full details of the method of minimizing observer and analyst bias be provided.

**Face and Scalp Surgery.** Seltzer had previously published an open study in which he had found that Ananase was very effective in shortening the days of recovery after rhinoplasty. He also conducted a double-blind study with 21 patients given Ananase and 21 given placebo and reported confirmation of these results. He found that the actual days of resolution of edema and ecchymosis after face and scalp surgery were significantly fewer in the Ananase-treated group. Copies of case reports have not been submitted. The study is not adequate and well-controlled for several reasons. The Ananase and placebo groups were clearly not comparable with regard to age and diagnosis, the surgical procedure performed, or the severity of the procedure (21 CFR 314.111(a)(5)(iii)(a)(2)(iii)). There were 15 patients younger than 30 (and 5 patients older) in the Ananase-treated group, while there were only 7 patients younger (but 13 patients older) than 30 in the placebo group ( $p$  about 0.01). The Ananase group had 16 rhinoplasties and submucous resections, but the placebo group had only 6 such operations. On the other hand, the placebo group had one operation for malignancy, one procedure to remove a huge keloid, and one sinusotomy with removal of the frontal floor, while the Ananase group had no such cases. The investigator apparently recognized the greater severity of the placebo patients' procedures, and he predicted that the patients on placebo would require 16.4 days, on the average, to recover from their operations, while the patients on Ananase would require only 10.6 days to recover from theirs. It is impossible on its face to compare the days of illness in patient groups that differ so markedly, since it is impossible to determine whether results favoring Ananase occurred because Ananase was effective or because the patients who were given Ananase were less sick to begin with. It is also of interest that the investigator characterized the overall response of 72 percent of the placebo patients as "poor", i.e., worse than expected. This is a much higher percentage than one would expect from the normal biologic variation and suggests that since the placebo cannot have been harmful, the observers' estimates and expectations were unreliable (21 CFR 314.111(a)(5)(ii)(a)(3)).

Rees & Coburn. The institution, starting date, and the number and characteristics of the patients who were involved

in this yet uncompleted facial surgery study are not stated. The sponsor submitted only the preliminary report of the statistical analysis of the data. This analysis indicated that there were no significant differences between the experimental groups in any parameters, and no trends in either direction had developed. It is unfortunate that the full report of this study has not yet been submitted because the study makes a significant effort to utilize objective measurements whenever possible. Edema was evaluated by measuring on 3 post-operative days the distances from tragus to eye, to lips and to nose. Color slides taken on the same days were evaluated by three independent judges for severity of edema and ecchymosis and for overall results. This is thus a much more sophisticated effort than the studies described earlier.

## 2. VAGINAL REPAIR

Cowie *et al.* treated 49 patients with Ananase and 52 others with placebo after plastic vaginal repair. The investigators found that Ananase had no significant effect on the presence of edema, purulent discharge, hematoma, number of catheterizations, days of hospitalization, and overall evaluation.

## 3. EPISIOTOMY

Zatuchni & Colombi treated 80 women with Ananase and 80 others with placebo after mediolateral episiotomy. They evaluated edema, inflammation, pain at rest, and pain on walking. They also recorded the body temperature and the amount of analgesics and narcotics needed, and at the end classified the results of the therapy on the basis of the severity of the symptoms. They found that there were highly significant differences regarding all parameters except temperature, rapidity of ambulation, and days of hospitalization. The study fails to meet the requirements of an adequate and well-controlled study for the following reasons. There is insufficient information regarding the steps which were taken to minimize bias on the part of the subjects and observers (21 CFR 314.111(a)(5)(ii)(a)(3)). It is not stated whether or not the investigators were supplied with the sealed copy of the code from the beginning of the study, and whether the placebo and Ananase bottles were mixed together before they were sent to the investigators or were shipped in separate containers. There is also no information about the comparability of the groups regarding two important variables, age and difficulty of parturition (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). Fewer of the women on placebo were rated as having mild or no symptoms initially. Since the patients were not pretreated and the sponsor therefore cannot claim a prophylactic effect, the initial poor showing of the placebo women suggests that these women had a more difficult or complicated delivery than the women on Ananase and therefore that the groups were not comparable (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)).

## DEBROVNER &amp; WESELEY

Twenty-eight women (18 primiparas and 10 multiparas) were treated with Ananase and 32 others were treated with placebo (18 primiparas and 14 multiparas) and after mediolateral episiotomy. Edema, erythema, ecchymosis, hematoma, pain at rest, pain while sitting, and pain during ambulation were evaluated according to their actual severity. In addition, skin temperature and total days required for alleviation of the symptoms of inflammation were recorded, and the overall success of therapy was evaluated according to expectations. Statistical analysis of the results showed no significant differences between the placebo and Ananase groups regarding any of the parameters. Case reports were not submitted nor were individual values reported to the Agency. The code for this study was not broken until the study was completed; the possibility of observer bias was thus eliminated.

## HASSID

At least 80 women appear to have entered the study, since the highest patient number is 80. The summary indicates that there were no significant differences between the experimental and the placebo groups regarding edema and pain, but there was a significant difference regarding the overall evaluation favoring Ananase. A table of data in this summary suggests that at least 41 patients have been excluded from the analysis for unstated reasons; consequently, randomization was jeopardized (21 CFR 314.111(a) (5) (ii) (a) (2) (iii)) and the possibility of a biased analysis cannot be excluded (21 CFR 314.111(a) (5) (ii) (a) (4)). The code was divulged to the investigator at the end of the study. No case reports have been submitted for this study; in fact even the name of the institution in which the study was conducted has not been provided. The study is thus lacking in details needed for scientific evaluation (21 CFR 314.111(a) (5) (ii) (e)).

## STUDIES ASSOCIATED WITH CHRONIC INFECTION

Weiss and Scherrer treated 10 patients suffering from chronic obstructive lung disease due to chronic bronchitis, alternatively 1 week with placebo, 1 week with Ananase, and 1 week with potassium iodide. The investigators found that neither the clinical signs, nor the vital capacity nor the expiratory peak flow were affected by the drugs, but that the first-second forced expiratory volume was increased by Ananase. Copies of case reports from the study have not been submitted. Statistical analysis of the first-second forced expiratory volume by the Agency shows that the differences between the placebo and the Ananase effect were not significant and therefore the study does not provide substantial evidence of effectiveness for Ananase. In addition, since there were only three bottles of medication (one for each drug), the level of blinding was very low

and unsatisfactory (21 CFR 314.111(a) (5) (ii) (a) (3)).

Review of previous submissions reveals that the sponsor has supported at least 15 additional placebo-controlled, double-blind studies (4 in oral surgery, 1 in tonsillectomy, 2 in episiotomy, 1 in post-traumatic and post-surgical injuries, 2 in sinusitis, 1 in thrombophlebitis and induced hematoma, and 3 in

*Additional placebo-controlled, double-blind studies supported by the sponsor but not included in the Oct. 31, 1973, and Nov. 27, 1973, submissions*

Principal investigator and affiliation	Condition treated	Number of patients		Study period	P (sponsor's values)
		Ananase	Placebo		
Auslander, Rockville Center, N.Y.	Oral surgery (pericementitis)	35	41	1966 to 1967	Analysis not reported.
Erdely, West Virginia University	Oral surgery	35	34	1969	N.S.
McAfee, Abington, Pa.	do	34	35	1963 to 1966	N.S.
Rodgers, U.S. Public Health Hospital, Baltimore, Md.	do	26	26	1966 to 1969	N.S.
Adams, Longview, Tex.	Tonsillectomy	142	146	1966 to 1967	Analysis not reported.
Daly, St. Heller's, H. Surrey, England	Episiotomy	48	48	Not stated	N.S.
Huntsinger, Montgomery Hospital, Norristown, Pa.	do	472	477	1965 to 1968	Analysis not reported.
Bassett, Duke University, Durham, N.C.	Post-traumatic and post-surgical injury	20	21	1963 to 1966	N.S.
Adams, Longview, Tex.	Sinusitis	16	20	1965 to 1967	Analysis not reported.
Rigual, Oklahoma City, Okla.	do	59	66	1966 to 1968	Do.
Seligman, Toledo, Ohio	Thrombophlebitis	37	36	1965 to 1967	N.S.
Wolf, Salt Lake City, Utah	Induced hematoma	10	10	1968	N.S.
Gerson, Wyncote, Pa.	Absorption of tetracycline	29	29	1965 to 1966	N.S.
Rashkind, Children's Hospital Philadelphia, Pa.	Absorption of penicillin	12		Before 1970	N.S.
Weiss, Philadelphia General Hospital	Absorption of tetracycline	6		1966	N.S.

N.S.—Not significant ( $p > 0.05$ ).

In addition, at least 5 more studies appear to have been conducted since 1970 but have not been reported to the Agency: Berman (head and neck surgery); Beasley (hand surgery); Worth (facial trauma); unknown investigator (facial trauma) referred to in an August 4, 1972 letter from the sponsor.

## SUMMARY

Thus, there have been at least 29 controlled double-blind studies supported by the sponsor explaining the effects of Ananase, principally on post-operative signs and symptoms including pain, edema, and ecchymosis. Six of these are said to provide evidence of effectiveness. Of the 6, however, 1 is severely lacking in scientific detail necessary for evaluation (Hassid), while in a second the supposed significant result was due to miscalculation (Weiss-Scherrer). The remaining 4 fall on their face to fulfill the criteria for adequate and well-controlled studies (21 CFR 314.111(a) (5) (ii) (a)). Three of the 4 (Spaeth, Tassman, Zatuchni and Columbi) provide insufficient information regarding the steps taken to minimize observer bias (e.g., the code used, whether it was broken during the study, who held it, how bottles were shipped) (21 CFR 314.111(a) (5) (ii) (a) (3) and (4)). Two of the 4 (Spaeth, Seltzer) had clear non-comparability of placebo and treatment groups (21 CFR 314.111(a) (5) (ii) (a) (2) (iii)), while in a third (Zatuchni and Columbi), non-comparability was suggested but insufficient information was available. The 6 studies thus do not include a single one that is an adequate and well-

controlled study. In addition, it should be recognized that the positive results reported in early studies (Spaeth, Tassman, 1963; Seltzer, 1964; Zatuchni and Columbi, 1966) were in no case confirmed by later studies, at least some of which were more carefully blinded and controlled. Thus, Tassman's favorable result in oral surgery was not confirmed by 4 subsequent oral surgery studies (Auslander, Erdely, McAfee, Rodgers) and 1 study of tonsillectomy (Adams). Zatuchni and Columbi's favorable result in episiotomy was not confirmed by 3 subsequent studies (Debrovner and Weseley, Daly, Huntsinger). There thus remains a lack of substantial evidence in the form of adequate and well-controlled studies that Ananase is effective in the treatment of any disease or condition.

*Additional placebo-controlled, double-blind studies supported by the sponsor but not included in the Oct. 31, 1973, and Nov. 27, 1973, submissions*

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Rodgers, U.S. Public Health Hospital, Baltimore, Md.	do	26	26	1966 to 1969	N.S.
Adams, Longview, Tex.	Tonsillectomy	142	146	1966 to 1967	Analysis not reported.
Daly, St. Heller's, H. Surrey, England	Episiotomy	48	48	Not stated	N.S.
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Bassett, Duke University, Durham, N.C.	Post-traumatic and post-surgical injury	20	21	1963 to 1966	N.S.
Adams, Longview, Tex.	Sinusitis	16	20	1965 to 1967	Analysis not reported.
Rigual, Oklahoma City, Okla.	do	59	66	1966 to 1968	Do.
Seligman, Toledo, Ohio	Thrombophlebitis	37	36	1965 to 1967	N.S.
Wolf, Salt Lake City, Utah	Induced hematoma	10	10	1968	N.S.
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Weiss, Philadelphia General Hospital	Absorption of tetracycline	6		1966	N.S.

controlled study. In addition, it should be recognized that the positive results reported in early studies (Spaeth, Tassman, 1963; Seltzer, 1964; Zatuchni and Columbi, 1966) were in no case confirmed by later studies, at least some of which were more carefully blinded and controlled. Thus, Tassman's favorable result in oral surgery was not confirmed by 4 subsequent oral surgery studies (Auslander, Erdely, McAfee, Rodgers) and 1 study of tonsillectomy (Adams). Zatuchni and Columbi's favorable result in episiotomy was not confirmed by 3 subsequent studies (Debrovner and Weseley, Daly, Huntsinger). There thus remains a lack of substantial evidence in the form of adequate and well-controlled studies that Ananase is effective in the treatment of any disease or condition.

## III. AVAZYME ENTERIC COATED TABLETS (CHYMOTRYPSIN)

On October 31, 1973, Wampole Laboratories submitted final reports, accompanied by copies of raw data, of 4 placebo-controlled double-blind clinical studies which were conducted after 1971. This submission also contains a review by Dr. Ronald Okum, supportive literature of reprints of 12 older studies, 2 abstracts, 8 exhibits, and 3 additional reviews. Only 2 of the older studies were double-blind with placebo controls (Bumgardner and Zatuchni; Tomley) and these are summarized below with the newer studies. Only 1 of the studies (Bumgardner and Zatuchni) was reviewed by the NAS/NRC. None of the studies provides substantial evidence of effectiveness to sup-

port the claim that Avazyme exerts an anti-inflammatory action in cases of urologic surgery, episiotomy, surgery of the neck and head, and generally in surgical and accidental trauma.

#### 1. SEPTAPLASTY

Dadagian treated 22 patients with Avazyme and 25 others with placebo after surgical correction of deviated septum. He evaluated the inflammatory reaction by measuring the bulge of the nares and the ball of the nose with calipers preoperatively and 3 times post-operatively after the removal of the packing: immediately after the removal and at 24 and at 48 hours thereafter. He found small differences which were in favor of Avazyme but were not statistically significant.

#### 2. EPISIOTOMY

Bumgardner treated 151 patients (77 primiparas and 74 multiparas) with Avazyme and 150 others (96 primiparas and 54 multiparas) with placebo after mediolateral episiotomy. He evaluated edema, hematoma, redness-tenderness, pain in sitting, pain on walking (all on a 4-point scale) and skin temperature on post-operative days 1 and 3. He noted satisfactory reductions in the incidence of hematoma, redness-tenderness, and edema with Avazyme but the superiority of the drug over the placebo was "just below the accepted levels of statistical significance." ( $p > 0.05$ ). In addition to finding no significant difference between treatment and control groups, this study failed to meet the requirements of 21 CFR 314.111(a)(5)(ii)(a) for several reasons: (1) Insufficient information was provided regarding the steps which were taken to minimize bias on the part of the subjects and on the part of the observer-analyst(s) as required by 21 CFR 314.111(a)(5)(ii)(a)(3) and (4). There is no information as to whether the entire code was included on a single page or whether it was broken during the course of the study. (2) Comparability of the Avazyme and placebo group regarding age, severity and type of parturition and ancillary therapy, all important variables (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)), was not shown. (3) The reported results did not include data from 89 bottles of medication. The records show that a total of 390 medication bottles were sent to the investigator in four shipments of 150, 60, 150 and 30 bottles respectively. The data of the case reports indicate that the medication was not distributed consecutively to the patients but haphazardly, making it impossible to ascertain whether the medication for which there were no reports was not used at all or was used but the results excluded from the final analysis. The missing numbers were distributed irregularly over all the four shipments. The extra medication thus does not appear to have been replacement for a lost or damaged group of bottles.

Despite its flaws, the Bumgardner study is particularly significant for its essentially negative results, because the same investigator had carried out a similar in-

vestigation previously. Bumgardner and Zatuschni reported a study in 1965 in which 156 patients were given Avazyme and 155 others were given placebo. They found that Avazyme exerted a highly significant ( $p < 0.01$  to  $< 0.001$ ) effect on symptoms. Copies of raw data from this earlier study could not be found. From the publication it appears that the blinding conditions were very simple, and susceptible to breakdown. There were only two bottles of medication, labeled A and B, and patients were assigned by the nurses alternately to one or the other group. It is not clear whether the nurses knew the identity of each medication. It is striking that there was no difference in the days of hospitalization or the time required for ambulation between the placebo and the experimental group in spite of the alleged highly significant benefit from use of the enzyme. This failure of objective measurements to support the subjective symptom ratings suggests that the rating of symptomatology was unreliable (21 CFR 314.111(a)(5)(ii)(a)(3)).

Dwyer reported results from 59 women (33 primiparas and 26 multiparas) who were treated with Avazyme and from 57 others (32 primiparas and 25 multiparas) who were treated with placebo after medial episiotomy. He evaluated the same parameters as Bumgardner did in his more recent study and reported essentially the same negative results with one exception. He found that multiparous women receiving Avazyme had significantly ( $p < 0.05$ ) less edema on the first post-partum day than similar women receiving placebo. When evaluations of a study break the total study population into subgroups (primiparas, multiparas) and then analyze numerous symptoms on each of several post-operative days, the numbers of different Avazyme-placebo comparisons may become very large. In the present case the two groups compared on 3 different post-operative days with respect to 6 different parameters produce 36 Avazyme-placebo comparisons.

Although the chance of finding a "significant" ( $p < 0.05$ ) difference between Avazyme and placebo for any particular group on any one day even if no true difference exists is, by definition, only 5%, the chance of finding at least one such difference out of all nine comparisons is quite large, well over 50%, assuming the observations are independent of one another. Even if they are not fully independent, the chance of finding a single such difference is much greater than 5%. While observation of such a difference in a subgroup on a certain day may ultimately prove to be significant, it must be repeatable before it can be considered more than the result of chance. By itself, it does not provide evidence of effectiveness.

The Dwyer study also has the same flaws as the 1973 Bumgardner study (see above). In addition to failing to meet the requirements of 21 CFR 314.111(a)(5)(ii)(a)(2)(iii) regarding information about group comparability (age, severity

of parturition, ancillary therapy), it also failed to satisfy 21 CFR 314.111(a)(5)(ii)(a)(3) and (4) because there was not sufficient information in the report about the steps which were taken to minimize bias on the part of the subjects, observers, and analysts.

Moreover, like the recent Bumgardner study, some medication appears to be unaccounted for. Fifty-six placebo and 55 Avazyme bottles were shipped for which no results have been reported. Many of the unused or unreported bottles were from the first of two shipments of medication and thus presumably were given out. In addition, the missing numbers are scattered irregularly throughout both shipments. Since bottles were not given out consecutively, it cannot be determined whether or not results are missing.

#### 3. ODONTOLOGY

Leco reported results from 33 patients treated with Avazyme after surgical removal of impacted teeth and from 37 others treated with placebo. He measured maximum jaw distensibility with callipers preoperatively and daily postoperatively. He found that during the first 4 post-operative days 61-67% of the patients who received the enzyme could open their mouths to 85% or more of their pre-operative capacity while only 43% of the patients who received the placebo could do so. The difference was statistically significant ( $p < 0.05$ ) on the 3rd and 4th postoperative days, especially for the patients who had two or more teeth removed.

This study fails to meet the requirements of adequate and well-controlled investigations because: (1) There is not sufficient information about the steps taken to minimize bias (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)): it is not stated, for example, whether or not the identification of the medication was sealed in a tear-off part of the label or whether the investigator was supplied with a sealed copy of the code or whether the code was broken during the study, and whether the code for one patient would reveal the code for all patients. (2) Comparability of the Avazyme and placebo groups regarding age (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)) was not shown and it is clear that the groups were not balanced regarding sex, an important variable, since there were 19 women and 14 men in the Avazyme group and 14 women and 23 men in the placebo group. (3) Review of the case reports indicates that some of the medication is unaccounted for. Medication was apparently not given out consecutively but in a haphazard way and not all medication was given out. This method may have jeopardized randomization of the medication, and, in addition it is not possible to ascertain whether the 38 missing medication numbers (21 of Avazyme and 17 of placebo) represent drug that was not used at all or whether the drug was used but results were excluded from the analysis. Doubt regarding this raises questions of whether data may have been arbitrarily excluded (21 CFR 314.111(a)

(5) (ii) (a) (4). (4) The setting of a particular arbitrary limit for jaw distensibility (85% of preoperative capacity) as the criterion for successful treatment is not explained or justified. FDA analysis of the actual measurements of jaw distensibility in all patients, and in the subgroup of patients who had 3 to 4 teeth removed, on days 0, 3, and 4 shows that there were no significant differences at any time. Consequently the results of the Leco study, on their face, do not provide substantial evidence that Avazyme is more effective than the placebo.

#### 4. UROLOGIC SURGERY

Tomley and co-workers treated 9 patients with chymotrypsin and 9 patients with placebo after surgery on the genitourinary system. They found that 89% (8) of the patients who received the enzyme had "good results" while only 44% (4) of the patients who received the placebo had good results. By "good results" the investigators meant that "post-operative edema and pain were either prevented or held to a lesser degree that could, in their experience, reasonably have been expected to follow the surgical procedure." Copies of raw data have not been submitted and the study thus cannot be fully evaluated.

This study cannot be considered adequate and well-controlled; (1) The number of subjects in each group is small. (2) There is no information at all regarding the conditions of blinding, i.e., the steps which were taken to minimize bias on the part of the subjects, observers and analysts as required by 21 CFR 314.111 (a) (5) (ii) (a) (3) and (4). (3) Comparability of treatment groups was not established. There is no information about comparability regarding age and in addition, the groups were plainly not comparable regarding the conditions for which the patients underwent surgery; among the placebo cases were two cases of carcinoma (one associated with hypertrophy of the prostate), one of epididymitis and one of hydrocele associated with phimosis and congenital meatal stricture of the urethra; in contrast, there were six cases of benign prostatic hypertrophy and no cases of carcinoma in the chymotrypsin group. The requirements for comparability of placebo and treatment groups with respect to pertinent variables was thus not met (21 CFR 314.111(a) (5) (ii) (a) (2) (iii)). (4) The method of evaluation was vague and was based on the expectations of the investigators. This type of evaluation has a great many problems, as discussed earlier. Where the patients being observed are not comparable in the placebo and treatment groups there must be provided some assurance that the observer is comparably accurate in his expectations for various kinds of disease or surgical procedures. No such assurance was provided and numerical values of the expected and actual severity of the symptoms were not mentioned in the publication. Consequently the reliability of the physician's evaluations cannot be assessed and the methods of observation must be con-

sidered insufficiently explained (21 CFR 314.111(a) (5) (ii) (a) (3)).

#### SUMMARY

Thus, the 6 placebo-controlled studies fail, on their face, to provide substantial evidence for the effectiveness of Avazyme for any condition. Four of the studies, even if well-controlled, do not support such effectiveness. Two of the studies (Dadagian, Bumgardner) do not, according to the investigator, show a significant difference between Avazyme and placebo. Another (Dwyer) showed a difference only for a single subgroup of the study population on a single day, an observation readily accounted for by chance and unconfirmed by subsequent studies. A fourth study (Leco) showed no difference between Avazyme and placebo when an entirely arbitrary criterion for successful therapy was replaced by actual measured values of jaw distensibility. These studies, as well as the remaining 2 studies, had various serious methodological flaws rendering them less than adequate and well-controlled according to the criteria of 21 CFR 314.111(a) (5). Patient populations were clearly not comparable in 2 studies (Leco, Tomley) and data needed to assess comparability was missing in 2 others (Dwyer, Bumgardner). Blinding conditions were rudimentary in one study (Bumgardner and Zutchni) and insufficiently described in the other studies. Finally, the method of giving medication to patients in 4 studies (Dadagian, Bumgardner, Dwyer, Leco) was such that it cannot be determined whether or not information from certain patients was omitted. Since case reports were not supplied for the 2 older studies (Bumgardner and Zutchni, Tomley), it cannot be determined whether this problem was present in them also.

#### IV. CHYMOLASE (WILZYME) ENTERIC COATED TABLETS (TRYPSIN-CHYMOTRYPSIN)

On November 5, 1973, Wilson Laboratories submitted reports of 5 controlled double-blind clinical studies, none of which had been reviewed by NAS/NRC Panels, a review by Dr. Ronald Okum, and one report on an absorption study. Following are discussions of the studies, all of which were concerned with the effects of Chymolase on inflammation associated with surgery or trauma.

##### 1. HEAD INJURIES

Tsomides treated 80 patients, in pairs, who had sustained face and scalp injuries. Each pair was made up of patients with comparable injuries; one patient received Chymolase and the other received placebo. Edema and ecchymosis were evaluated together in one score, and at the end of the treatment period overall response of the patient to treatment was also evaluated. On the basis of his scores, the investigator found that the rate of resolution of injury was faster in the enzyme-treated patients. The study fails to meet the requirements of an adequate and well-controlled study in that the level of blinding is not adequately

specified as required by 21 CFR 314.111 (a) (5) (ii) (a) (3). It is not revealed whether or not the sealed copy of the code was sent to the investigator together with the medication at the beginning of the study; however, the entire code was on a single sheet and if the code were broken during the study for a single patient, it would therefore have been broken for all patients. Bias on the part of the investigator cannot be excluded since it appears that he analyzed and tabulated the data himself (21 CFR 314.111(a) (5) (ii) (a) (4)). There are several aspects of the reported results that suggests either poor observation or observer bias. Although 18 of 30 Chymolase patients were reported as entirely free of symptoms on the fourth post-accident day and only 2 of the remaining 12 had any edema or ecchymosis after the sixth day, most of these patients were observed through the ninth or tenth day. The average period of observation was  $10.1 \pm 3.3$  days. Oddly, the placebo patients, only 2 of whom were reported as free of symptoms on the sixth day, were observed for an average of only  $9.1 \pm 2.3$  days. Thus, many Chymolase patients were kept in the hospital while free of symptoms while some placebo patients were discharged still having symptoms. No explanation for this difference in physician behavior toward the two groups is provided.

A second surprising result is the investigator's statement that "in 27 out of the 30 pairs of patients the subjects showed a preference for enzyme therapy because of a much faster healing and resolution of injury. In only one case was the placebo preferred and in the remaining two there was no difference." The dates of the case reports indicate very clearly that only 8 of the 30 pairs were injured on the same day and could have observed precisely each other's injury and rate of healing. In 14 of the 22 other pairs, the partners would never have seen each other since their hospital stays did not overlap at all. The basis for the reported preference is thus impossible to discover and suggests very unreliable observational techniques or observer bias. In light of this internal evidence of poor methodology and/or bias the evaluation of symptoms and overall response does not constitute reliable evidence of effectiveness for Chymolase.

##### 2. HAND SURGERY

McCue et al. treated 49 patients with Chymolase and 50 others with placebo before and after surgery on the hand for carpal tunnel syndromes (mainly), Dupuytren's contractures, wrist lacerations, wrist masses, etc. Edema was evaluated by measuring the circumference of the palm and of the first interphalangeal joints prior to and after surgery. The investigators found that the enzyme-treated group developed less edema and healed faster than the placebo group. The study fails to provide any evaluation of the accuracy and reproducibility of the clinical measurement of edema (21 CFR 314.111(a) (g) (ii) (a) (3)). This measurement is subject to significant error be-

cause circumferential measurements may be made variable by compression of soft tissue. An analysis of the difference between the Chymolase and placebo groups must take into account, in evaluating the significance of an observed difference, the precision of the measurement. It is unfortunate that pain and more objective parameters such as fever, return to full function, and days of hospitalization were not evaluated. The medication shipped by the sponsor had identification numbers 001 to 114. The numbers on the case reports were 101 to 201. While the meaning of this is unclear, careless record-keeping is suggested and certain patients may have been eliminated without explanation. This represents an inadequate explanation of the recording of results (21 CFR 314.111(a)(5)(ii)(a)(3)). In addition, the reported positive result has not proved to be reproducible.

Boswick treated 35 patients with Chymolase and 35 with placebo. The study, conducted similarly to the McCue study (above), did not confirm McCue and showed no significant differences in hand measurements between the groups. In addition, the physician's subjective evaluation of edema did not disclose any differences.

A new study by McCue was scheduled to begin in June 1971 but results of this study have never been reported to the Agency.

### 3. FOOTBALL INJURIES

McCue treated 27 athletes with Chymolase and 26 others with placebo after they had suffered accidental injuries (mainly sprains and contusions) while playing football. McCue and the trainer together estimated the number of days that each injured athlete would be unable to participate in the activities of the team, and at the end they compared the actual days of disability to this estimate. They found that the actual days of disability for most athletes receiving Chymolase were fewer than estimated while this was true for only one of the athletes who received placebo. In order to reach this conclusion, however, 10 patients who had been treated with placebo and 5 who had been treated with Chymolase were excluded because the expected interruption in practice and playing sessions did not occur. This procedure is plainly arbitrary and unjustified. Reducing the days of disability is, after all, the objective of therapy. There is no reason to believe that a reduction of disability days to zero is less meaningful than a more modest reduction. The 10 patients who did so well on placebo and the 5 who did well on Chymolase must be included. It is apparent, however, that the accuracy of the original rating (expected days of non-participation) is poor. The study fails to meet the requirements of an adequate and well-controlled study for other reasons as well. The patient groups were not comparable since there were highly significant differences between the two groups (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). There were 6 cases of contusion and 18 cases of sprains in the Chymolase group, while there were 17 cases of con-

tusion and 7 cases of sprains in the placebo group.

The difficulties of interpreting a physician's expectations of disability in comparison with actual disability have been discussed earlier in the notice. This study illustrates them again. The study itself suggests that these expectations are inaccurate and no evidence is presented to support the usefulness and accuracy of this type of measurement. When actual days of disability are compared (whether all patients are included or those with 0 days of disability are excluded) for the two groups no significant differences are seen between Chymolase and placebo. There are two possible explanations for the investigator's finding of more improvement in the Chymolase group compared to expectations despite the finding of no difference in actual disability. 1. The groups may not have been comparable initially. If the placebo patients had milder injury, the similar days of disability could reflect drug effect. 2. The groups may have been comparable with regard to the degree of injury (although they clearly differed in frequency of sprain vs. contusion) but the investigator's expectations could be simply inaccurate. We have no means of distinguishing between these two possibilities. The study thus not only fails to show a significant difference of any kind between drug and placebo when all appropriate patients are included, but it also is deficient in having noncomparable placebo and treatment groups and in utilizing a method of evaluation that is not of documented accuracy.

### 4. INDUSTRIAL INJURIES

Knapp treated 47 injured workers of a meat packing plant. Edema and ecchymosis and/or hematoma were evaluated according to their actual severity. The overall response of the patients was evaluated according to the investigator's experience.

The results from 33 patients (14 were excluded from analysis) indicated that 61 percent of the Chymolase patients had an overall response better than normal, while only 40 percent of the placebo patients had a similar response. The sponsor rejected the scores on the severity of edema and ecchymosis-hematoma because they failed to meet the criteria for chi-square analysis. Based on the results of the overall response, and without analyzing the data statistically, he concluded that the data indicated Chymolase is more effective than the placebo. However, analysis by the Agency of data submitted indicates that the observed differences in the overall response between the two groups were not significant. Analysis of the scores for edema and ecchymosis-hematoma test similarly showed no significant differences. This study therefore provides no substantial evidence that Chymolase exerts anti-inflammatory and anti-edematous actions in traumatic injury.

### 5. ABSORPTION OF CHYMOLASE

Steigmann. Ten healthy male subjects (23 to 42 years old) were given 1,200,000

units of Chymolase orally as a single dose on two separate occasions, one as 12 tablets of 100,000 units of proteolytic activity each and the other as 24 tablets of 50,000 units of proteolytic activity each. This dosage is 12 times greater than the so-called therapeutic dose. The total proteolytic activity of the blood was determined in samples removed immediately before ingestion and at 2-hour intervals, for 8 hours thereafter. The values of one subject remained at all times zero and they were excluded from the analysis. Increases in the proteolytic activity of the other subjects were found.

The values of proteolytic activity were very variable (from 0 to 36.5 Anson units/ml. of blood) but indicate increased activity, especially at 2 and 4 hours. This study was conducted without placebo and without any blinding regarding the sequence of the blood specimens. Blinding was concerned only with the potency of the ingested tablets (50,000 or 100,000 units). The dosages of proteolytic enzyme were far in excess of those used clinically, and the relevance of this study to clinical use of Chymolase is doubtful.

### SUMMARY

The 5 clinical studies of the use of Chymolase in inflammation thus do not provide substantial evidence of effectiveness. Two of these studies fail to show a statistically significant difference between Chymolase and placebo (Boswick, Knapp) and a third (McCue football injuries) also does not show a statistically significant difference when all patients in the study are included, as they must be. The McCue study also had clearly non-comparable experimental groups and a method of evaluating patient responses that appeared from evidence contained in the study to be inaccurate. A fourth study (Tsomides) failed to describe blinding procedures adequately (21 CFR 314.111(a)(5)(ii)(a)(3)). Moreover, the reported results themselves include several findings that suggest either very poor observation or observer bias. The favorable results of the fifth study (McCue, hand injury), which could not alone provide substantial evidence of effectiveness were not confirmed by a subsequent virtually identical study (Boswick), and a repeat study conducted by the same investigator (McCue) has not been reported to the Agency although it was to have begun in 1971. Moreover, the McCue hand study utilized a measurement of unevaluated precision. In addition, numbers on case reports do not correspond to the bottle number of medication shipped and there were more bottles shipped than there are case reports, all of which implies careless record-keeping.

Chymolase is a combination containing trypsin and chymotrypsin. In view of this, the data submitted are further inadequate in that none of the studies were designed to demonstrate that the requirements for fixed combination prescription drugs (21 CFR 300.50) have been met.

V. CHYMORAL ENTERIC COATED TABLETS  
(TRYPSIN-CHYMOTRYPSIN)

On October 24, 1973, the Armour Pharmaceutical Company submitted material related to the effect of Chymoral on various clinical conditions and to absorption of the drug from the gastrointestinal tract as well as a review by Dr. Ronald Okum. Reports of two additional clinical studies were submitted in the annual report of March 27, 1974.

CLINICAL STUDIES

The October 24, 1973 submission contains reprints and/or reports of 16 studies which were supported by the sponsor. The Schmitz and Pavlic study on episiotomy had no placebo control. The sponsor's summary of the Schwinger study on accidental injuries indicates, by omitting any mention of blinding conditions, that the study, although controlled, was not double-blind. In evaluating the effect of Chymoral on such subjective parameters as pain, swelling, or degree of disability, a study that is not double-blind cannot be considered to have minimized observer bias (21 CFR 314.111(a)(5)(ii)(a)(3)). These studies therefore cannot be considered as adequate and well-controlled as required by 21 CFR 314.111(a)(5). The remaining 14 studies, which were placebo-controlled and double-blind, are summarized below. Three of these studies (Lie et al., Soule et al., and Kestler) were reviewed by the NAS-NRC Panels. The results of 6 other studies were not reported in the October 24 submission but were reported earlier. These all gave, according to the sponsor, negative results. In addition, at least 5 more studies initiated by the sponsor after 1970 have not been reported at all.

1. HAND SURGERY

Lie et al. treated 33 patients with Chymoral and 30 others with placebo after hand surgery (acute injuries, Dupuytren's contractures, tendon repairs, etc.). Edema was evaluated by measuring the circumference of the palm (at the mid-palmar crease) and of the proximal and distal interphalangeal joints preoperatively or when the patient was first seen, and on the third and seventh or eighth postoperative days with a measuring tape in inches. The rate of healing (rapid, normal, slow) and the overall response of the patient to the treatment were also evaluated. Enzyme-treated patients were found to have had significantly less edema than placebo patients; 85 percent of the Chymoral patients had a rapid recovery as opposed to 12 percent of the placebo-treated patients; and 88 percent of the Chymoral patients had an excellent overall response, while 12 percent of the placebo-treated patients had a similar rating. Lie et al. conducted a similar study 2 years later with 25 patients on Chymoral and 29 others on placebo, with essentially the same results. In these studies, the overall response of 86-88% of the placebo group was characterized as "poor" i.e., worse than anticipated. Such a result is very unlikely due to chance alone and suggests that the ac-

curacy of observation was very poor or that the observers were biased. These two studies failed to meet the requirements of an adequate and well-controlled study in that they failed to provide sufficient information and the necessary documentation regarding the blinding conditions, i.e., the steps which were taken to minimize bias in the selection of subjects, on the part of the observer and on the part of the analyst (21 CFR 314.111(a)(5)(ii)(a)(2)(ii), (3), and (4)). The identification of the medication was sealed in the bottle label, and unlike many studies conducted using such a technique, no provision was taken to exclude from analysis data from bottles whose labels were opened before termination of the study. Comparability of the groups regarding age and sex was not shown in the first study (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). In addition, the accuracy and reproducibility of the basic measurement used has not been established. The observed differences between drug and placebo groups in the circumferential measurements of the hand are of unestablished significance. The greatest mean difference between Chymoral and placebo groups in any of the various circumferential measurements reported was only 0.15 inches (1.76 percent of 8.4 inches). Since tape measurements of hand circumference are highly dependent upon the amount of tension applied to the tape, the mean difference observed is very likely to have been smaller than the inherent variability of the measurement itself. The quantitative analysis of edema therefore was unreliable (21 CFR 314.111(a)(5)(ii)(a)(3)). The inherent unreliability of circumferential tape measurements due to the compressibility of soft tissues was recognized by Kageyama, whose investigation was also supported by Armour. His study of surgery on the extremities in 100 patients failed to corroborate the Lie results. It should also be noted that the sponsor has never reported the results of 4 new hand surgery studies (McFarland, Williams, Canick, McCue) which were initiated in 1971.

2. EPISIOTOMY

Soule et al. treated a total of 204 patients with either Chymoral or placebo on a randomized, double blind basis starting a few hours before episiotomy. Pain at rest, pain while sitting, and pain on ambulation were evaluated. In addition the degree of edema, erythema, and ecchymosis was estimated. The results indicated that Chymoral reduced edema, ecchymosis, and pain on sitting in women who had a labor longer than 8 hours; reduced pain on ambulation on the third, fourth, and fifth postpartum days in all multiparas regardless of duration of labor but not in primiparas; and reduced the pain on sitting in women less than 20 years old on the second and third postpartum days. As discussed earlier, and as illustrated further below, a statistical analysis of a study population which breaks the population into numerous, often arbitrary subgroups, may, by the working of chance alone, discover apparent "significant"

differences. The test of the validity of such findings is reproducibility, i.e., a showing that a particular subgroup regularly benefits from Chymoral. If different studies show effects in different patient subgroups and if the difference is seen for different parameters (i.e., edema on one occasion, ecchymosis on another) and no symptom consistently shows improvement, the finding cannot be considered a valid one. In addition, this study is seriously deficient and cannot on its face be considered adequate and well-controlled. Conditions of blinding are not documented at all (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). Comparability of the groups regarding ancillary therapy (sitz baths, analgesics, etc.) was not shown. No numerical data have been submitted to the Agency nor have they been presented in the publication. Instead there is a simple listing of the significance of various measurements. The only figure presented in the publication has an abscissa that is unlabeled but has values of 0 to 60. Although the figure purports to show data from the whole group studied, data on only 40 of the 44 Chymoral patients and on 24 of the 35 placebo patients who were subjected to mediolateral episiotomy and had a labor longer than 8 hours were taken into account. These exclusions are not explained and bias on the part of the analyst cannot be excluded (21 CFR 314.111(a)(5)(ii)(a)(4)). The sponsor's claim that Chymoral was found to be significantly superior to the placebo in the reduction of edema, ecchymosis, and pain on sitting on all days is not supported by values given in this same figure. The entire study is grossly lacking in the details necessary for scientific evaluation (21 CFR 314.111(a)(5)(ii)(c)).

Hobbins, Hutcherson, and Little conducted 3 large studies of similar design. Hobbins treated 150 primiparous women and Hutcherson and Little submitted results from 156 and 160 primiparous and from 333 and 351 multiparous women respectively, whom they treated after midline or mediolateral episiotomy. The total number of women on Chymoral or on placebo in each study was approximately the same. The investigators evaluated edema, ecchymosis, ambulation, pain on sitting, and pain on walking on a 5-point scale according to their actual severity. They also graded the success of treatment as excellent, good, fair, or poor. In addition, they were asked to guess on the basis of the clinical course whether a patient received Chymoral or placebo. The physician's evaluation of the success of treatment and his opinion as to the identity of the drug used were not analyzed. Although a copy of the medication code used has not been supplied to the FDA and the details of blinding are not therefore fully known (21 CFR 314.111(a)(5)(ii)(a)(3)), we do know that the medication was supplied in individually numbered bottles and the code remained with the sponsors throughout the study, a generally good method of blinding. Although they are offered as evidence of the effectiveness of Chymoral, these

three large, properly randomized, apparently well-blinded studies do not indicate that Chymoral provides any benefit in the treatment of edema, ecchymosis, or pain following midline or mediolateral episiotomy.

The sponsor reported that chi-square analysis was performed but this data was not presented. Instead results are presented using an arbitrary "severity index" developed after the protocol for the study was written. Such post-hoc methods of analysis inevitably raise the possibility of bias on the part of the analyst of data (21 CFR 314.111(a)(5)(ii)(a)(4)). For a given subgroup (e.g., primiparous patients with midline episiotomy), the "severity index" is the sum of the corrected number of patients (corrected for unequal numbers receiving drug and placebo) with a particular severity of a symptom (e.g., ecchymosis) on a given day, multiplied by the severity grade of the symptom, multiplied by the numerical value of the post-partum day on which the symptom was observed. This method gives very great weight to a single patient who does poorly with respect to all parameters throughout the study and tends to magnify small differences if they are present late in the study. Use of such an unusual technique must be justified. The sponsor did not hesitate to ignore the results of this mode of analysis when it revealed a significant advantage for placebo.

Even using the severity index analysis, the results illustrate very well the fact that if enough sub-groups are analyzed, it is not unlikely that occasional "significant" differences will be found; sometimes these favor placebo. In no case, however, are these differences reproducible in the present studies. For example, the Hobbins study found significant advantage for Chymoral with respect to ambulation, pain on walking, and pain on sitting in primiparas with mediolateral episiotomy and a placebo advantage with respect to edema, ecchymosis, and ambulation in primiparas with midline episiotomy. Hutcherson found no differences at all in primiparous patients. On the other hand, Little found an advantage for Chymoral with respect to edema in primiparas with midline procedures, the precise opposite of Hobbins' finding, and on ecchymosis in primiparas with mediolateral episiotomy, a finding no other investigator confirmed. Hutcherson found significant advantage for placebo on walking pain in multiparas with mediolateral episiotomies and an advantage for Chymoral on sitting pain in multiparas with midline procedures. None of those findings were confirmed by Little, who instead found an advantage for Chymoral on walking pain in multiparas with midline operations. It is obvious that these results fail to support the effectiveness of Chymoral. When conventional statistical analysis was applied to the symptoms for which an advantage for Chymoral was reported, no significant differences, with one exception, were found; the one significant difference (ambulation by primiparas after

mediolateral episiotomy on the second post-partum day in the Hobbins study) was not confirmed in the Hutcherson or Little studies.

The studies have deficiencies, in addition to the unjustified methods of analysis, that render them less than adequate and well-controlled. The dates on the case reports indicate that the numbered medications were not given to the patients consecutively, as was specified in the protocols, but were dispensed in a haphazard way. This practice can disrupt randomization if not all bottles are given out (21 CFR 314.111(a)(5)(ii)(a)(2)(ii)). There are no data corresponding to 21 medication numbers from the Hutcherson study; the last medication given was 510, while only 489 patients are reported. Because medications were not given consecutively it cannot be determined whether the missing numbers were given out and results omitted or simply not given out. There are, similarly, 239 missing numbers from the Little study. In at least four cases in the Hutcherson study and one in the Little study, the number written with ink on the report did not agree with the number printed on the tear-off portion of the label which was affixed on the report. A mix-up of the medication may have occurred and the assessment of the respective patient's response may have been recorded in the wrong group (21 CFR 314.111(a)(5)(ii)(a)(3)).

### 3. UROLOGIC SURGERY

Gillis treated 21 patients with Chymoral and 21 others with placebo after urologic surgery (phimosectomy, epididymous cysts, orchiopexy, hydrocele, hypospadias, castration, etc.). The number of days required for each patient to become symptom-free from edema and/or hematoma was recorded and, based on his experience, the investigator graded the overall results on the third post-operative day as good or bad. He concluded that the Chymoral patients became symptom-free on the average within 2.8 days while the placebo patients required 4.4 days. The overall response of 90 percent of the Chymoral patients was rated as "good result," while the overall response of 62 percent of the placebo patients was rated as a "bad result." This study cannot be considered to be adequate and well-controlled as defined in 21 CFR 314.111(a)(5) for the following reasons. Information regarding blinding is rudimentary, and adequate steps were not taken to minimize bias on the part of the subjects or the observer-analyst (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). The groups were not comparable regarding the condition treated. There were seven epididymous cysts, one associated with prostatectomy, in the placebo group but only two such cysts in the Chymoral group; and there were eight phimosectomies in the Chymoral group but only three in the placebo group. In addition, comparability regarding severity and length of operational procedure was not shown (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). There

was an inconsistency in grading as shown by the fact that the investigator graded a case of hydrocele which became free of symptoms in 12 days as a "good result" in the Chymoral group, while he graded a similar case in the placebo group as a "poor result." In addition, he graded two placebo cases of epididymous cyst which became free of symptoms within 3 days as a "poor result" while a resolution of symptoms within 5 days for all other cases was considered as a "good result." Such inconsistencies suggest observer bias (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)).

### 4. PODIATRIC SURGERY

Frank treated 41 patients with Chymoral and 45 others with placebo after podiatric surgery. Edema and ecchymosis were evaluated together on the basis of "as expected," "more than expected," and "less than expected." He found a highly significant difference favoring Chymoral. The study is not adequate and well-controlled, however, for several reasons. There is insufficient and contradictory information regarding the blinding conditions. The sponsor claims in his report that the medication was supplied in individual consecutively numbered containers. However, in an earlier submission (October 30, 1964) it is stated that the medication bottles were labeled only as A and B. Such a simple code can be broken down without difficulty and, for practical purposes, constitutes no blinding at all. Consequently it cannot be ascertained that the methods used minimized bias on the part of the subjects and/or on the part of the observer (21 CFR 314.111(a)(5)(ii)(a)(3)). Comparability of the groups regarding age, sex, type of operation, and severity of procedure was not shown (21 CFR 314.111(a)(5)(ii)(2)(iii)). Data for individual patients are not shown and there is little numerical data of any kind provided. There is no recording of the actual severity of symptoms and no record of the anticipated severity of symptoms (e.g., days of edema, degree of ecchymosis). The study is thus almost wholly lacking in the details needed to permit scientific evaluation (21 CFR 314.111(a)(5)(ii)(c)).

Craig treated 29 patients with sprained ankles with Chymoral and 31 others with placebo. Edema was evaluated by measuring the water volume displacement, caliper diameter, horizontal and diagonal circumferences, and the dorsiflexion of the injured ankles. Edema and bruising evaluated by sight, pain, and the clinical return to function were also recorded. The investigator found that the swelling resolved faster in the Chymoral group as shown by volume displacement and by the measurements of the diagonal and horizontal circumferences. The measurements of the caliper diameter, the visual evaluation of edema and bruising, and the information about pain, on the other hand, revealed no significant differences between the two groups. Craig found, in addition, that Chymoral reduced the recovery period and the reduction was sig-

nificant on the fourth to eighth post-injury days. This study cannot be considered adequate and well-controlled. Information about blinding conditions is neither sufficient nor adequately documented. No copy of the code or case reports has been submitted to the Agency. It appears that the distribution of the Chymoral and the placebo tablets into bottles and preparation of the code was done locally. Such an arrangement clearly cannot assure that bias on the part of the observer-analyst is eliminated (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). Sixty patients were entered into the trial, but the data from only 50 were analyzed. Since there are no case reports it is impossible to tell the impact on randomization of dropping these patients or to determine whether the dropping of the patients favored one group or the other, but the reported differences between placebo and Chymoral were clearly small enough to have been affected. The various criteria used to assess the improvement of edema gave contradictory results since the changes in the caliper diameter and the visual appearance did not corroborate the circumferential and volume displacement measurements. The latter two measurements are claimed by the investigator to be more sensitive, but they are also probably more subject to error. Circumference measurements, unlike caliper measurements, are affected by the tension applied to the measuring tape. Measurements of water volume displacement can have an error of  $\pm 30$  g. even when the limb is marked to help produce identical immersions. This was shown by Opsahl in a study of accidental injuries supported by Armour but not included in the October, 1973 submission. The Craig study did not mention the use of such limb markings.

#### 5. ACUTE TRAUMATIC INJURIES

Kestler treated 59 pairs of patients who had suffered acute traumatic injuries or had been subjected to elective orthopedic surgery with Chymoral (one member of the pair) or with placebo (the other member of the pair). Edema and inflammation were assessed prior to treatment and twice thereafter; overall clinical results and speed of recovery were also evaluated. The investigator found the drug exerted a highly significant effect on all of the parameters. The study fails to meet the requirements of an adequate and well-controlled investigation for several reasons. The method and level of blinding are not fully described or documented. It is not stated whether the investigator was supplied with a copy of the code from the beginning of the study or whether the bottles came in pairs. It is not known whether the investigator himself tabulated and analyzed the data. Although the report is unclear it appears likely that there were only two bottles of medication, one containing the enzyme and the other containing the placebo. Such a simple arrangement is decoded easily. Consequently it cannot be ascertained that bias in the evaluation of the symptoms or in their analysis was mini-

mized (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). Comparability of the groups regarding age, sex, or severity of procedure is not shown (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)) and in fact, pretreatment edema and inflammation were more severe in the placebo group according to the data offered. The quality of observation in the study is called into question by the investigator's characterization of the recovery rate of 76 percent of the placebo patients as slow and their relative clinical evaluation as poor. Such poor results should not be observed in a conventionally-treated group of patients, most of whom should recover at a normal rate. Since the placebo could not be harmful, it must be concluded either that the investigator simply was unable to assess accurately the normal rate of recovery or that bias on his part was not eliminated (21 CFR 314.111(a)(5)(ii)(a)(3)).

Shafiroff treated 106 patients with Chymoral and 99 others with placebo after accidental injury (mainly fractures of extremities) in a "matched group" study. The investigator graded swelling, on a 5-point scale, ecchymosis and hematoma on a 4-point scale, supplied photographs of injured parts and, in the cases of fractures, he also supplied x-ray pictures; he made circumferential measurements of affected and contralateral parts for comparison and answered a question on whether he thought that the patients were on Chymoral or on placebo on the basis of the rate of symptom-disappearance and the overall condition. From all this information, the sponsor reported only the fact that most physicians had guessed right about which patients were on Chymoral and which were on placebo. Copies of the reports were not submitted. Apparently, although this cannot be verified without the actual data, the results of the study indicated that none of the evaluated symptoms was improved by the drug. As presented, the study lacks details needed to permit scientific evaluation (21 CFR 314.111(a)(5)(ii)(c)), but appears to indicate that Chymoral was not more effective than a placebo.

#### 6. FOOTBALL INJURIES

Buck treated 25 athletes with Chymoral and another 25 athletes with placebo, while Phillips treated 33 athletes with Chymoral and 28 others with placebo after they sustained injuries (hematomata, strains, and sprains) while playing football. The investigators recorded the days required to recover from sprains and/or strains and from hematoma and also the total recovery period until the athletes were fit to play football again. The results of the Buck study indicated that Chymoral speeded up the total recovery rate and the recovery from sprains, but the results of the Phillips study showed no significant differences in any of the measured parameters. When the results of the two studies were combined, Chymoral was found to accelerate significantly the recovery from hematoma, but not the recovery from sprains. These studies fail to meet the requirements of adequate and well-controlled studies for several reasons. Infor-

mation about blinding conditions is inadequate. It is not stated whether the investigator was supplied with a copy of the code from the beginning of the study or who tabulated and analyzed the data. Copies of the random code or of case reports have not been submitted to the Agency. Thus it cannot be ascertained whether bias on the part of the observer-analyst was minimized (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). Comparability of the groups in each study regarding ancillary therapy (infrared and short waves, ultrasonics, hydro-therapy, etc.) is not mentioned but is of obvious importance and is recognized as important by the investigators, who noted that the average recovery period was shorter in the Phillips trial where ancillary therapy was used more frequently (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). It is not possible, therefore, to attribute beneficial effects to the enzymic preparation when the contribution of any ancillary therapy has not been properly evaluated.

#### 7. SCIATICA

Gaspard et al. gave Chymoral to 15 patients suffering from sciatica for 1 week and placebo for the second week. They also treated 15 other patients in reverse order, first with placebo and then with Chymoral. They found that the patients showed considerable improvement in a number of symptoms (muscle spasm, rigidity, sensitivity to pressure, scoliosis, and straight leg raising) when they were receiving the enzyme preparation. This study cannot be considered adequate and well-controlled. Case reports needed for full evaluation have not been supplied (21 CFR 314.111(a)(5)(ii)(c)). Conditions of blinding were inadequately described and were undocumented. It is not clear whether there were only 2 bottles of medication or 60. A copy of the code has not been submitted to the Agency (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). In addition the group which received placebo first was minimally evaluated (64 out of a possible 105 times) during the second week. Such lack of data invalidates any comparison with this period and abolishes the cross-over character of the study. If the study then is treated as a conventional two-group parallel study, the male/female ratio in the two groups was sufficiently different to render them not comparable (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)).

Two additional studies were submitted in the annual report of March 27, 1974: Rathgeber treated 28 Bantu workers from a South African plantation suffering from tenosynovitis of the forearm (Cane Cutters' Disease) with placebo and 30 others with Chymoral. He reported that enzyme treatment reduced "the normal symptoms associated with inflammatory edema" and the period of disability. This study clearly lacks details needed for scientific evaluation (21 CFR 314.111(a)(5)(ii)(c)). Copies of case reports have not been submitted. In addition, no protocol has been provided and the conditions of blinding are not at all described. This study therefore does not meet the requirements of 21 CFR 314.111(a)(5)

(ii) (a) regarding the submission of a protocol and 21 CFR 314.111(a) (5) (ii) (a) (3) regarding the description and documentation of the steps which were taken to minimize bias on the part of the patients, observers and analysts and cannot be considered adequate and well-controlled. In addition, the reported data do not demonstrate an advantage for Chymoral over placebo. Comparison of various symptoms of inflammation in the placebo and the experimental groups did not reveal significant differences, with one exception. A significant difference in swelling was detected on the 6th day. Considering that it is difficult to assess the presence of swelling in the exposed rough forearms of manual workers, the reliability of this parameter as a measure of the effectiveness of the treatment is questionable. Four other parameters of inflammation, pain, the full use and movement of the forearm, the number of days off work, and crepitus, showed no significant drug effect. As discussed in other sections of this notice, a difference in a single parameter of inflammation on one day only, in the face of no dif-

ference on any other day, or in any other parameters, is of little significance unless the finding is a consistent, repeatable one.

Hambury and co-workers completed a study in England involving the use of differential skin temperature measurements in the evaluation of the use of Chymoral for the control of post-traumatic edema. The sponsor claims only that the results "tend to support the contention that Chymoral is effective in speedily reducing inflammatory edema". The protocol, case reports or tables, analysis and other supportive data are not provided. This study is, on its face, lacking in sufficient details to permit scientific evaluation (21 CFR 314.111(a) (5) (ii) (c)).

#### OTHER PLACEBO-CONTROLLED, DOUBLE-BLIND TRIALS

Review of previous submissions reveals that the sponsor has supported at least six additional placebo-controlled, double-blind studies which, according to the sponsor, do not support efficacy of Chymoral. Those studies are summarized in the table below.

*Placebo-controlled, double-blind clinical studies supported by the sponsor but not included in the October 24, 1973, submission*

Principal Investigator and affiliation	Condition treated	Number of patients		Study period	P (sponsor's values)
		Chymoral	Placebo		
Havener, W. H.	Ophthalmic surgery	95	97	1965	N.S.
Taritano & Wooten, U.S. Air Force Base Clinic, Rantoul, Ill.	Oral surgery (impacted 3rd mol.)	100 (total)		1969	N.S.
Berger, Chicago, Ill.	Plastic surgery	42	43	1967	N.S.
Takamasa Kayayama, Tokyo, Japan	Surgery of extremities	100 (total)		1969	N.S.
Stevens, Carle Clinic, Urbana, Ill.	Epiotomy (medial premaxilla)	100 (total)		1970	N.S.
Opsahl, J. C., Boston, Mass.	Accidental injuries	271 (total)		1966	N.S.

N.S.—Not significant ( $p < 0.05$ ). Raw data were not submitted from any of these studies.

#### SUMMARY

The Armour Pharmaceutical Co., has thus supported at least 27 placebo-controlled, double-blind clinical studies to study the effectiveness of Chymoral in reducing the inflammatory reaction caused by surgical or accidental trauma. Fifteen of these were said to provide evidence of such effectiveness and at least 7 studies did not, in the view of the investigators, support the efficacy claim. Results from at least 5 studies conducted after 1971 have never been reported.

Review of the studies said to show effectiveness indicates that all fail to meet the requirements of adequate and well-controlled investigations in several respects or do not provide evidence of effectiveness. Four studies (Hobbins, Hutcherson, Little, Shafiroff), when appropriately analyzed, do not provide evidence for the effectiveness of Chymoral but rather indicate that Chymoral was not more effective than a placebo. The remaining 11 studies (both Lie studies, Soule, Gillis, Frank, Craig, Kestler, Buck, Gaspard, Rathgeber, Hambury) failed to provide sufficient information and the necessary documentation regarding the blinding conditions, i.e. the steps taken to minimize bias in the selection of subjects, on the part of the observer and on the part of the analyst as specified by 21

CFR 314.111(a) (5) (ii) (a) (2) (ii), and 21 CFR 314.111(a) (5) (ii) (a) (3) and (4) respectively. The studies suffered from a variety of other serious defects. There was clear non-comparability of the placebo and Chymoral group regarding the nature of the conditions treated in 1 study (Gillis) and sex distribution in another (Gaspard). In other studies there was insufficient information to assess the comparability of the groups regarding age and sex (Kestler, Frank), the type and/or severity of surgical procedure or injury (Kestler, Frank, Gillis) or use of ancillary therapy (Soule, Buck) as required by 21 CFR 314.111(a) (5) (ii) (a) (2) (iii). In several cases results were reported that indicated either observer bias or very unreliable observations (Gillis, Kestler), while in others methods of unestablished accuracy and variability were used (both Lie studies, Craig) (21 CFR 314.111(a) (5) (ii) (a) (3)). A series of studies of large numbers of patients using good blinding techniques (Hobbins, Hutcherson, Little) utilized an arbitrary and unjustified method of statistical analysis (21 CFR 314.111(a) (5) (ii) (a) (5)) which apparently produced a number of reportedly "significant" differences between groups, some favoring Chymoral and some favoring placebo. In 2 of these studies

(Hutcherson, Little), large numbers of medication bottles were unaccounted for, apparently because they were distributed to patients in a haphazard sequence rather than in numerical order as planned in the protocol. It cannot therefore be ascertained whether or not the missing medication was used and not reported. In 1 study (Soule) cases were excluded from analysis without explanation while in another (Craig) there is insufficient data to determine whether exclusion of certain patients might have affected the results of the study. In 5 studies (Soule, Frank, Shafiroff, Rathgeber, Hambury) details needed for scientific evaluation are wholly lacking (21 CFR 314.111(a) (5) (ii) (c)).

#### ABSORPTION STUDIES

The October 24, 1973 submission contains five reprints and two typescripts which have been submitted to provide evidence that the proteolytic enzymes can be absorbed from the gastrointestinal tract. Four of the studies (Ambrus, et al., Cahn and Levy, Winsor, and Miller) were reviewed by the NAS-NRC panels.

Haverback, et al. studied binding of added (*in vitro*) trypsin and chymotrypsin to the plasma proteins. The study deals neither with the absorption of these enzymes from the gastrointestinal tract nor with their biological or clinical activity and is irrelevant to the scope of this review.

Ambrus, et al. studied absorption of Chymoral in patients, but the study was neither placebo-controlled nor double-blind (21 CFR 314.111(a) (5) (ii) (a) (3) and (4)). Significant increases in the levels of the N-acetyl L-tyrosine ethyl esterase (ATEE) activity, which was used as a measure of chymotrypsin activity in the blood, were found only following ingestion of 10 tablets of Chymoral, all at once, after a fast of 12 hours. This dosage is 5 to 10 times greater than the so-called therapeutic dose, which is not usually given after such a long period of fasting. Significant increases in the levels of trypsin (which is present in Chymoral in an amount 6 times greater than chymotrypsin) activity were not observed even after the large dosages. No beneficial effects on the patients' inflammatory reactions (thrombophlebitis) were detected.

Miller's review article does not provide original evidence.

The Winsor and Levy and Cahn studies deal neither with intestinal absorption nor with clinical conditions. They are, therefore, not relevant to the question of whether the enzymes in Chymoral can be absorbed from the gastrointestinal tract.

Margetts, et al. described studies performed in three unnamed hospitals designated as Hospital A, Hospital B, and Hospital C. The studies in Hospital A (laminectomies) and C (total hip replacement, cholecystectomy, resection of colon, hernia repair, etc.), although controlled, were not double-blind. Thus they cannot be considered adequate and well-controlled since steps were not

taken to minimize bias on the part of the observers and on the part of the subjects (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). The studies in Hospital B (gynecological surgery, 12 patients) although placebo-controlled and double-blind, do not meet the requirements of an adequate and well-controlled study in that there is no information regarding the age and procedure comparability between the two groups (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). There is no information on whether or not the investigators were supplied with a copy of the code from the beginning of the study. Most important, the authors' reported finding that ingestion of Chymoral reverses the normally observed increase in serum trypsin inhibitors and in anti-trypsin following surgery, is not supported by the data. Analysis of the means and standard deviations given in the publication shows that significant differences were not observed.

Fisher, et al. reported that oral administration of Chymoral after surgery (hernia repairs, 16 male patients on Chymoral and 13 others on placebo) resulted in a greater increase in serum antitrypsin and trypsin inhibitory capacity than was observed after the administration of the placebo, i.e., the exact opposite of what was reported in the previous study. The study cannot be considered as adequate and well-controlled for the following reasons: (1) numerical values for the levels of the inhibitors are not given, and whether or not the observed differences were significant as claimed cannot be evaluated; and (2) information was not provided about whether or not the investigator was supplied with a copy of the code from the beginning of the study or information about the comparability of the groups regarding age and severity of condition or procedure (21 CFR 314.111(a)(5)(ii)(a)(2)(iii) and (3)). Since the Margetts and Fisher studies, despite opposite results, are both cited as evidence that the proteolytic enzymes are absorbed, there apparently is confusion as to what the significance of the level of serum trypsin inhibitors and antitrypsin is with regard to absorption.

Thus, the 7 studies do not provide substantial evidence that the proteolytic enzymes are absorbed from the gastrointestinal tract. One of the studies (Ambrus, et al.) was neither placebo-controlled nor double-blind. Two other studies (Margetts, et al. and Fisher, et al.) contradicted each other, in addition to having flaws. Of the remaining studies, 3 were irrelevant (Haverback, Winsor, Cahn and Levy) and 1 (Miller) was a review which did not provide original information. It should be added that demonstration of absorption of the proteolytic enzymes from the gastrointestinal tract would in no way constitute evidence that the drugs are effective treatment for any condition.

Chymoral is a combination containing trypsin and chymotrypsin. In view of this, the data submitted are further inadequate in that none of the studies were designed to demonstrate that the re-

quirements for fixed combination prescription drugs (21 CFR 300.50) have been met.

#### VI. ORENZYME ENTERIC COATED TABLETS (TRYPSIN-CHYMOTRYPSIN)

In October 1973, Merrell-National Laboratories submitted data intended to show that Orenzyme was effective. This included reprints and/or full reports on 12 pre-DESI clinical studies, a brief and insufficiently detailed description, without case reports, of 3 post-DESHI studies, the Okum review, affidavits of 6 investigators and 4 independent experts (Drs. Sucker, Ireton, Martin, and Okum), and letters of recommendation from 2 other experts (Drs. Lasagna and Watanabe). The results of 17 previously reported studies, all with negative results, were not included in the October 1973 submission. In addition the results of 4 additional recent studies (Boutsellis, Hummel, both on episiotomy, and Ashbrook and Greenspan, both on hemorrhoidectomy) have never been provided at all. Two of the 15 studies reported as supporting a claim of effectiveness (Korbel, Krause) had no placebo group and a third (Cunningham) was single-blind. Although in the 1973 submission Dr. Okum and the sponsor described the Cunningham study as double-blind, Dr. Okum pointed out in his 1970 affidavit, as did Drs. Ireton and Martin in theirs, that National Laboratories had advised him that it should be considered single-blind. These 3 studies cannot be considered as providing substantial evidence of effectiveness because in evaluating such subjective and often hard-to-measure symptoms and signs as pain, swelling, and inflammation, steps must be taken to minimize bias on the part of the observers and/or subjects as clearly specified in 21 CFR 314.111(a)(5)(ii)(a)(3) and (4). The remaining 12 clinical studies, which were placebo-controlled and double-blind, are summarized below. All are concerned with the effect of Orenzyme on the inflammatory reaction associated with surgical procedures or athletic injuries. Two of the studies (Bare and Fine, Deitrick) were reviewed by the NAS/NRC Panels.

#### STUDIES CONCERNED WITH SURGICAL PROCEDURES

##### 1. RHINOPLASTY

Adamson treated 9 patients with Orenzyme and 10 others with placebo after rhinoplasty, starting the treatment 48 hours before the operation. Edema was evaluated by measuring the distances from ear to ear through the upper lip and from cheek to cheek through the glabella with a paper tape calibrated in 0.5-cm. units and also by estimating its severity on a 4-point scale on postoperative days 1, 3, and 6. Also evaluated on a 4-point scale were pain, ecchymosis, the incidence of bleeding, and the rate of healing. The sponsor reported that the ear-to-ear measurements on the sixth postoperative day showed a significant difference between the placebo and the Orenzyme groups which favored the enzymic

preparation. All other measurements, as well as the subjective evaluations of the symptoms, revealed no significant differences. The study cannot be considered as providing substantial evidence of effectiveness. The claimed effect was observed on a single day and was confined to one of numerous parameters. A different method of evaluating the same symptom, edema, as well as the evaluation of all other symptoms on all other days showed no effect of Orenzyme. Original data have not been submitted and the tables show only the differences between postoperative measurements and preoperative values. There was apparently no attempt made to determine the accuracy and reproducibility of the measurements such as by carrying out multiple measurements of the same patient. Measurements are given in 1/4-cm. units. One-half of the differences between postoperative and preoperative measurements observed on the sixth postoperative day, when the favorable effect is claimed to have been observed, were of the order of  $\pm 0.25$  cm., i.e., smaller than the smallest marking on the measuring tape used, or were zero. Differences of this magnitude between measurements of 25 to 30 cm. (the distance from ear to ear) appear clearly meaningless considering the complex shape of the face and the pliability of soft tissues.

It is also not clear that measurements were all made on the sixth day; a note on the tables of measurements indicates that either the day 6 value or the larger of the day 5 or day 7 value was used. There is no way to tell which values are which. Obviously, the small differences observed could have been affected by differences in the day of measurement.

It is significant that a larger (55 patients compared to only 19 in the earlier study) subsequent study by the same investigator was judged as "inconclusive." In addition, a similar study with 26 patients (Brown) was also "inconclusive." Inconclusive presumably means that no significant differences at all were seen.

##### 2. ORAL SURGERY

Schneider treated 41 patients with Orenzyme and 39 others with placebo before (1 day) and after removal of impacted teeth. Edema was evaluated according to its actual severity and also according to the investigator's expectations on the first postoperative day. Swelling was also graded a week after the operation. The investigator found that swelling was absent or minimal in 80 percent of the Orenzyme-treated patients as compared to 28 percent of the placebo patients. He further found that only 11 percent of the Orenzyme patients experienced extensive swelling while 65 percent of the placebo patients did so. This study cannot be considered adequate and well-controlled. Blinding conditions were not adequate, making decoding easy (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). There were only four numbered envelopes containing the medication, two with placebo and two others with Orenzyme; it is not clear

who prepared the code, but it appears to have been the investigator. A remark in the publication suggests a breakdown of blinding: "No attempt was made to grade the degree of pain but it seemed to be considerably less in the trypsin group." How this could be stated if pain was not evaluated during the study and the trypsin-treated patients were not identified until the study was over is not clear. In addition it is not clear whether or not the groups were comparable regarding age and sex (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)).

Leuin treated 57 patients with Orenzyme and 57 others with placebo starting one day after oral surgery. A formal protocol was never written and case reports were never submitted to the company. Leuin evaluated (1) edema according to its actual severity on the first postoperative day, before the medication was initiated, and on the fifth postoperative day, and (2) the degree of healing on the fifth day according to the appearance of the wound. The investigator found that 82 percent of the Orenzyme-treated patients were discharged on the fifth postoperative day with their healing rated good or excellent compared to only 58 percent of the placebo patients. In addition, he found that 93 percent of the Orenzyme patients had only slight or no edema by the same day, while only 74 percent of the placebo patients did so. The study fails to meet the requirements of an adequate and well-controlled study for several reasons. In view of the investigator's known feeling that the drug was effective, blinding conditions are extremely important. However, no copy of the code has been submitted and it is not known who made the code, who assigned the patients, and what the relationship of these persons was to the investigator. Consequently, there is no assurance that bias in the assignment of the patients into groups (21 CFR 314.111(a)(5)(ii)(a)(2)(ii)) and bias on the part of the observer and analyst (the investigator himself tabulated and analyzed the data) was minimized (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). Treatment and control groups were not demonstrated to be comparable (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). There is no information regarding sex and age comparability of the groups. Moreover, the groups were clearly not comparable regarding their operative procedure. There were almost twice as many extractions and alveolectomies of single arch with multiple impactions (11 versus 6) and almost twice as many cysts and tumors (7 versus 4) in the placebo group as there were in the Orenzyme group. The Orenzyme group had more than twice as many (15 versus 7) simple procedures (plain impactions). The greater severity of the procedures or some other factor in the placebo group resulted in 33 percent of them having severe or moderated severe edema on postoperative day 1, before medication was started, while only 23 percent of the enzyme treated group had this degree of edema. The reported difference between treatment and placebo group is based on an

analysis which fails to take into account the initial severity of surgical injury.

Feinman and his associates conducted two studies, one in their office (24 patients on Orenzyme and 24 on placebo) and another in a clinic (38 patients on Orenzyme and 36 on placebo), of the effect of Orenzyme on the post-operative symptoms of oral surgery. They evaluated predicted and actual edema and ecchymosis and found that Orenzyme reduced both symptoms significantly in the office patients but showed no effect on the same symptoms in the clinic patients. The overall study fails to meet the requirements of an adequate and well-controlled study. Comparability of the groups regarding age and sex was not shown (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)) and in addition, the initial randomization was jeopardized in the office study by a failure of many patients to return for all postoperative follow-up. Although there were 24 patients in each group, only 12 Orenzyme patients (50 percent loss) were seen on day 1, and only 14 placebo patients (40 percent loss) were seen on days 1 and 3. The missing patients were not evaluated at all. The lack of scores of such a large number of patients renders any quantitative evaluation of the results unreliable (21 CFR 314.111(a)(5)(ii)(a)(4)). Finally, the reported success of the office part of the study was not confirmed by the clinic study. To explain the different results, the authors suggest that the surgical procedures which were performed on the clinic patients were less traumatic and that postoperative tissue reactions in these patients were minimal. However, analysis by the Agency showed that the office and clinic groups treated with Orenzyme had comparable edema and ecchymosis on all days. The office and clinic placebo groups also did not differ significantly with respect to their degree of edema. The only difference was in the degree of ecchymosis, where the office placebo group was worse than all the other groups. The difference may indicate that the office placebo group was subjected to more traumatic procedures than the other groups, in which case it was not comparable to its experimental (office-Orenzyme) group to begin with; alternatively, evaluation of ecchymosis of the office-placebo group may have been unreliable, in which case the methods of observation can be questioned (21 CFR 314.111(a)(5)(ii)(a)(3)). It is also possible that the different results in the office study resulted from distortions due to the many missed patient observations.

### 3. EPISIOTOMY

Bare and Fine treated 38 women with Orenzyme and 36 others with a placebo after right mediolateral episiotomy. Medication was begun approximately 14 hours before induction of labor. Perineal edema, pain at the episiotomy site, pain on walking, and the rate of healing were evaluated. The frequency of catheterization was also recorded. The investigators found that Orenzyme decreased

edema and both types of pain during all three post-partum days to a significant extent but had no effect on the frequency of catheterization or the rate of healing. The study fails to meet the requirements of an adequate and well-controlled study for several reasons. The steps which were taken to minimize bias on the part of the subjects and on the part of the observers and/or analysts were not sufficient (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). There were only four bottles of medication, two containing Orenzyme and two containing placebo, each with a different colored label. Such a simple combination is susceptible to premature decoding. It is not stated whether or not the sealed explanation of the code was sent to the investigators at the beginning of the study and a copy of the code has never been submitted to FDA. It appears that the investigators themselves tabulated and analyzed the data. The randomization process is not wholly clear. Case record forms were color-coded and interleaved in a random fashion; patients were assigned by giving them the record from the top of the pile. They would then receive the drug from the color-matched bottle. However, it also appears that patient numbers 1076 to 1084 consecutively received Orenzyme and 1020 to 1036 received placebo. It is not clear how this could happen if patients were randomly assigned (21 CFR 314.111(a)(5)(ii)(a)(2)(ii)). It is also important that Bare was subsequently unable to confirm his positive result.

Bare treated 46 postpartum women with Orenzyme and 42 others with placebo after right mediolateral episiotomy, as in his first study, starting the treatment 18-24 hours before induction of labor. Edema and pain (pain while in bed, pain while sitting, and pain on walking) were evaluated. Also recorded were the number of analgesic tablets taken by the patient. The results analyzed by the sponsor showed no significant differences between the two groups in any of the parameters. Blinding conditions were much more secure in this study. Medication was supplied in individually coded bottles, one for each patient, and data analysis was done by the sponsor.

Rubinstein conducted a two-part study on the effect of Orenzyme on the symptomatology of median episiotomy. In the first part he treated 20 women with Orenzyme and 16 others with placebo starting 5-8 hours before induction of labor or before parturition in cases with slow labor. In the second part he treated 21 patients with Orenzyme and 24 others with placebo starting 24-27 hours before induction of labor or parturition. Edema, pain at rest, and pain on walking were evaluated. In the first part of the study he found no significant differences between the groups in any of the parameters. In the second part, the investigator found that Orenzyme reduced pain at rest on the second postpartum day and pain on walking on the second and third postpartum days. He concluded that an adequate antepartum priming period was

necessary for the Orenzyme effect to be demonstrated. The study cannot be considered to be adequate and well-controlled for the following reasons. The level and methods of blinding used were not adequately documented (21 CFR 314.111(a)(5)(ii)(a)(4)). Copies of the random code and case reports have not been submitted. The investigators used a sealed, tear-off bottle label to contain identification, a good method, but there is no assurance that the tear-off portions of the bottle labels were not opened before the completion of the study and the tabulation of the results, since no provision was taken by the sponsor to request their return unopened. Consequently there is no assurance that blinding was maintained throughout the study (21 CFR 314.111(a)(5)(ii)(a)(3)(4)). Moreover, comparability of the experimental groups regarding type of delivery (plain vaginal, low or high forceps), extent of episiotomy, degree of hemorrhage or ancillary therapy (aspirin, codeine) has not been analyzed or demonstrated (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)).

Hennessey treated 24 primiparous women with Orenzyme, 24 others with Chymoral, and a third group of 24 women with placebo starting 8 hours before right mediolateral episiotomy. Edema, pain at rest, and pain on movement were evaluated according to their actual severity. Also recorded were the number of analgesic tablets taken by each group. When the results of Orenzyme and Chymoral were combined, the enzymes were found to be superior to the placebo regarding pain on movement and analgesic medication required (fewer analgesic tablets were requested by the women on the enzymic preparations). Edema and pain at rest were unaffected. When the Orenzyme results were compared alone to those of the placebo, the drug was found superior only regarding the number of analgesic tablets taken. The study fails to meet the requirements of an adequate and well-controlled study. The levels and methods of blinding in order to eliminate bias on the part of the subjects and on the part of the observer and analyst were not adequately described nor documented. Copies of the protocol, code, or case reports have not been submitted; it is not stated whether or not the investigator was supplied with a copy of the code from the beginning. The comparability of the groups regarding age, duration of labor, extent of episiotomy, type of parturition (plain vaginal, low or high forceps), and degree of hemorrhage was not shown (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). The study is thus lacking in the details which permit scientific evaluation (21 CFR 314.111(a)(5)(ii)(c)).

Silverberg treated 99 puerperal women with Orenzyme and 98 others with placebo after middle or right mediolateral episiotomy. Edema, pain in bed, pain at sitting, and pain on walking were evaluated using numerical scales. In addition, the investigator graded the overall response of the patients as excellent, good,

fair, or poor, the two first classifications denoting satisfactory results while fair and poor denoted unsatisfactory results. Analysis of his scores by the sponsor indicated that Orenzyme had no significant effect on any of the measured parameters in patients who were subjected to a middle-line episiotomy. The sponsor claims however, that the drug had a significant effect on edema on the first, third, and fourth postpartum days on women who were subjected to the right mediolateral variety (28 on Orenzyme, 16 on placebo). The sponsor claimed no significant effect on pain either in bed, sitting, or walking. This study cannot be considered adequate and well-controlled. The steps taken to minimize bias on the part of the observer and analyst have not been explained (21 CFR 314.111(a)(5)(ii)(a)(4)). The number of patients in each of the groups of the women who were subjected to the right mediolateral episiotomy on which the sponsor claims that Orenzyme exerted a statistically significant effect, were very unequal (28 versus 16). Although it is claimed that "data were stratified according to episiotomy site", the unequal numbers indicate that the randomization procedure for patient allocation apparently did not stratify according to the type of episiotomy performed. There is therefore no assurance at all that Orenzyme and placebo patient groups who had a right mediolateral episiotomy were selected in such a way as to make them comparable (21 CFR 314.111(a)(5)(ii)(a)(2)(ii)). Alternatively, there may have been such stratification, but records were omitted from the analysis. Case reports were not submitted. Data were presented as mean scores or as percentages of patients with a given score without reference to standard deviations or the number of patients the value is based upon. The study thus lacks the details needed for scientific evaluation (21 CFR 314.111(a)(5)(ii)(c)). Using the data available and the total number of patients in the study (28 Orenzyme, 16 placebo), and using the sponsor's usual technique of comparing the number of satisfactory scores (0 and 1) with the number of unsatisfactory scores (2 and 3), FDA's analysis of the edema scores for days 1, 3, and 4 showed no significant difference favoring Orenzyme. Thus, there appears to have been either a mistake in the sponsor's calculations or exclusion of patients from the analysis without explanation (21 CFR 314.111(a)(5)(ii)(a)(4)). In either case the claim of effectiveness is not supported.

#### 4. HEMORRHOIDECTOMY

Trimpi treated 228 patients after elective hemorrhoidectomy but he reported results from only 203 patients (96 patients treated with Orenzyme and 107 others treated with placebo). He arbitrarily divided the patients into groups of 167 and 61 patients for "reasons of administrative expediency," a reason which is not further explained. Redness, pain, edema, and ecchymosis were evaluated according to the actual severity on the

first and second days and also after 1, 2, and 4 weeks postoperatively. The rate of healing (fast, normal, slow) and the time the patient was able to return to full activity and work were also evaluated. In the first group, 167 patients, results of men and women were analyzed separately, while in the second part the results of all 61 patients were combined and analyzed together. Of the six separate parameters observed on 5 different occasions, broken down further by sex in the first part of the study, the sponsor claims only one result significantly favoring Orenzyme: one week after the operation 92 percent of the male patients who were taking Orenzyme had either mild or no pain at all, compared to 75 percent of the placebo patients. No other comparisons in the first part and no comparisons in the second part showed any significant difference. Such a single observation is, as discussed earlier, without significance unless it is repeatable. When multiple parameters are analyzed at many intervals, there is a high probability that a "significant" difference will be discovered for some parameter at some time. By definition, there is a 5% chance that any single parameter at any time will show an apparent significant ( $p$  less than 0.05) difference due to chance even when a drug does not really have any effect. Put in another way, there is a 95% chance that no such difference will be observed. If two independent parameters are looked at the chance is only (95%) x (95%), or about 90% that no such difference will be seen. For  $n$  different independent parameter-time period combinations, the likelihood of not finding an apparent difference is (0.95) <sup>$n$</sup> . In the present case the parameter-time period combinations number more than 20 and therefore the likelihood of not finding at least one difference due to chance alone is much less than 50%. While pain, ecchymosis, edema, redness, and rate of healing, measured on successive days, are not fully independent measurements, it is clear that Trimpi's observation of an advantage for Orenzyme with respect to pain only, for males only, and at one observation period only, does not in any way provide evidence of effectiveness. The study is much more reasonably interpreted as showing no effect of Orenzyme at all. The study also cannot be considered adequate and well-controlled. The level of blinding and procedures for blinding are not documented (21 CFR 314.111(a)(5)(ii)(a)(4)). It also appears that the results of at least 24 patients have been excluded from the analysis, which might compromise randomization. The arbitrary division of results, after completion of the study, into two groups for purposes of analysis requires explanation and is a procedure which could have introduced analyst bias (21 CFR 314.111(a)(5)(ii)(a)(4)).

Results of two additional studies of hemorrhoidectomy apparently begun in 1971 and 1972 (Ashbrook, Greenspan) have not yet been reported to the Agency.

## STUDIES CONCERNED WITH ATHLETIC INJURIES

Four studies on this subject were supported by the sponsor (Deitrick, Nicholas, Van Slyke, and Best).

Deitrick treated 11 football players with Orenzyme and 18 others with placebo after they sustained injuries. Edema, pain, and the degree of functional impairment were evaluated. The investigator also estimated the days that each of the injured athletes would be unable to participate in the activities of the team and at the end he compared the actual days of non-participation with this estimate. He found that Orenzyme on the average reduced the period of disability to 33 percent of the estimated time while the placebo reduced this to only 73 percent. The study fails to meet the requirements of an adequate and well-controlled study. The steps taken to minimize bias on the part of the subjects and on the part of the observer-analyst were inadequate (21 CFR 314.111(a)(5)(ii)(a)(3) and (4)). There were only six bottles of medication: three containing Orenzyme and three containing placebo. A sealed envelope with the code was provided from the beginning of the study to be opened in cases of emergency or at the end of the investigation. In addition, the number of subjects in each group was sufficiently unequal (11 versus 18) to raise questions regarding how randomization was carried out. The scores on the actual severity of edema and pain, and the degree of impairment were not analyzed by the investigator. The Agency's statistical analysis of these data for actual disability days, plain, edema, and degree of functional impairment shows that there were no significant differences in any of the measured parameters, although there was a trend favoring placebo for each. As noted earlier, the use for analysis purposes of the investigator's expectations is a procedure of undocumented accuracy (21 CFR 314.111(a)(5)(ii)(a)(3)) and in many instances introduces error. The finding of no difference between groups in the actual clinical measurements of injury and recovery (pain, edema, impairment), but a difference in how patients progressed compared to what had been expected, suggests that the investigator's estimates are inaccurate. This study is thus best interpreted as showing that the enzyme did not have any effect, and that the comparison between actual and expected disability is simply an invalid measurement, either because of bias or inherent inaccuracy.

Nicholas treated 46 football players either with Orenzyme (23) or with placebo (23) for injuries (sprains, strains, contusions, and dislocations) sustained during practice or playing. Together with the team trainer he estimated the expected days of inability of each injured athlete to participate in the activities of the team and then compared this estimate to the actual days of non-participation. His results indicated no significant difference between the two groups. The level of blinding in this study

was high and conformed to FDA regulations. Medication was supplied in individual code-numbered bottles. The identity was printed in a sealed tear-off part of the label which, when treatment was started was attached to the case record form. Only forms with an intact label were analyzed by the sponsor.

The studies of Best (37 players on Orenzyme and 38 on placebo) and Van Slyke (50 players on Orenzyme and 48 on

placebo) were not included in the October 31, 1973 submission. Both studies failed to show any significant effect in favor of Orenzyme.

The sponsor has supported at least 17 placebo-controlled, double-blind studies which do not support efficacy of Orenzyme. These studies were not mentioned in the 10/31/73 submission. Those studies are summarized in the table below.

*Placebo-controlled, double-blind studies supported by the sponsor but not reported in the Oct. 31, 1973, submission*

Principal investigator and affiliation	Condition treated	Number of patients		Study period	P (sponsor's values)
		Orenzyme	Placebo		
Adamson, Norfolk, Va.	Rhinoplasty	27	28	1964 to 1965	Inconclusive.
Brown, Seattle, Wash.	do.	7+	4+	1965	Do.
Brennan, Philadelphia, Pa.	Oral surgery	53	50	1965	Do.
Griffith, D.D.S.	do.	20	13	1965	N.S.
Hunter, T., Jefferson Univ. Hospital.	Hand surgery	33	29	1969	N.S.
Burns, Brooklyn, N.Y.	Crushing injuries to fingers	7	6	1969 to 1970	N.S.
Levin, Arlington, Va.	Colle's fracture	10	9	1965	Inconclusive.
Griffith, M.D.	Trauma of extremities	7	9	1966	N.S.
Joffe, Harbison Ave. Clinic, Philadelphia, Pa.	Industrial accidents of extremities	34	34	1966	N.S.
Amsterdam	Breast biopsy radical mastectomy	23	23	1966	N.S.
Cole	Herniorrhaphy	18	23	1966	N.S.
Sherman, Mansfield General Hospital.	Epistomy	217	216	Before 1961	N.S.
Salak	Elective surgery (neck and trunk)	17	18	1960 to 1970	N.S.
Best	Football injury	37	38	1969	N.S.
Van Slyke, Hofstra U.	do.	50	48	1968 to 1969	N.S.
Stein	Thrombophlebitis	22	1966	Not analysed.	
Unterberger	do.	26	1966	Do.	

+ - A total of at least 26 patients was treated.  
N.S. = Not significant ( $p > 0.05$ ).

## SUMMARY

Merrell National Laboratories has thus supported at least 33 placebo-controlled double blind studies of Orenzyme. Seventeen of the studies not reported in the October 1973 submission, fail, in the view of the sponsor, to support the effectiveness of Orenzyme. Four recent studies have never been reported to the Agency and were not included by Merrell National Laboratories in its list of studies said to provide substantial evidence of effectiveness. Of the 12 studies included in the October 1973 submission, 2 (Bare, Nicholas) gave clearly negative results, as did one part of a third (Feinman office study). Three more (Trimpi, Silverberg, Deitrick) are best interpreted as providing negative results although the sponsor contends that they provide evidence of effectiveness. The sponsor contends that 7 studies are adequate and well-controlled and provide substantial evidence of effectiveness (Adamson, Schneider, Leuin, Feinman, Bare and Fine, Cunningham, and Deitrick) and that others offer supportive evidence (Rubinstein, Hennessey). Each of these studies is, however, seriously flawed. In various studies, double-blinding conditions were absent (Cunningham), too simple, rendering decoding easy (Schneider, Bare and Fine, Deitrick), or inadequately described and without documentation (Hennessey, Leuin, Rubinstein, Silverberg, Trimpi) so that it is not possible to assess the level of blinding and to rule out bias on the part of the subjects, observers and analysts (21 CFR

314.111(a)(5)(ii)(a)(3) and (4)). In 2 instances (Bare and Fine, Deitrick) there was doubt regarding the assignment of subjects to drug and treatment groups in a bias free manner (21 CFR 314.111(a)(5)(ii)(a)(2)(ii)). In two other instances, drug and placebo groups were not comparable, in one case because they were subjected to different surgical procedures (Leuin), in the other because of a 40-50% drop-out rate (Feinman office study), while there was inadequate information to assess comparability in three others (Schneider, Hennessey, Rubinstein) (21 CFR 314.111(a)(5)(ii)(a)(2)(iii)). One study utilized a method of measurement whose reliability was not established and was contradicted by other measurements in the same study (Adamson); that investigator was subsequently unable to confirm his positive findings. Bare also was unable to confirm an initial positive result, Feinman found a positive result only in the study he conducted which had a 40-50% drop-out rate, and three investigators (Nicholas, Best, Van Slyke) were unable to confirm Deitrick's reported positive finding (Deitrick's results, as noted, are best considered negative).

The studies of Orenzyme supported by Merrell-National not only fail to provide substantial evidence of effectiveness, they indicate strongly that Orenzyme is not more effective than a placebo in treating any condition studied. At least 22, and probably 26 (if the unreported studies gave negative results) of 33 stud-

ies fail to support effectiveness. The remaining 7 are not adequate and well-controlled and their results have not been reproducible, in some cases not even by the same investigator.

Orenzyme is a combination containing trypsin and chymotrypsin. In view of this, the data submitted are further inadequate in that none of the studies were designed to demonstrate that the requirements for fixed combination prescription drugs (21 CFR 300.50) have been met.

#### OKUM REVIEWS AND SUPPORTING AFFIDAVITS

Dr. Okum apparently reviewed only studies which, according to the sponsors' criteria, supported their efficacy claims. He discusses only data supplied by summaries and does not appear to have gone beyond these into actual case reports. He has ignored (or had no knowledge of) all data with unfavorable results and has little to say about many obvious methodological deficiencies. His review and the testimonial support of the other experts does not alter the conclusions reached by the Director of the Bureau of Drugs.

On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a) (5), and, for those products which are combinations, 21 CFR 300.50, demonstrating the effectiveness of any of the drug products listed above. Those products which are combinations are Orenzyme, Chymoral, Chymolase, Wilzyme, and Haugase.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether

it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 25, 1975, a written notice of appearance and request for hearing, and (2) on or before September 22, 1975, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 310.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any

such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: July 18, 1975.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc. 75-19202 Filed 7-23-75; 8:45 am]

[Docket No. 75G-0081]

PFIZER, INC.

#### Filing of Petition for Affirmation of GRAS Status; Correction

In FR Doc. 75-15523 appearing at page 25502 in the FEDERAL REGISTER of Monday, June 16, 1975, the symbol  $\beta$  was inadvertently omitted from the word " $\beta$ -alanine" in the 16th line of the first paragraph. The line should read "drochloride, L-arabinose, and  $\beta$ -alanine in".

Dated: July 18, 1975.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc. 75-19197 Filed 7-23-75; 8:45 am]

#### National Institutes of Health COMMITTEE TO COORDINATE TOXICOLOGY AND RELATED PROGRAMS Meeting

The DHEW Committee to Coordinate Toxicology and Related Programs (com-

posed wholly of full-time employees of HEW) will hold a meeting for the discussion of the scientific results of a number of chronic toxicology-carcinogenicity studies on nitrofluoracetic acid (NTA). The meeting will be held August 13, 1975, from 9:30 a.m. to 2:30 p.m. in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland. The entire meeting will be open to the public.

The Committee has scheduled overview presentations. To the extent time permits, others may comment on these presentations or present their views on this issue. Written comments will be also considered if received by August 23, 1975. Background information is available prior to the meeting.

Since attendance by the public will be limited to space available, it is requested that individuals wishing to attend or wishing background material please notify Ms. Horne at the National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 549-8411, ext. 3213; FTS (919) 549-3213 in advance.

Dated: July 18, 1975.

R. W. LAMONT-HAVERS,  
Deputy Director,  
National Institutes of Health.

[FR Doc.75-19194 Filed 7-23-75;8:45 am]

#### Office of Secretary

[Contract No. HEW SA8094-75]

#### ADMINISTRATIVE AND LEGISLATIVE USES OF THE TERM 'POVERTY'

##### Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644), 42 U.S.C. 2946, this agency announces the award of Contract No. HEW SA 8094-75 to Ellen Elizabeth Krause, 2964 Newark Street NW., Washington, D.C. 20008, for the preparation of a technical paper entitled "Administrative and Legislative Uses of the Term 'Poverty.'" The paper will be used as a technical appendix to the study of the relative measure of poverty which is required by Section 823 of the Education Amendments of 1974. The estimated cost of this contract is \$7,560.00 and the intended completion date is August 31, 1975.

Dated: July 18, 1975.

WILLIAM A. MORRILL,  
Assistant Secretary for  
Planning and Evaluation.

[FR Doc.75-19266 Filed 7-23-75;8:45 am]

[Contract No. HEW-100-75-0158]

#### TECHNICAL & EDITORIAL SUPPORT FOR THE STUDY ON THE RELATIVE MEASURE OF POVERTY

##### Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the award of Contract No. HEW-100-75-0158 to Mathematica In-

corporated, 2021 L Street NW., Suite 405, Washington, D.C. 20036 for a project entitled "Technical & Editorial Support for the Study on the Relative Measure of Poverty." The purpose of this project is to provide technical assistance, including basic statistical and economic skills, and editorial support for the production of a report and technical appendices. The estimated cost of this contract is \$55,000.00 and the intended completion date is December 24, 1975.

Dated: July 18, 1975.

WILLIAM A. MORRILL,  
Assistant Secretary for  
Planning and Evaluation.

[FR Doc.75-19267 Filed 7-23-75;8:45 am]

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management SOUTH WHITE TANK UNIT, ARIZONA Reservation of Forage

Under the authority of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315R), as amended, and supplemented, and pursuant to 43 CFR 4111.3-1(b), all animal unit months of forage on the following listed national resource lands hereby named, and to be hereinafter referred to as the South White Tank Unit, be reserved for use by wildlife on a yearlong basis.

##### GILA AND SALT RIVER BASE MERIDIAN

- T. 1 N., R. 3 W.,  
Sec. 3, SW $\frac{1}{4}$ ;  
Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 1 N., R. 4 W.,  
Sec. 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 12, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ .
- T. 2 N., R. 3 W.,  
Sec. 4, all;  
Sec. 5, all;  
Sec. 6, all;  
Sec. 7, all;  
Sec. 8, all;  
Sec. 9, all;  
Sec. 14, all;  
Sec. 15, all;  
Sec. 17, all;  
Sec. 18, all;  
Sec. 19, all;  
Sec. 20, all;  
Sec. 21, all;  
Sec. 22, all;  
Sec. 26, all;  
Sec. 27, all;  
Sec. 28, all;
- T. 2 N., R. 3 W.,  
Sec. 29, all;  
Sec. 33, all;  
Sec. 34, Lots 1 and 2, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 35, Lots 3 & 4, N $\frac{1}{2}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 2 N., R. 4 W.,  
Sec. 1, all;  
Sec. 12, all;  
Sec. 13, all;  
Sec. 24, all;  
Sec. 25, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 3 N., R. 4 W.,  
Sec. 1, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 12, E $\frac{1}{2}$ , NE $\frac{1}{4}$ ;  
Sec. 24, all;  
Sec. 25, all;  
Sec. 36, all.

The area described aggregates approximately 18,202 acres of national resource lands in Maricopa County.

The national resource lands are inside the former Arizona Grazing District No. 3 (Maricopa) established under Sec. 1 of the Act of June 28, 1934 and administered under Sec. 3 of the same Act.

Arizona Grazing Districts No. 2 (Kingman) and No. 3 (Maricopa) were combined in 1966 to form the present Arizona Grazing District No. 2 (Phoenix).

The national resource land within this area is outside the service areas of any recognized Class I or Class II base waters.

No livestock operation presently exists within the boundary of the described lands.

The unit qualifies as Ephemeral-Perennial Range as to the physical criteria specified in the Ephemeral Range Special Rule of December 6, 1968.

This area is within the habitat of resident wildlife species (Desert mule deer).

The reservation made by this order does not change the status of the affected lands other than to reserve all available forage for wildlife. This order is subject to the provisions of Public Law 92-195 (16 U.S.C. 1331-1340).

Interested persons may submit written comments, suggestions or objections with respect to the wildlife forage reservation to the District Manager, Phoenix District, Arizona, on or before August 15, 1975. If no adverse comments or objections are received in the time allowed, this order will become final without further publication in the FEDERAL REGISTER.

Dated: July 18, 1975.

RILEY E. FOREMAN,  
District Manager.

[FR Doc.75-19272 Filed 7-23-75;8:45 am]

[NM 26112, 26113, 26114, 26115, 26116, 26143]

#### NEW MEXICO

##### Applications

JULY 18, 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), El Paso Natural Gas Company has applied for six 4 $\frac{1}{2}$  inch natural gas pipeline rights-of-way across the following lands:

##### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 31 N., R. 10 W.,  
Sec. 3, Lots 6 and 8;  
Sec. 8, Lot 1.
- T. 26 N., R. 12 W.,  
Sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ .

These pipelines will convey natural gas across 2.410 miles of national resource lands in San Juan 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 Man-

ager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

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

[FR Doc.75-19268 Filed 7-23-75;8:45 am]

[NM 26133]

**NEW MEXICO**  
Application

JULY 18, 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), El Paso Natural Gas Company has applied for two 4 inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 26 S., R. 27 E., Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

This pipeline will convey natural gas across .721 miles of national resource lands in Eddy County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

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

[FR Doc.75-19269 Filed 7-23-75;8:45 am]

[NM 26109]

**NEW MEXICO**  
Application

JULY 16, 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), Northwest Pipeline Corporation has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 7 W.  
Sec. 1, lot 6.

The cathodic protection station will be used to convey natural gas across .061 miles of national resource land in Rio Arriba County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550

Pan American Freeway, NE, Albuquerque, NM 87107.

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

[FR Doc.75-19270 Filed 7-23-75;8:45 am]

[NM 26117]

**NEW MEXICO**  
Application

JULY 16, 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), El Paso Natural Gas Company has applied for one 4 $\frac{1}{2}$  inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO  
T. 28 N., R. 7 W.  
Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

This pipeline will convey natural gas across .177 miles of national resource land in Rio Arriba County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

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

[FR Doc.75-19271 Filed 7-23-75;8:45 am]

[Wyoming 51481]

**WYOMING**  
Application

JULY 17, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 114 W.,  
Sec. 16;  
Sec. 20;  
Sec. 32.

The pipeline will convey natural gas from a well in sec. 16, T. 20 N., R. 114 W. to an existing mainline in sec. 32, T. 20 N., R. 114 W. in Lincoln 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.

GLENN M. LANE,  
Acting Chief, Branch of Lands  
and Mineral Operations.

[FR Doc.75-19182 Filed 7-23-75;8:45 am]

[Colorado 21667]

**COLORADO**

Proposed Withdrawal and Reservation of  
Lands

JULY 17, 1975.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Colorado 21667, for the withdrawal of the public lands described below, from location and entry under the mining laws only, subject to valid existing rights, pursuant to authority of Executive Order 10355.

The applicant wishes to assure tenure of the lands for protection of their identified values as part of a travel influence zone adjacent to United States Highway that has been recommended for scenic highway designation.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than 30 days from the date of this notice, to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

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.

The lands involved in the application are scattered blocks of National Forest Land within the following legal subdivisions:

T. 37 N., R. 8 W., N.M.P.M.  
Sec. 8: E $\frac{1}{2}$ E $\frac{1}{2}$   
Sec. 9: W $\frac{1}{2}$ W $\frac{1}{2}$   
Sec. 17: E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 18: SE $\frac{1}{4}$ BE $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 19: S $\frac{1}{2}$ NE $\frac{1}{4}$   
Sec. 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 30: E $\frac{1}{2}$ NE $\frac{1}{4}$   
T. 37 N., R. 9 W.,  
Sec. 1: Lot 3  
Sec. 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 11: E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$   
Sec. 12: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$   
SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$   
Sec. 13: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$   
Sec. 24: E $\frac{1}{2}$ W $\frac{1}{2}$   
Sec. 25: E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$   
T. 38 N., R. 9 W.,  
Sec. 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$   
Sec. 24: E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$   
Sec. 25: SE $\frac{1}{4}$ SW $\frac{1}{4}$   
Sec. 36: N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$

- T. 39 N., R. 8 W., (Protraction Diagram No. 27, dated 11/12/64)  
 Sec. 5:  $W\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$   
 Sec. 6:  $NE\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}SW\frac{1}{4}, N\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$   
 Sec. 7: West 20 chains  
 T. 39 N., R. 9 W.,  
 Sec. 12:  $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}$   
 Sec. 13:  $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$   
 Sec. 24:  $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}$   
 Sec. 25:  $W\frac{1}{2}NE\frac{1}{4}, E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$  excluding M.S. 20762  
 Sec. 36:  $NE\frac{1}{4}SW\frac{1}{4}, W\frac{1}{2}SW\frac{1}{4}$  excluding M.S. 1779  
 T. 40 N., R. 8 W., (Protraction Diagram No. 27, dated 11/12/64)  
 Sec. 31:  $E\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}, SW\frac{1}{4}NE\frac{1}{4}, E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$   
 Sec. 32:  $NW\frac{1}{4}$  excluding Coal Bank Pass Withdrawal,  $NE\frac{1}{4}SW\frac{1}{4}, W\frac{1}{2}SW\frac{1}{4}$

A strip of land 200 feet on either side of the centerline of U.S. Highway 550 crossing through the following described lands:

- T. 40 N., R. 8 W.,  
 Sec. 21:  $W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NW\frac{1}{4}, SW\frac{1}{4}$  excluding Deer Creek Withdrawal  
 Sec. 28:  $N\frac{1}{2}NW\frac{1}{4}$   
 Sec. 29:  $NE\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$

Also a strip of land 200 feet from centerline on north side of U.S. Highway 550 and 400 feet from centerline on south side of U.S. Highway 550 through the following described lands:

- T. 40 N., R. 8 W.,  
 Sec. 12:  $E\frac{1}{2}SW\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}, SW\frac{1}{4}SE\frac{1}{4}$   
 Sec. 13:  $E\frac{1}{2}NW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}SW\frac{1}{4}$  except for Molas Pass Withdrawal  
 Sec. 14:  $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}SW\frac{1}{4}, SW\frac{1}{4}SW\frac{1}{4}, N\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$  except for East Lime Withdrawal  
 Sec. 15:  $S\frac{1}{2}SW\frac{1}{4}, NE\frac{1}{4}SE\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}$   
 Sec. 22:  $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}SE\frac{1}{4}$

The net area of National Forest Land totals 4,382 acres.

EVERETT K. WEEDIN,  
 Chief,  
 Branch of Land Operations.

[FR Doc.75-19180 Filed 7-23-75; 8:45 am]

[Wyoming 51482]

**WYOMING**  
**Application**

JULY 17, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 19 N., R. 113 W.,  
 sec. 12;  
 sec. 14.

The pipeline will convey natural gas from a well in sec. 1, T. 19 N., R. 113 W. to an existing mainline in sec. 23, T. 19 N., R. 113 W. in Lincoln 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.

GLENNA M. LANE,  
 Acting Chief, Branch of Lands  
 and Minerals Operations.

[FR Doc.75-19181 Filed 7-23-75; 8:45 am]

**Office of the Secretary**

[Int. Fes. 75-62]

**MISSISQUOI WILDERNESS AREA**  
**Availability of Final Environmental Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Missisquoi Wilderness Area, Franklin County, Vermont.

The proposal recommends that approximately 620 acres including Shad Island, in Missisquoi National Wildlife Refuge, located in Franklin County, Vermont, be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

- Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue, SW., Albuquerque, New Mexico 87102.  
 Refuge Manager, Missisquoi National Wildlife Refuge, Route 2, Swanton, Vermont 05488.  
 U.S. Fish and Wildlife Service, Branch of Environmental Coordination, Room 2252, 18th & C Streets, NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Branch of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: July 18, 1975.

STANLEY D. DOREMUS,  
 Deputy Assistant Secretary  
 of the Interior.

[FR Doc.75-19191 Filed 7-23-75; 8:45 am]

**Bureau of Reclamation**

[Int. Des. 75-40]

**FOUR CORNERS POWERPLANT AND NAVAJO MINE, NEW MEXICO; PROPOSED MODIFICATIONS**

**Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on proposed modifications to the air pollution control, solid waste disposal, and water discharge systems of the Four Corners Powerplant and a proposed addition of 3,224 acres to the present lease of the Navajo Mine. Written comments may be submitted to the Regional Director (address below) within 45 days after the date of this announcement.

Copies are available for inspection at the following locations:

- Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.  
 Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver, Colorado 80225, Telephone (303) 234-3006.  
 Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111, Telephone (801) 524-5592.  
 Project Construction Engineer, P.O. Box 28, 1006 Municipal Drive, Farmington, New Mexico 87401, Telephone (505) 325-1794.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or to the Regional Director. Please refer to the statement number above.

Dated: July 18, 1975.

STANLEY D. DOREMUS,  
 Deputy Assistant Secretary  
 of the Interior.

[FR Doc.75-19190 Filed 7-23-75; 8:45 am]

[Int. Des. 75-41]

**SUGAR PINE DAM; PROPOSED RESERVOIR & CONDUIT**

**Availability of Draft Environmental Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Sugar Pine Dam, Reservoir, and Conduit in Placer County, California.

The draft environmental statement describes the proposed construction of the 175-foot-high Sugar Pine Dam, the 7,000-acre-foot capacity reservoir, and 18 miles of buried pipeline. The proposed project will supply about 2,800 acre-feet annually of domestic and agricultural water to the project area. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

- Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.  
 Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.  
 Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4792.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: July 21, 1975.

STANLEY D. DOREMUS,  
 Deputy Assistant Secretary  
 of the Interior.

[FR Doc.75-19189 Filed 7-23-75; 8:45 am]

## DEPARTMENT OF COMMERCE

Bureau of the Census

## NUMBER OF EMPLOYEES, PAYROLLS, RECEIPTS, GEOGRAPHIC LOCATION, CURRENT STATUS AND KIND OF BUSINESS FOR THE ESTABLISHMENTS OF MULTI-ESTABLISHMENT COMPANIES

## Determination for Surveys

In conformity with Title 13, United States Code, sections 181, 224, and 225 and due notice of consideration having been published on June 13, 1975 (40 FR 25243), I have determined that a 1975 Company Organization Survey is needed to update company and establishment changes to the multiestablishment companies in the Standard Statistical Establishment List. The survey is designed to collect information on the number of employees, payrolls, receipts, geographic location, current status and kind of business for the establishments of multi-establishment companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from non-governmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: July 18, 1975.

VINCENT P. BARABBA,  
Director,  
Bureau of the Census.

[FR Doc. 75-19076 Filed 7-23-75; 8:45 am]

## Domestic and International Business Administration

## STATE UNIVERSITY OF NEW YORK 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 (Public Law 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, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

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, D.C. 20230.

DOCKET NUMBER: 75-00566-33-46040. APPLICANT: State University of New York at Binghamton, Department of Biological Sciences, Vestal Parkway East, Binghamton, N.Y. 13901. ARTICLE: Electron Microscope, Model FM 201C. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for a variety of ultrastructural studies in different organisms by graduate students, staff members, and faculty of the Department of Biological Sciences. The main areas of research to be pursued are the following:

1. Comparative ultrastructure of mammalian and amphibian liver.
2. Glomerular lesions occurring in rodents with renal disease.
3. Mitochondrial development in insect flight muscle.
4. Subunit structure of F<sub>1</sub> ATPase.
5. Morphological purity of sub-cellular fractions from porcine thyroid gland.
6. Ultrastructure of the photosynthetic apparatus of Cyanobacteria (blue-green algae).
7. Fine structure of the cell membrane of iron-oxidizing Thiobacilli.
8. Morphology of the vaginal and uterine linings of the mouse during the estrous cycle and pregnancy.
9. Ultrastructural response of blue-green algae to environmental parameters.
10. Ultrastructural changes in *Chlorella vulgaris* when cell growth is uncoupled from cell division.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00567-33-90000. APPLICANT: CORNELL University, Section of Biochemistry, Molecular & Cell Biology, Wing Hall, Ithaca, New York 14853. ARTICLE: 6kW Rotating Anode X-Ray Generator & Accessories. MANUFACTURER: Rigaku Denki Co. Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended for structural studies of biological materials, such as ordered single crystals of hemoglobin and other proteins. The standard techniques of protein crystallography will be employed to collect X-ray diffraction data from these crystals. The objective of this research is to understand, in molecular terms, how these complex biological molecules work, and to increase data collection capacity greatly. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00568-99-90000. APPLICANT: Bayfront Medical Center, Inc., 701 Sixth Street South, St. Petersburg, Florida 33701. ARTICLE: EMI Scanner System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for training in medical education. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00569-33-46070. APPLICANT: Wagner College, Department of Bacteriology, 631 Howard Avenue, Staten Island, New York 10301. ARTICLE: Scanning Electron Microscope, Model HHS-2R. MANUFACTURER: Hitachi, Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for topographical analysis of certain members of the Enterobacteriaceae during the log and negative accelerated growth phases. Topographical analyses at 50 Angstroms resolution of the delicate surfaces and surface structures will permit the collection of data relative to shape, size, undulations, projection, contours, pitting and so forth. Another study will involve the method of phage attachment to bacterial surfaces. The article will also be used in the course *Bacteriology 188: Scanning Electron Microscopy* a comprehensive introduction to the theory and practice of scanning electron microscopy in the examinations of the structure and properties of materials such as biological specimens, metals fiber, polymers and so forth. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00570-01-77040. APPLICANT: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, N.Y. 12201. ARTICLE: Mass Spectrometer, Model MS-30. MANUFACTURER: AEI Scientific Apparatus Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for studies of epoxy and phenolic metabolites of polychlorinated biphenyl (PCB) arising from metabolism by liver microsomal mixed functional oxidases of commercially produced PCB plasticizer mixtures. Investigations will be conducted (a) to determine the metabolites and intermediates produced in liver metabolism of PCB, (b) to determine which oxidase is responsible for metabolism of PCB and (c) to determine whether the metabolites characterized are implicated in the toxicity of PCB preparations. In another research project, phenolic and alcoholic metabolites of "warfarin" produced by liver metabolism in the rat and human will be studied in pursuit of the following:

- (a) elucidation of the path of detoxification of warfarin in rodents,
- (b) a search for possible substitutes for warfarin for rodent control and also in human medicine, and
- (c) elucidation of the mechanism of liver mixed functional oxidase metabolism of aromatic compounds. Organic constituents of lake and stream water extracted from large volumes of natural waters at different pH and with different extracting solvents will also be investigated. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00571-00-19000. APPLICANT: University of Miami, Rosenstiel School of Marine and Atmospheric Science, 4600 Rickenbacker Causeway, Miami, Florida 33149. ARTICLE: Temperature Control for Densi-

tometer. MANUFACTURER: Technetron, Canada. INTENDED USE OF ARTICLE: The article is intended to be used to control the temperature of a densimeter unit which is being used to study the characteristics of the density of all the constituents of sea water. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00572-33-90000. APPLICANT: Washington University, Department of Radiology, 510 South Kings highway, St. Louis, Missouri 63110. ARTICLE: EMI Scanner Body System (Prototype Design). MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in the study of diseases and tumors of the chest, abdomen and extremities in patients. In particular, the subtle absorption difference between normal and abnormal tissue will be determined and charted by the article. In addition, the article will be used with training residents in Radiology, fellows in Nuclear Medicine and Radiation Physics at the Mallinckrodt Institute of Radiology, Washington University School of Medicine, Barnes Hospital and St. Louis Children's Hospital. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00573-33-46070. APPLICANT: University of Illinois at Medical Center, College of Dentistry, Department of Oral Pathology, 808 S. Wood Street, Rm. 386 DMP, Chicago, IL 60612. ARTICLE: Stereoscan Scanning Electron Microscope, Model S4-10. MANUFACTURER: Cambridge Scientific Instruments, Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for fine structural and elemental analysis of virions and virus-associated particles in salivary gland and oral mucosa during the development of viral infections of salivary glands and oral mucosa. Mice will be infected with Murine Salivary Gland Virus (MSGV) and the progress of infection and developing cell damage accompanied by the early appearance and growth of viral and virus-associated bodies will be monitored. Elemental analysis of particles which have been stained with heavy metals, particularly osmium, will be carried out using the EDAX Energy Dispersive Analysis X-Ray System. The article will also be used in courses in oral biology and pathology to correlate fine structural and other morphologic evidence of pathogenic agents including the principal categories of microorganisms with knowledge of the development of tissue damage and of the mechanisms of repair. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00574-33-40640. APPLICANT: State of Florida Department of Citrus, 1115 E. Memorial Blvd., P.O. Box 148, Lakeland, Florida 33802. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF AR-

TICLE: The article is intended to be used to study the ultrastructure of citrus, particularly organelles such as mitochondria and chloroplasts, and tissues suspected of being infected with virus or virus-like agents. Specifically the following studies will be made: (a) ultrastructural studies of the interface between parasites and citrus roots, leaves, and fruits to follow the sequence of events in the host and parasite during the very early stages of penetration, (b) ultrastructural studies of citrus virus to determine morphology and size, (c) examination of citrus and insect cuticles for pores which could allow movement of wax materials and chemicals, (d) studies to determine the location and production site of wax-lipid materials in citrus and insect surfaces during ontogeny using electron dense staining techniques, and (e) determination of sites of pesticide residue degradation. The article will also be available to graduate students for instructional and research purposes. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00575-00-46040. APPLICANT: U.S. Geological Survey, National Center, Stop 959, Reston, Virginia 22092. ARTICLE: Heating Holder & Power Control Unit. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to study the kinetics, microstructural changes and thermal parameters of symmetry transitions and phase transformations in geologic materials (both terrestrial and extraterrestrial origin) and appropriate synthetic analogs. The materials to be studied are natural silicates, oxides, sulphides, and other inorganic compounds and possibly natural materials which occur within inorganic aggregates. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00576-33-90000. APPLICANT: C. S. Wilson Memorial Hospital, (Chandler Leasing Div., PepsiCo Corp.) 33-57 Harrison Street, Johnson City, New York 13790. ARTICLE: EMI Scanner with Magnetic Tape Storage System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in the identification and definition of the logistical impact of installation of an EMI Scanner System. The effect of the amortization of the expensive machine on the hospital cost structure will be studied. Since the article is designed for use in the head only, it will be possible to isolate the case material to neurological and psychiatric patients. In this connection, referral patterns will be evaluated in comparison with those of major medical centers where virtually all of the cases are first evaluated by neuroscientists and psychiatrists. The article will also be used by residents during assignments in neurology and neurosurgical services. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1975.

DOCKET NUMBER: 75-00577-33-46040. APPLICANT: The Rockefeller

University, York Avenue and 66th Street, New York, N.Y. 10021. ARTICLE: Electron Microscope, Elmiskop 102 and accessories. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for studies in which chemical, biochemical, and ultrastructural approaches will be combined to provide information concerning problems of colon carcinogenesis and other problems of basic biological concern. The primary concern is the elucidation of the mechanism of the regulation of gene expression by non-histone acidic nuclear proteins found associated in a very specific way with certain cell activities. Other applications include the interactions of DNA with cyclic AMP-binding non-histone proteins during hormone stimulation and electron microscopic studies of the antibiotic-synthesizing enzymes for tyrocidine. The article will also be used to provide instruction to graduate students in the use of the electron microscope for high resolution work. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 19, 1975.

DOCKET NUMBER: 75-00578-10-47295. APPLICANT: National Aeronautics and Space Administration, Lewis Research Center, 21000 Brookpart Road, Cleveland, Ohio 44135. ARTICLE: Nitric Oxide Monitor. MANUFACTURER: York University, Canada. INTENDED USE OF ARTICLE: The article is intended to be used for monitoring ambient concentrations of nitric oxide in the atmosphere from an aircraft in the altitude range from 20,000 to 40,000 feet. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 19, 1975.

DOCKET NUMBER: 75-00579-98-29000. APPLICANT: Brandeis University, 415 South Street, Waltham, Mass. 02154. ARTICLE: Superconducting Solenoid Magnet. MANUFACTURER: Canada Superconductor and Cryogenics, Ltd., Canada. INTENDED USE OF ARTICLE: The article is intended to be used by physics PhD candidates to carry out experimental studies of the behavior of antiferromagnets and other materials in the presence of very high magnetic fields. These experiments constitute an important test of recent theoretical advances in the physics of solids. The article will also be used in research courses in solid state physics designed for students to gain mastery of nuclear resonance, high magnetic field and other techniques. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 19, 1975.

DOCKET NUMBER: 75-00580-01-74600. APPLICANT: University of California, Davis, Department of Applied Science, Davis, California 95616. ARTICLE: High Speed Digital Correlator and Probability Analyser System. MANUFACTURER: Precision Devices and Systems (UK) Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to study the orientational dynamics of dye molecules, cleaved and intact S-1 moieties

of myosin molecules, isolated and embedded lipid proteins, and vesicular systems in an environment as nearly that of the living system as possible. In the experiments, the time dependent nature of these molecules and systems will be monitored by detecting the orientational fluctuation of the fluorescent intensity from these molecules to gain further insight into the basic mechanisms involved in the contraction of muscles. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 24, 1975.

DOCKET NUMBER: 75-00581-33-46040. APPLICANT: University of Michigan, Department of Anatomy, Medical School, Medical Science Bldg. II, Ann Arbor, Michigan 48104. ARTICLE: Electron Microscope, Model Elmiskop 101. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used mainly in the investigation of microcirculatory beds of mammals. Specifically, the article will be used to study:

(a) the transendothelial movement of exogenous ultrastructural tracers, (b) the interendothelial cell junctions, and

(c) the intraendothelial vesicle-vesicle, vesicle-plasmalemma, and vesicle-microtubule-microfilament interactions.

The research projects combine light microscopy, microphotography and electron microscopy to first identify the ramifying vascular branches (the sizes of which range from 5 micra to 100 micra) by in vivo light microscopic observation, and subsequently, to fix, embed, and section the branches for electron microscopy. The article will also be used in the education and training of graduate and postgraduate students, as well as faculty in the Department of Anatomy and in other departments of the medical school. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 24, 1975.

DOCKET NUMBER: 75-00582-33-90000. APPLICANT: Saint John's Hospital and Health Center, 1328 22nd Street, Santa Monica, California 90404. ARTICLE: EMI Scanner System with Diagnostic Display Console. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to study its use and determine its range of accuracy in the identification of intracranial tumor masses as opposed to the reliability of the same processes being identified on Cerebral Angiography and Pneumoencephalography. In particular, the article will be used to study metastatic brain tumors with each person in this category having both Cerebral Angiography and EMI Scanning conducted. The article will also be used to update a course in Neuroradiology for resident training. In addition, the article will be used in studying space occupying lesions of the orbits in conjunction with research studies by the Saint John's Southern California Lion's Eye Institute. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 24, 1975.

DOCKET NUMBER: 75-00583-65-46070. APPLICANT: University of California, Lawrence Livermore Laboratory, P.O. Box 808, Livermore, CA 94550. ARTICLE: Stereoscan Electron Scanning Microscope, Model 5180 and Accessories. MANUFACTURER: Cambridge Scientific Instruments Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article will be used for the evaluation of a variety of different materials such as various types of glass and metal used in fabrication laser targets, solidified gases, organic crystalline solids and glass and other materials used in constructing solid state laser systems. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 24, 1975.

DOCKET NUMBER: 75-00584-33-90000. APPLICANT: Harper Hospital, 3990 John R, Detroit, Michigan 48201. ARTICLE: EMI Scanner System with Magnetic Tape Storage System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for investigative work in the fields of Ophthalmology, Neurology, and Neurosurgery. Patients studied with the article and the scannings so obtained will be compared with the radionucleoid scanning. Correlation of EMI scans will also be done with vascular angiography. Particular investigation will be carried out in seizure disorders. The value of the EMI scanning in acute intracerebral hemorrhage and trauma will be undertaken. Definitive investigation on orbits will be done in conjunction with people from Kresge Eye Institute. Correlation of ultrasonic investigation and EMI scanning will also be done. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 24, 1975.

DOCKET NUMBER: 75-00585-56-54100. APPLICANT: U.S. Department of Commerce—NOAA, National Marine Fisheries Service, Office of Resource Research, Fishery Technology Group, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. ARTICLE: Mark I Prototype Undulating Oceanographic Recorder. MANUFACTURER: The Plessey Co. Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to replace a Continuous Plankton Recorder established in the North Atlantic and North Sea which will:

(a) Sample the plankton over an extended range of depth (instead of the present single depth).

(b) Measure and record, in situ, a number of physical parameters of vital importance in marine ecology as well as in physical oceanography and meteorology.

The article will allow the progress from the descriptive to the interpretive and predictive phases of plankton research. When the UOR system becomes fully operational an orderly phase-in to the ongoing CPR survey will take place.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 24, 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.75-19255 Filed 7-23-75; 8:45 am]

#### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 75-00442-00-77040. APPLICANT: U.S. Department of Agriculture, USDA-APHIS, Administrative Services, Room 624-A, Federal Center Building, Hyattsville, Maryland 20782. ARTICLE: WF 055 Multiple Peak Monitor System for Mass Spectrometer. MANUFACTURER: AEI Scientific Apparatus Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to enable one to "sit" on a small number of peaks for the purpose of monitoring the magnitude of these peaks only.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc.75-19256 Filed 7-23-75; 8:45 am]

#### GROSSMONT DISTRICT 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

tific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 75-00430-33-90000. APPLICANT: Grossmont District Hospital, P.O. Box 158, La Mesa, California 92041. ARTICLE: EMI Scanner System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for analysis of the human brain, skull, orbits, and phantom studies and tissue equivalent material, taking advantage of the computerized tomographic analysis which will allow resolution of extremely small differences in absorption of different soft tissue and soft tissue equivalent material. These investigations will enable physicians to detect earlier the location of strokes, tumors, arteriovenous malformations, and hemorrhages in a noninvasive fashion which has no morbidity or mortality. The article will also be used in technician training for radiology technologists and the analyses obtained will be used in various neuroradiologic conferences.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 3, 1974). REASONS: The foreign article is a newly developed system which is designed to provide precise transverse axial tomography. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 1, 1975 that the non-invasive methodology of the article is pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes which was being manufactured in the United States at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,

Special Imports Programs Division.

[FR Doc.75-19257 Filed 7-23-75; 8:45 am]

#### DHEW, NIH—BETHESDA

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 75-00541-33-90000. APPLICANT: DHEW, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. ARTICLE: EMI Scanner System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to reconstruct tomographic sections of the skull and cranial contents in patients for the purpose of investigating a variety of diseases, particularly patients with endocranial disease, such as brain tumors, epilepsy or movement disorders, and patients with cancer elsewhere in the body and a suspicion of metastatic extension to the brain. The objectives of these investigations will form the basis for treatment of endocranial pathology demonstrated by the article. The article will also be used to follow ventricular size in patients with movement disorders on drug protocols, and to evaluate the response of intracranial tumors primary or metastatic, to various chemotherapeutic protocols.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (January 24, 1975). REASONS: The foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. We find that the sensitivity, precision, and accuracy of the article is pertinent to the applicant's intended purposes.

The Department of Commerce knows of no comparable domestic instrument of equivalent scientific value to the foreign article for applicant's intended uses which was being manufactured in the United States at the time this article was ordered. Moreover, the Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,

Director,

Special Import Programs Division.

[FR Doc.75-19258 Filed 7-23-75; 8:45 am]

#### TEXAS A & M UNIVERSITY, ET AL.

##### Application for Duty-Free Entry of Scientific Articles

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 4794 in the FEDERAL REGISTER of Thursday, February 23, 1973, the following amendment is hereby made to reflect more fully the intended uses of the article.

Docket number: 73-00368-01-77030. Applicant: University of New Hampshire, Durham, N.H. 03824. Article: NMR Spectrometer System, Model JNM-MH-100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for research in structural stereochemistry and to carry out necessary laboratory work in the following chemistry courses:

(1) Chemistry 548 and Chemistry 652, Organic Chemistry—with emphasis upon the basic reactions of organic chemistry, including synthesis and preparations.

(2) Chemistry 708, Introduction to Research Techniques—with emphasis upon available research tools.

(3) Chemistry 755, Advanced Organic Chemistry—with emphasis upon more advanced synthetic methods and structure.

Application received by Commissioner of Customs: February 1, 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.75-19193 Filed 7-23-75; 8:45 am]

#### Maritime Administration

[Docket No. S-456]

#### COVE TANKERS CORP.

##### Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1975, unless further extended, or until completion of voyages in progress on that date.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required

if its application for operating-differential subsidy is granted.

Applicant has requested written permission involving the domestic intercoastal or coastwise services for its owned vessel MOUNT EXPLORER and its bareboat chartered vessel MOUNT NAVIGATOR to engage in the domestic service under MSC or private charterers, as well as the right to move either vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

Such written permission is now required under § 805(a) notwithstanding the fact that a voyage in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on August 1, 1975, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs.

Dated: July 21, 1975.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc. 75-19305 Filed 7-23-75; 8:45 am]

**National Oceanic and Atmospheric Administration**  
**MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE**

**Meeting Postponement**

The planned July 22-23, 1975 meeting of the Marine Petroleum and Minerals Advisory Committee (the "Committee") announced in the Federal Register on June 19, 1975 (Vol. 40, No. 119, Page

25838) has been postponed until September 22-23, 1975.

The postponement is necessary because of additional time required for the Committee's Working Group on Impact of Offshore Oil and Gas Development and Working Group on International Ocean Investment Conditions to complete their reports to the full Committee. No substantive changes in the plans for the meeting are anticipated; however, a revised notice will be published in the Federal Register, regardless, during the last week in August.

Dated: July 21, 1975.

THEODORE P. GLEITER,  
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc. 75-19174 Filed 7-23-75; 8:45 am]

**United States Travel Service**  
**COUNCIL OF REGIONAL TRAVEL EXECUTIVES**

**Meeting**

Notice is hereby given that, pursuant to a resolution adopted on July 1, 1975 whereby the Council of Regional Travel Executives (CORTE) requested a meeting with officials of the United States Travel Service to present CORTE's views as to the essential elements of a Federally-sponsored domestic tourism program, a presentation will be made by CORTE on July 28, 1975, at 10:00 a.m., in room 4830, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

DAVID N. PARKER,  
Acting Assistant Secretary for Tourism, Department of Commerce.

[FR Doc. 75-19446 Filed 7-23-75; 11:10 am]

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Federal Disaster Assistance Administration  
[FDAA-476-DR; NFD-275]

**MINNESOTA**

**Major Disaster and Related Determinations**

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on July 17, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from severe storms, tornadoes, and flooding beginning about June 28, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore

declare that such a major disaster exists in the State of Minnesota.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor, HUD Region V, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Minnesota to have been adversely affected by this declared major disaster:

The Counties of:

Beltrami	Norman
Clay	Pennington
Itasca	Polk
Kittson	Roseau
Marshall	Wilkin

And the Following Areas of Becker County:

Atlanta Township  
Spring Creek Township  
Wallworth Township

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: July 17, 1975.

THOMAS P. DUNNE,  
Administrator, Federal  
Disaster Assistance Administration.

[FR Doc. 75-19230 Filed 7-23-75; 8:45 am]

[Docket No. FI-642]

**Federal Insurance Administration**  
**NATIONAL FLOOD INSURANCE PROGRAM**

**Final Flood Elevation for the Town of Nashville, Brown County, Indiana**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Nashville under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from

individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas

and the final elevations are available for review at the Brown County Planning and Zoning Office, Nashville.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation feet above mean sea level	Width from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right (feet)
North Fork Salt Creek	West corporate limits.....	600	435 feet to corporate limits.	1,040
	Jefferson St. (Extended).....	601	Corporate limits..	680
	East corporate limits.....	602	do.....	430

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

Issued: July 10, 1975.

FRANCIS V. REILLY,  
Acting Federal  
Insurance Administrator.

[FR Doc.75-19229 Filed 7-23-75;8:45 am]

Office of Interstate Land Sales Registration  
**CASCADE MOUNTAIN RESORT**  
Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Scenic Developers, Inc., Dewey F. Belton, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued May 30, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Cascade Mountain Resort, located in Carroll County, Virginia, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before

Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on September 3, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before August 27, 1975.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: July 17, 1975.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc.75-19228 Filed 7-23-75;8:45 am]

[Order 75-7-88]

**CIVIL AERONAUTICS BOARD**  
**INTERNATIONAL AIR TRANSPORT ASSOCIATION**

**Cargo Rates**

Issued under delegated authority July 17, 1975.

In the matter of agreements adopted by the Joint Traffic Conferences of the International Air Transport Assoc. relating to cargo rate matters; Agreement C.A.B. 25202 R-1 through R-13; Agreement C.A.B. 25203 R-1 through R-10; Agreement C.A.B. 25204 R-1 through R-10; Agreement C.A.B. 25207 R-1 through R-6; and Agreement C.A.B. 25220 R-1 through R-5. Agreements have been filed with the Board, pursuant to section 412 (a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted at the 1975 Composite Cargo Traffic Con-

ference held during May-June at Nice, comprise most portions of the worldwide cargo rate structure for effect October 1975 through September 1977 which concern air transportation as defined by the Act and are outlined below.<sup>1</sup>

**NORTH ATLANTIC**

Major structural changes contemplated by Agreement C.A.B. 25202 include the replacement of U.S.-Europe 30,000 kg. specific commodity rates with 10,000 kg. containerized specific commodity rates; establishment of 10,000 kg. commodity rates for several items to Beirut; specification of rates and charges for new type 2AA containers between the U.S. and Europe; extension of rates and charges for Types 1 and 2 containers to all points in Europe where rates for Type 3 containers are currently applicable; elimination of second pivot rates for containers; and imposition of new currency discount factors on rates from certain European and Middle Eastern countries. Further, the agreement discontinues minimum rates for cargo charters.

With respect to proposed adjustments in rates, U.S.-Europe/Middle East under 45 kg. and 45 kg. general commodity rates and all U.S.-Africa general commodity rates would remain at present levels, U.S.-Europe 300 kg. and 500 kg. general rates would be increased by 3 cents and 5 cents respectively and the remaining U.S.-Middle East general rates would be increased by 3 cents. With some exceptions, U.S.-Europe/Middle East specific commodity rates would be increased 5 cents on September 1, 1975 with an additional 5 cents increase in January 1, 1976, and U.S.-Africa commodity rates would be increased 3 percent. Present pivot weights and minimum charges for containerized shipments would be adjusted upwards resulting in net increases in rates at the pivot weight ranging from 3.2 to 5 percent and over pivot rates would be decreased approximately 8 percent. Finally, the minimum charge for any consignment would be increased by two dollars to \$31.

**WESTERN HEMISPHERE (TC1)**

Changes envisioned under Agreement C.A.B. 25220 include a new resolution specifically directed to governing the meeting of non-IATA cargo rates and practices; cancellation of the 100 kg. general rate for all of TC1 and the 300 kg. general rate between the U.S. and Mexico; introduction of rates and charges for various types of containers in certain markets, particularly in the U.S.-Mexico market; and cancellation of container rates in those markets where no carrier has firm requirements for a container program.

With respect to proposed rate adjustments, U.S.-Mexico/Caribbean/Central America as well as intra-Caribbean general rates would be increased by 8 per-

<sup>1</sup> The North Atlantic agreement would be effective September 1975 through September 1977. In addition, no agreements on Mid Atlantic cargo rates and composite matters for worldwide application have been received.

## SOUTH PACIFIC

cent, U.S.-Venezuela general rates would be increased by 5 percent, and U.S.-South America (Long Haul) general rates would be increased 10 percent northbound while remaining at present levels for southbound traffic. Specific commodity rates would generally be increased 10 percent with individual exceptions, and U.S.-Mexico/Caribbean container rates and charges, as well as southbound Long Haul container charges, would generally remain at present levels. Southbound Long Haul over pivot rates would be increased 10 percent with specific increases to northbound container rates and charges. Finally, minimum charges for any consignment would in general be increased \$2, except in certain cases in the U.S.-Mexico/Caribbean markets where the increase would be \$1 and certain Long Haul markets where the minimum charge would remain at present levels.

## NORTH/CENTRAL PACIFIC

Agreement C.A.B. 25203 would replace the present resolution governing the meeting of non-IATA cargo and passenger competition with a new resolution specifically addressed to cargo matters; decrease the surcharge on Korean originations from 5 to 3 percent; impose an 18 percent surcharge on Burmese originations as well as currency discount factors on rates from Hong Kong, Singapore and Malaysia; and discontinue the specific commodity rates under Resolution 590x<sup>2</sup> and the 200 kg. and 400 kg. general commodity rates in all markets.

Regarding proposed rate adjustments, minimum charges for any consignment would increase by \$3 to \$21 for west coast gateways and by \$4 to \$26 for interior U.S. points. West coast-Tokyo under 45 kg., 45 kg., and 100 kg. general rates would remain at present levels with a 5 cents decrease in the 300 kg. rate and a 5 cents increase in the 500 kg. rate. Other general rates from the west coast to points beyond Tokyo would increase 4 to 10 percent based upon mileage taper. Specific commodity rates between the U.S. and the Indian subcontinent would increase 8 percent while all other commodity rates with minimum weights under 1,000 kgs. would increase 10 percent and over 1,000 kgs., 12 percent. Certain commodity rates would take lesser increases and a few such as item 4416 would remain at present agreed upon levels. Finally, present pivot weights for containerized shipments would be decreased and minimum charges increased for a net 3 to 11 percent increase in rates at the pivot weight in west coast-Tokyo container rates.

<sup>2</sup> The rates for the few items specified under Resolution 590x have since been incorporated into the structure under the general provisions of Resolution 590 governing overall specific commodity rate matters.

Container rates to other Asian points beyond Tokyo would increase 6 to 21 percent based on the Tokyo rate plus the 500 kg. general rate differential over Tokyo. Over pivot rates would take similar increases.

Agreement C.A.B. 25204 would increase minimum charges for any consignment by \$4 to \$20 for west coast and Alaskan points as well as Hawaii and by \$5 to \$26 for all other Western Hemisphere points. General commodity rates to/from Hawaii would be despecified and instead constructed by means of specified deductions from the Los Angeles general rates. In addition, general rates would increase 5 percent based upon rates which include a 5 percent fuel related increase disapproved by the Board for an effective increase in general rates from the U.S. of 10 percent.<sup>3</sup> Similarly rates and charges for containerized shipments would be increased by amounts varying from 3.8 to 5.5 percent for a net increase ranging from 8.8 to 10.5 percent from U.S. points. Southbound (from the U.S.) specific commodity rates would increase 10 percent, based upon commodity rates which exclude the disapproved fuel increase; and northbound commodity rates would increase 8 percent, except from Australia where the increase would be 10 percent. Several southbound commodity rates would be canceled and certain northbound rates would take lesser 5 or 6 percent increases.

## INTRA PACIFIC (TC3)

Insofar as transportation to/from U.S. Pacific territories is concerned, Agreement C.A.B. 25207 would increase minimum charges for shipments by 1.25 U.K. pounds (\$3.26) to 5.00 U.K. pounds (\$13.03) for Guam and by 55 U.K. pence (\$1.44) to 3.30 U.K. pounds (\$8.60) for American Samoa.<sup>4</sup> General commodity rates would be increased 8 percent and 5 percent and specific commodity rates 10 percent and 5 percent for Guam and American Samoa respectively.

## CARRIER JUSTIFICATION

The purpose of this order is to establish dates for submission of carrier justification in support of the agreements and comments from interested persons. The carriers' justification should include historical data as reported to the Board in Form 41 reports by functional account for total Atlantic, Western Hemisphere or Pacific services for the year ended March 31, 1975, adjusted to exclude operations in market areas not covered by an agreement and all scheduled passenger and charter operations pertaining to the market area covered by an agree-

<sup>3</sup> Order 74-12-23 (December 6, 1974) disapproved the 5 percent fuel related increase.

<sup>4</sup> Based on 021b rates of exchange, 1 U.K. pound=\$2.6057.

ment so as to establish the present economic status of cargo services in each market area covered by the subject agreements.<sup>5</sup> The carriers will also be expected to include a forecast for the year ending September 30, 1976 (August 31, 1976 for the North Atlantic agreement) both including and excluding the increased rates for which approval is sought.<sup>6</sup>

In submitting their justification, carriers are requested to address certain major points where the agreements reached differ from the views of the Board expressed in its policy statement issued prior to the Nice Conference. Of particular concern to the Board are the significant increases in general rates. In addition, a large number of specific commodity rates remain in the structure and take lesser increases thus increasing the discount spread from the general rates. Minimum charges for consignments are increased significantly in most areas and container rates for general cargo often take higher increases than do the bulk general and specific commodity rates. Finally, in view of Pan American's high earnings position in cargo services in the South Pacific area, that carrier must adequately explain the basis for any rate increases in this area.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association shall file within fifteen calendar days after the date of service of this order, full documentation and economic justification for rates, charges and related conditions embodied in the subject agreements;

2. Northwest Airlines, Inc. and Seaboard World Airlines, Inc. shall file within fifteen calendar days after date of service of this order, data similar to that required of the IATA carriers;

3. Comments and objections from interested persons and parties shall be submitted within thirty calendar days after the date of this order;

<sup>5</sup> For example, a justification for the South Pacific should exclude total North/Central Pacific operations and vice versa, the North Atlantic should exclude Mid Atlantic operations, and the Western Hemisphere should exclude Puerto Rico. In addition Western Hemisphere justification should be further broken down into geographic market area, e.g., U.S.-Mexico, U.S.-Caribbean, U.S.-Central America and U.S.-South America.

<sup>6</sup> An example of the suggested format, which should also be used to set forth historical and forecast information relating to traffic and capacity, is shown in the Appendix. In addition, we would expect the final columns giving the historical and forecast status of cargo services within an IATA market area to be further divided into two columns showing costs/revenues for all-cargo and cargo carried on combination service with an indication of the method of cost allocation between passenger and cargo operations in combination service.

4. Replies to submissions received in response to ordering paragraphs 1 and 2 above and replies to comments received pursuant to ordering paragraph 3 above shall be submitted within forty five calendar days after the date of this order; and

5. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreements shall not be filed in advance of Board approval of the subject agreements.

This order will be published in the FEDERAL REGISTER.

By JAMES L. DEEGAN, Chief,  
Passenger and Cargo Rates Division  
Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

Sample format for carrier submissions<sup>1</sup>—financial results—international Pacific division

Historical—Forecast year ending Sept. 30, 1975											
Year ended Mar. 31, 1975 <sup>2</sup>	Total North, Central, and Intra-Pacific services	South Pacific services			South Pacific scheduled cargo service						
		Total	Scheduled passenger services <sup>3</sup>	Other	Scheduled cargo service			Proposed rates			
					All cargo	Belly	Total	All cargo	Belly	Total	
<b>Revenues:</b>											
Total passenger revenues (scheduled).....											
Express (scheduled).....											
Freight (scheduled).....											
Mail (scheduled).....											
Charter, passenger.....											
Charter, freight.....											
Other transport:											
Overall transport revenues.....											
Nontransport revenues.....											
Overall operating revenues.....											
<b>Expenses:</b>											
Flying operations—fuel.....											
Maintenance—direct.....											
Maintenance—indirect.....											
Passenger service.....											
Aircraft and traffic service.....											
Promotion and sales.....											
General and administration—transport related.....											
Amortization of development and preoperating expenses, etc.....											
Depreciation, flight equipment.....											
Depreciation, other than flight equipment.....											
Overall operating expenses.....											
Operating profit (loss).....											
Nonoperating income and expense, net.....											
Net income before tax.....											
Income tax at 48 percent.....											
Special items—net.....											
Income after tax and special items.....											
Add: interest expense.....											
Return element.....											
Investment.....											
EOL.....											

<sup>1</sup> Sample is for South Pacific operations—carriers will be expected to follow same basic format for other geographic areas.

<sup>2</sup> As reported in form 41.

<sup>3</sup> Including passenger and cargo charters.

[FR Doc.75-19281 Filed 7-23-75;8:45 am]

[Order 75-7-64; Docket No. 25659]

### INVESTIGATION OF THE LOCAL SERVICE CLASS SUBSIDY RATE

#### Class Rate VII; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1975.

On Page 1 of Appendix F-1 (Revised),<sup>2</sup> the industry total figures for ad hoc adjustments and net subsidy were inadvertently misstated. These figures should be—2,367 and 64,952, respectively.

By the Civil Aeronautics Board.

Dated: July 16, 1975.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-19279 Filed 7-23-75;8:45 am]

[Order 75-7-92; Docket No. 27571]

### TEXAS INTERNATIONAL AIRLINES, INC.

#### Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of July, 1975.

By application filed March 3, 1975, Texas International Airlines, Inc. (TXI) has requested amendment of its certificate of public convenience and necessity for Route 82 so as to delete Jonesboro, Arkansas therefrom. By petition filed on the same date, TXI requests that such amendment be accomplished by show-cause procedures.

In support of its petition for deletion by show-cause procedures, TXI alleges, *inter alia*, that from the beginning TXI has provided Jonesboro with nonstop service to and from Memphis—the city with which it has its greatest community of interest; that Jonesboro has never generated air traffic for TXI commensurate with its potential; that Jonesboro's low traffic level over the years has been due to its proximity to and use of the superior air service available at Memphis; that Jonesboro is not isolated in that it has access to vastly superior air service at the Memphis Airport, located 78 miles away; that TXI's subsidy need at Jonesboro was \$250,240 or \$49.52 per passenger for the year ended September 30, 1974; and that this subsidy need is higher than per-passenger subsidy costs for other cities whose air services have been deleted in the last few years.<sup>3</sup>

The City of Jonesboro, Arkansas and the Jonesboro Municipal Airport Commission have jointly filed an answer in opposition to TXI's petition for deletion by show-cause procedures. The civic parties allege, *inter alia*, that service at the Memphis Airport cannot provide a con-

venient alternative for Jonesboro passengers; that there is no support for TXI's claim that Jonesboro is not isolated; that the decline in Jonesboro traffic is due to poor service; that Jonesboro has generated more traffic than any local service point deleted by the Board after hearing since January 1, 1972; and that if good service is provided, Jonesboro can support certificated operations at a reasonable cost.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny TXI's petition for deletion by show-cause procedures, and to set for hearing TXI's application for deletion of Jonesboro. In view of the conflicting contentions of the parties, we believe that deletion by show-cause procedures would be inappropriate, and that the disputed facts and issues can best be resolved in a full evidentiary hearing, at which all interested parties are fully represented.<sup>4</sup>

The issues to be considered at the hearing should include the following questions: (a) Whether TXI's authority to serve Jonesboro should be suspended or deleted; (b) whether the long-term potential for traffic generation favors suspension for a temporary period rather than deletion; (c) whether the potential exists for a commuter air carrier replacement service to Jonesboro's principal communities of interest and, if so, whether any suspension should be conditioned upon the provision of such a replacement service; (d) whether TXI has downgraded service at Jonesboro so as to strengthen its case for deletion; (e) whether the suspension or deletion of TXI's service at Jonesboro would affect TXI's ability to adequately and economically provide service to downline points; and (f) whether the applicant should be required to provide or guarantee free, reduced-rate, or full-fare limousine service linking Jonesboro to the national air transportation system at a nearby point.

Accordingly, it is ordered, That:

1. The application of Texas International Airlines, Inc. in Docket 27571 for deletion of Jonesboro, Arkansas be and it hereby is set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated;

2. The petition of Texas International Airlines, Inc. for deletion by show-cause procedures be and it hereby is denied;

3. A copy of this order shall be served upon Texas International Airlines, Inc.; Mayor, City of Jonesboro, Arkansas; Airport Manager, Jonesboro Municipal Airport; Mayor, City of Memphis, Tennessee; Airport Manager, Memphis Interna-

<sup>4</sup> Our preliminary analysis leads us to conclude that any decision which the Board may reach in this proceeding would not constitute a major Federal action significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969. See Orders 74-7-35, July 8, 1974, pp. 10-11 and 74-11-19, November 4, 1974, note 22. Our conclusion does not foreclose the presentation of evidence by interested persons directed to this issue.

tional Airport; Mayor, City of Little Rock, Arkansas; Governor, State of Arkansas; Director, Arkansas Division of Aeronautics; and the Postmaster General; and

4. Motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the date of service of this order and answers to such pleadings shall be filed no later than 10 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-19280 Filed 7-23-75;8:45 am]

### COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

#### HEARINGS

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under authority of Section Pub. L. 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970, will hold hearings on August 18, 1975, in Room 131, Legislative Building, 401 South Carson Street, Carson City, Nevada; and on August 19-21, 1975 in the Federal Building, Las Vegas, Nevada; and on August 22, 1975, in Courtroom 1, Federal Building, 230 N. 1st Avenue, Phoenix, Arizona.

The purpose of the above-described hearings is to elicit testimony from Federal, State and local Government officials, as well as law enforcement representatives as to the effectiveness of gambling enforcement toward the element of organized crime in the United States.

The hearings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are the same as those previously published by this Commission in the FEDERAL REGISTER.

Dated: July 21, 1975.

JAMES E. RITCHIE,  
Executive Director.

[FR Doc.75-19245 Filed 7-23-75;8:45 am]

### CONSUMER PRODUCT SAFETY COMMISSION

[Petition Nos. CP-74-5; HP-75-3]

#### AEROSOLS

Petition of Center for Science in the Public Interest; Petition of PAM Club To Ban Products Containing Certain Fluorocarbons

#### I. INTRODUCTION

The Consumer Product Safety Commission has before it petitions filed by

<sup>1</sup> Published at 40 FR (30306) 7-18-75.

<sup>2</sup> Filed as part of the original document published 40 FR 30306, July 18, 1975.

<sup>3</sup> TXI cites Orders 70-6-22, 72-4-96, 72-4-97, 72-2-92, 72-6-33, and 74-12-125.

the Center for Science in the Public Interest (CSPI) and the PAM Club (PAM), each of which seeks to have this Commission take regulatory action concerning self-pressurized products commonly known as aerosols. Each petition to some extent raises overlapping jurisdictional and substantive questions and will be discussed herein in a consolidated fashion.

In recent years there has been a proliferation of products packaged in pressurized containers. These containers have utilized various propellant gases, such as vinyl chloride monomer and certain fluorocarbons. Recently such aerosols have been subjected to increasing scrutiny because of allegations of harmful properties associated with them. Included among these have been allegations of injuries due to toxicity, carcinogenicity, explosiveness, flammability, and eye and skin irritation. Also recent allegations have been made that the release of fluorocarbons from aerosol cans is associated with a diminution of the ozone layer in the stratosphere.<sup>1</sup> Reports and scientific investigations on the carcinogenic effect of vinyl chloride have already led federal agencies, including the Consumer Product Safety Commission, to ban products containing that propellant. (See 16 CFR 1500.17(a) (10) which bans self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant.)

## II. PETITIONS PENDING

The petitions seek the following relief:

### A. CSPI

1. The Center for Science in the Public Interest requests the Commission to take the following action:

a. *Investigate the Number and Amount of Toxic Substances Used.* Injuries or potential injuries are alleged to exist due to the toxicity of aerosol spray, inducing human tissue burns, respiratory injuries to susceptible people, such as asthmatic and heart patients, irritation and inflammation from excess spray, long-term effect due to particle deposition in the lungs or particle absorption into the blood stream, and synergistic effect from combined product sprays.

b. *Investigate the Safety of Aerosol Containers.* Injuries are alleged to occur from explosion due to accidental or deliberate placement of containers in or near a heat source and also are alleged to occur due to accessibility to children.

c. *Investigate the Usefulness and Accuracy of Aerosol Spray Labeling.* Possible injuries are alleged to occur from difficulty in applying a product as directed on the label, e.g., "apply hair spray while avoiding face."

<sup>1</sup>The Commission presently has two petitions before it filed by the Natural Resources Defense Council and the City of Los Angeles seeking to ban aerosols containing fluorocarbons. As these petitions raise additional jurisdictional considerations, as well as unique and complex substantive questions, they will be the subject of a separate decision.

d. *Investigate the Susceptibility by Consumers to Misuse.* Deaths are alleged to occur from deliberate inhalation of toxic contents of aerosols; and possible injurious effects are alleged to occur from pollution due to overuse in the home.

e. *Investigate the Manufacturers' Honesty in Promotion of Products.* Allegations are made that imply the supplying of misinformation by manufacturers, leading to incorrect use or handling of aerosol spray products.

f. *Public Information.* It is recommended that a public education program be initiated on the dangers of household sprays used in the home.

2. The CSPI also recommends regulatory actions:

a. That aerosol spray products not be used in households.

b. That all toxic and unsafe aerosol products be banned and recalled.

c. That premarket testing of ingredients at manufacturers' expense be required.

3. CSPI recommends these interim measures:

a. Requiring child-proofing.

b. Requiring explosion-proof containers.

### B. PAM

The PAM Club asks the Commission to ban:

1. The product, "Pam".

2. All aerosols which have caused more than three confirmed deaths as a result of inhalation, and

3. Aerosols containing both "Freon-11" and "Freon-12" in a mixture.

The product "Pam" is an aerosol used to lubricate cooking surfaces. Petitioners have alleged that "Pam" and similar products are dangerous when used as directed and lethal when the propellant is concentrated and intentionally inhaled.

## III. JURISDICTION

At the threshold the Commission must determine its authority to take the regulatory actions petitioned for. The jurisdictional problems are complex and difficult to deal with because of the diversity of products being packaged and sold in aerosol form. Today aerosol packaging is utilized for products ranging from hair sprays and foods to household cleaners, paints, and insecticides. In providing regulatory authority over these products Congress has traditionally vested various federal agencies with jurisdiction on a functional basis. Thus, foods, drugs, and cosmetics are regulated by the Food and Drug Administration (FDA) pursuant to the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 321 *et seq.*, and economic poisons (pesticides) are regulated by the Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 135 *et seq.* Other products, including those used in or about the household, are subject to regulation by this Commission under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 *et seq.*, and the Federal Hazardous Substances

Act (FHSA), 15 U.S.C. 1261 *et seq.* The functional division of jurisdiction compounds the Commission's task where, as here, the petitions raise questions wholly separate from the active ingredients of the products themselves. Both petitions raise questions regarding the propellant utilized in the aerosols. The CSPI petition, in addition, raises questions concerning the packaging and use of the aerosols. Both CSPI and PAM raise the issue of misuse.

### A. PROPELLANTS

The authority of this Commission to take any action with respect to the propellants utilized in aerosols must be found in two statutes under its administration—the CPSA, and the FHSA. The CPSA, *inter alia*, authorizes the Commission to regulate "consumer products" by issuing consumer product safety standards to deal with unreasonable risks of injury or by banning products for which a standard is not feasible. Under the FHSA, hazardous substances are required to bear cautionary labeling and, where the nature or the degree of the hazard is found to be so severe that cautionary labeling cannot adequately protect the public, such substances may be declared banned hazardous substances.<sup>2</sup>

Both the FHSA and the CPSA are drafted to exclude from CPSC jurisdiction products which are foods, drugs, cosmetics and pesticides. Section 2(f)(2) of the FHSA provides "[t]he term 'hazardous substance' shall not apply to pesticides subject to the . . . [FIFRA] nor to foods, drugs, and cosmetics subject to the . . . [FDCA] . . ." 15 U.S.C. 1261(f)(2). Under the CPSA the term "consumer product" is defined as "any article or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence . . . or (ii) for personal use, consumption or enjoyment of a consumer in or around a . . . household or residence . . ." 15 U.S.C. 2052(a)(1). The Act specifically excludes from the definition of "consumer product," *inter alia*, "economic poisons (as defined by the . . . [FIFRA])," 15 U.S.C. 2052(a)(1)(D); "food . . . as defined in . . . the [FDCA] . . ." 15 U.S.C. 2052(a)(1)(I); and "drugs, devices, or cosmetics (as such terms are defined in . . . the [FDCA])," 15 U.S.C. 2052(a)(1)(H).

It is clear from the drafting of the statute as well as the legislative history that this agency has been vested with residual or "catchall" jurisdiction of hazards associated with those products not specifically exempted. Thus, hazards associated with "consumer products" such as paints, household cleaners, and any products used in or about the household that do not fall within the definitions of foods, drugs, cosmetics and pesticides are unquestionably within CPSC jurisdiction. With respect to this category of

<sup>2</sup>Under section 30(d), CPSA (15 U.S.C. 2079(d)) the Commission is required to invoke the FHSA as a source of authority to eliminate a risk of injury if such risk can be adequately dealt with under that statute before resorting to the CPSA.

products, the Commission believes that CPSC jurisdiction clearly extends to the delivery system or propellant utilized in conjunction with such products. No other federal regulation or statute extending to the propellant utilized with this category of products can adequately deal with the problems raised in the petitions herein.

The Commission, having determined that it has the requisite jurisdiction to regulate the propellants utilized in conjunction with those consumer products subject to its jurisdiction under CPSCA and FDSA, must address whether it has jurisdiction over propellants utilized in conjunction with foods, drugs, cosmetics, or pesticides. The FDCA defines the term "food" as "(1) articles used for food or drink for man or other animals . . . and (3) articles used for components of any such article," 21 U.S.C. 321(f). (Emphasis supplied.) The term "drug" is defined as "(A) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (D) articles intended for use as a component of any articles specified in clause (A), (B), or (C) . . ." 21 U.S.C. 321(g)(1). (Emphasis supplied.) "The term 'cosmetic' means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap," 21 U.S.C. 321(i). (Emphasis supplied.)

The FDA has broadly interpreted the term "component" and has utilized it to take regulatory action over aerosol propellants when used in conjunction with foods, drugs, and cosmetics. An assertion of jurisdiction based in part on the "component" authority has been upheld in two recent court decisions involving food contact surfaces. In the first case, FDA determined that certain cardboard wrapping containing a chemical that might become part of food was a "food additive" and therefore a food for regulatory purposes. This finding was sustained in *Natick Paperboard Corp. v. Weinberger*, 389 F. Supp. 794 (D. Mass. 1975). The Court, in reviewing the legislative history of the FDCA, noted that Congress intended FDA to "monitor and regulate anything traveling in interstate commerce which ultimately would be ingested by human beings regardless of the label appended thereto," 389 F. Supp. at 797. The Court further noted that remedial safety legislation such as FDCA is to be liberally interpreted consistent with the act's overriding purpose. Similarly, in *U.S. v. Articles of Food*, 307 F. Supp. 371 (E.D.

Mich. 1974), another Court upheld FDA regulation of pottery that contained lead and was intended for use as dinnerware.

FDA has also interpreted its jurisdiction broadly in the area of aerosols. Thus, in two separate FEDERAL REGISTER notices on May 3, 1973 (38 FR 10956), and March 7, 1973 (38 FR 6191), FDA proposed regulations requiring, among other things, that certain precautionary labeling appear on aerosol containers. The May 3 notice, which has never been finalized, was published under the authority of the Federal Hazardous Substances Act, which as of that date was administered by FDA,<sup>3</sup> and applied to fluorocarbon aerosols intended or suitable for use in the household. The March 7 notice, which was finalized March 3, 1975, was published under the authority of the Federal Food, Drug, and Cosmetic Act and applied to aerosolized food, drug, and cosmetic products.

Two things are significant about these regulations. The first is that they proposed labeling that warns consumers of dangers associated with intentionally inhaling the product, a hazard that is associated primarily with the propellant. The second is that FDA carefully published two separate notices under two separate acts regulating some aerosols under one and some under another although the same hazard was presented by all. By these actions FDA made clear that it interpreted the terms food, drugs, and cosmetics as including propellant components when those products were marketed in an aerosol form. FDA further strengthened its interpretation on August 26, 1974, when it banned the use of vinyl chloride monomer as a propellant in drug, and cosmetic products (39 FR 30830).

Apart from regulation, FDA in a communication to this agency,<sup>4</sup> expressed its interpretation of the FDCA as including propellants only when utilized in conjunction with foods, drugs, and cosmetics. This interpretation is supported by an advisory opinion from the Department of Justice<sup>5</sup> which monitors problems of conflicting jurisdiction among federal agencies.

It is a touchstone principle that where any ambiguity exists in a regulatory statute courts will look to, and give great weight to, the interpretation of a statute by the agency charged with its administration. *Udall v. Tallman*, 380 U.S. 1 (1965). The Commission believes that administrative agencies should recognize this same principle through the doctrine of comity when they are required to construe the statutory scheme of a sister agency. Indeed, section 29(c), CPSCA, 15

<sup>3</sup>The Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission on May 14, 1973 by section 30 of the Consumer Product Safety Act.

<sup>4</sup>Letter of February 17, 1975 from the FDA General Counsel to the CPSC General Counsel available in the Office of the Secretary.

<sup>5</sup>Letter of June 10, 1975 from Wallace H. Johnson, Assistant Attorney General, U.S. Dept. of Justice, to Council on Environmental Quality, available in the Office of the Secretary.

U.S.C. 2078(c), establishes a policy of cooperation among the various federal agencies regulating product safety in the administration of their respective statutory schemes.

FDA has clearly, consistently, and unambiguously asserted jurisdiction over food, drug, and cosmetic propellants, and its interpretation is supported by the Department of Justice. Its broad reading of its authority has been supported by the courts and acknowledged by Congress.<sup>6</sup> The Commission, therefore, finds that it lacks jurisdiction to regulate any hazards associated with propellants used in food, drug, and cosmetic products.

Similarly, the Commission also lacks jurisdiction to regulate hazards associated with propellants used in aerosol pesticides. FIFRA defines an economic poison broadly as "(1) any substance or mixture of substances intended for preventing, destroying . . . forms of plant or animal life . . . which the Administrator shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant." 7 U.S.C. 135(a). There seems little room for doubt that this definition is broad enough to encompass propellants of aerosol pesticides. This interpretation is borne out by the fact that on April 26, 1974, the Administrator of the Environmental Protection Agency effectively banned the use of vinyl chloride in pesticide products by suspending registration for products containing that propellant. 39 FR 14753.

The functional divisions of jurisdiction over the various types of aerosol products also precludes the Commission from asserting jurisdiction over all aerosol propellants prior to inclusion in products intended for consumers. This Commission's jurisdiction under FDSA is limited to those substances intended or packaged in a form suitable for use in the household. Bulk propellants not being so intended or packaged, are beyond the authority of that Act. Under the CPSCA the term "consumer product" includes components of consumer products. However, bulk propellants which are intended for use in foods, drugs, cosmetics, or pesticides are not a component of and cannot be considered consumer products and are therefore not subject to regulation under the CPSCA.

#### B. MECHANICAL HAZARDS

CSPI's petition raises another jurisdictional question. This question relates to mechanical hazards associated with the aerosol cans. Aerosol containers are alleged to present certain mechanical hazards such as the danger that they may explode, that sharp exterior edges may cut and injure the unwary consumer, that the spray may go in a direc-

<sup>6</sup>The House Committee Report accompanying the Consumer Product Safety Act in discussing the exclusion of food from the definition of consumer products states that it "intends to exclude from application of this bill all foods within the broad meaning given to that term in section 201 of the Food, Drug, and Cosmetic Act." H.R. Rep. No. 1153, 92d Cong., 2d Sess. 28 (1972).

tion other than that intended by the consumer thereby causing injury, or that young children may be exposed to serious personal injury or illness because they may gain access to the contents.

As noted, *supra*, the Commission views its authority under the CPSA as the residual power to deal with risks of harm associated with consumer products where Congress has not specifically vested jurisdiction in another statutory scheme. This interpretation accords with the legislative history of the Consumer Product Safety Act. The Act was broadly drawn to ensure that all consumer product hazards would be regulated by one agency except those "which are either regulated under other safety laws or which the Committee has yet to determine should be subjected to safety regulation of the type envisioned by this bill." H.R. Rep. No. 1153, 92d Cong. 2d Sess. p. 27 (1972).

Regarding the regulation of mechanical hazards under the FDCA, there is no explicit decision by FDA in the area. There is, however, an interpretation by FDA in a letter suggesting that FDA may lack authority to adequately regulate mechanical hazards associated with food, drug, and cosmetic containers.<sup>7</sup> Moreover, this letter suggests that it would be appropriate for the CPSC to assert jurisdiction in this area where the FDCA is deficient. Certainly this interpretation construes the FDCA in a manner consistent with any reasonable interpretation of the CPSA to provide maximum protection to consumers in accordance with Congressional intent.<sup>8</sup>

Unlike the propellant, the aerosol container itself does not normally mix with or in any way become part of the contents of the can.<sup>9</sup> In *United States v. Articles of Food*, *supra*, the Court specifically pointed out that FDCA would not provide jurisdiction to regulate packaging where there is no migration:

It is likewise clear that ordinary packaging or food holding devices from which there is no migration are not subject to the Act. 370 F. Supp. at 373.

Therefore it is reasonable to believe that the aerosol container itself is not a "food," "drug," or "cosmetic."

It is true that FDA has interpreted the FDCA to permit it to warn consumers of dangers associated with exploding aerosol containers. 42 FR 8912 (March 3, 1975). However, this labeling authority does not depend on FDA finding that the container itself is a food, a drug, or a cosmetic. Rather it seems to be based on the language of 21 U.S.C. 321(n) which

provides that a food, drug, or cosmetic article may be deemed misbranded if its label is misleading in that it fails to reveal facts with respect to hazards associated with use of the article. Since FDA's ability to so label aerosols does not require the container itself to be a food, drug or cosmetic, it does not preclude this Commission's setting standards to regulate the mechanical hazards of aerosol containers.

Since the Consumer Product Safety Act should be interpreted broadly and since this Commission has the expertise and authority to set safety standards to reduce the mechanical hazards associated with aerosol containers and since the agency charged with interpreting the FDCA has not interpreted its laws in any way that would be inconsistent with this jurisdiction, the Commission finds that it has jurisdiction to regulate the mechanical hazards associated with all aerosol containers that are intended for sale to or use by a consumer notwithstanding the fact that the contents are foods, drugs, cosmetics or household substances, or that migration may occur.

Pesticides, however, are different since jurisdiction over packaging has been specifically granted to EPA in a 1972 amendment to FIFRA. Therein EPA was given authority:

"(3) to establish standards (which shall be consistent with those established under the authority of the Poison Prevention Packaging Act (Public Law 90-601)) with respect to the package, container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of this subchapter." 7 U.S.C. 136W. (c) (3) (1972).

To the extent that FIFRA has conferred jurisdiction to EPA, the Commission will not seek to extend its regulatory authority over mechanical hazards or aerosol containers utilized for pesticides. This is consistent with an earlier Commission decision<sup>10</sup> to defer to EPA responsibility for promulgating and enforcing PPPA regulations with respect to pesticides.<sup>11</sup>

#### IV. DECISION

##### A. CSPI PETITION

CSPI has requested wide-ranging action by the Commission on aerosols, much of which does not lend itself to formal agency rulemaking.<sup>12</sup> Neverthe-

less, the Commission does believe the petition raises many significant problems with which it must deal.

Several of CSPI's requests deal with the alleged toxicity of aerosol ingredients. Specifically, CSPI asked the Commission to investigate the number and amount of toxic substances used in aerosols, and recommended that it ban the use of aerosols in the home, that it require the recall of all toxic and unsafe aerosols, and that it require premarket-testing of aerosol ingredients at manufacturer's expense.

With respect to problems of aerosol products within CPSC jurisdiction (see section III A, *Supra*) that may present long-term or chronic toxicity hazards to consumers, the Commission has decided to take whatever steps may be necessary to develop test methods for the objective evaluation of individual products. The test methods presently specified by FHSA and the regulations promulgated thereunder are designed primarily to reveal hazards that are acute rather than chronic in nature. While at one time such testing may have been adequate, as CSPI points out, the proliferation of aerosol products and reports of long-term hazards associated with their use leads the Commission to the conclusion that it is necessary to develop guidelines and screening protocols that will pinpoint ingredients or mixtures of ingredients that may produce adverse chronic effects. The Commission is currently conducting applied inhalation research to develop some of the basic criteria for objectively evaluating products for potential acute and/or chronic hazards. This type of research will continue until such generic tests can be developed. The sub-chronic or chronic inhalation tests to be developed will provide a means of evaluating aerosol products for their potential for causing harmful effects to consumers.

Research and investigations are currently being conducted by the Commission in furtherance of this goal. The Commission is sponsoring a contract study to determine particle size and chemical composition of typical aerosolized products; to determine such products' distribution in the consumers' immediate environment under conditions simulating use by consumers; to determine, in two animal species, the deposition and metabolic fate of tracer-labeled aerosols; and to determine long-term effect of several chemicals found above to be so deposited and retained in the body. The Commission has entered into a contract for a study of the effects (mechanism of action) of inhalation of commonly used volatile solvents and propellants. The investigator for this study is already under contract with another federal agency, and has already provided considerable data. This study should provide additional information on the cardiovascular and pulmonary effects of

tion campaigns, while given serious consideration, cannot be considered "petitions" in the legal sense.

<sup>7</sup> Letter of January 7, 1975, from FDA General Counsel to CPSC General Counsel available in the Office of the Secretary.

<sup>8</sup> See *Wilderness Society v. Morton*, 479 F. 2d 842 (D.C. Cir. 1973), cert. denied, 411 U.S. 917 (1973).

<sup>9</sup> It is conceivable that under some extraordinary circumstances some portion of the aerosol container might migrate into the product itself thus making it unfit for human use or consumption. Were this to happen, the affected containers would, of course, be subject to regulation under the FDCA for this hazard.

<sup>10</sup> CPSC administrative decision regarding regulatory policy, November 21, 1974.

<sup>11</sup> It should also be noted that since the PPPA explicitly grants authority to the Commission to regulate foods, drugs and cosmetics with respect to child-resistant packaging, no jurisdictional question arises.

<sup>12</sup> Note that a "petition" in this context means a request for the Commission to issue, amend, or repeal a rule, 5 U.S.C. 553(e); 15 U.S.C. 2059(a); 21 U.S.C. 701(e). All other requests for agency action, such as requests to conduct research, or to institute informa-

commonly used aerosol propellants and solvents thus furnishing the Commission an improved basis for identifying potentially dangerous chemicals in pressurized products. The Commission has, via an interagency agreement with the Biomedical Laboratory, Toxicology Division, Edgewood Arsenal, Maryland, initiated the following inhalation studies on vinyl chloride:

Lifetime cancer study in rats and mice following short-term, low-level exposures to vinyl chloride monomer.

A three-generation animal study of the reproductive systems and processes after exposure to the vinyl chloride monomer.

The Commission has asked the National Academy of Science/National Research Council to organize and convene a series of panels and sub-panels of experts to perform the following tasks:

To evaluate the current toxicity test procedures for their reliability and applicability to the goals of the Consumer Product Safety Commission; to recommend additional research (priority) needed to develop and/or validate test procedures; and to update and expand NAS/NRC Publication 1138, "Principles and Procedures for Evaluating the Toxicity of Household Substances," and where possible recommend methodology applicable to CPSC procedures.

When reliable testing protocols have been developed, the Commission anticipates promulgation of rules establishing the test methods and supplementing the existing definitions of the term "toxic" under the FHSA.

As a practical matter, addition of generic tests for chronic health hazards to the FHSA will require manufacturers to test for those hazards. The statutory scheme of the FHSA contemplates premarket testing by manufacturers in that the FHSA requires all products, including aerosols, to bear cautionary labeling if the products contain ingredients or mixtures of ingredients that are toxic, corrosive, irritants, strong sensitizers, flammable or combustible or generate pressure through decomposition, heat, or other means. 15 U.S.C. 1261(p). The statute itself prescribes some tests to determine whether a product presents one of those hazards. Also, as it proposes doing for chronic hazards, the Commission has from time-to-time supplemented these tests by regulation. While the FHSA does not explicitly require manufacturers to test their products for these unsafe characteristics, the sale of a misbranded product (i.e., one not properly labeled) is subject to criminal penalties without regard to the manufacturer's specific intent, 15 U.S.C. 1264. The Commission believes this sanction, coupled with the Commission's ability to seize misbranded goods, results in widespread premarket testing of products to determine whether they are required to be labeled under FHSA.

The Commission believes that this research program and the premarket testing that will result from it are responsive to the group of CSPI's requests dealing with the toxicity of aerosols. To the ex-

tent that CSPI requests a ban on the sale of all aerosols under CPSC jurisdiction, the request is denied. Based on present knowledge the Commission cannot find that a ban would be justified. This judgment can of course be reversed at any time new information is acquired which shows that a ban of individual aerosol products or of all aerosols is required to protect the public.

CSPI also requested the Commission to investigate the susceptibility of aerosols to misuse by consumers and to educate consumers to the hazards associated with aerosols. The Commission, based on available information concludes that it lacks jurisdiction to regulate those products most commonly associated with intentional misuse. Nevertheless, because products it does regulate may also be intentionally misused, the Commission plans a comprehensive education campaign to alert consumers to this danger. This campaign will also address certain other aspects of the aerosol problem such as the danger that containers may explode when improperly disposed of.

CSPI asked the Commission to investigate dangers to children from the accessibility of aerosols and to require all aerosols to have child resistant closures. Certain products such as oven cleaners containing sodium and/or potassium hydroxide, which the Commission's injury data show to be particularly hazardous, are already required to have such closures (16 CFR 1700.14(a)(5)). The Commission has directed its staff to determine which other aerosol products present a hazard of serious personal injury or illness to young children by reason of the accessibility to their contents. Any that are so identified will be promptly considered for the institution of rule-making procedures under the PPPA. In this connection the Commission has also directed its staff to evaluate its present test methods for hazards, such as the test for eye irritancy, to determine whether new methods are necessary to adequately measure the risk of injury posed by aerosolized products to small children.

With respect to misdirection problems associated with aerosol containers that present a risk of injury because of inadequate means to properly direct the spray, the Commission has decided to take steps to seek prompt voluntary action to correct the problems. In the event that a voluntary commitment cannot be obtained, the Commission will take formal regulatory action.

CSPI requested the Commission to investigate the safety of aerosol containers and to require explosion proof containers. The Commission's investigation which included hearings held in February and March, 1974, and May, 1975, review of death certificates furnished by local jurisdictions and in-depth investigation of injuries reported by hospital emergency rooms through the Commission's National Electronic Injury Surveillance System (NEISS) as well as other sources demonstrates that, at this time, no unreasonable risk of in-

jury is associated with exploding aerosol containers. Therefore, this request is denied without prejudice.

Finally CSPI asks the Commission to investigate the usefulness and accuracy of aerosol spray labeling and the honesty of manufacturers in the promotion of aerosol products. The Commission has undertaken an investigation of consumers' awareness of labeling on aerosolized household products which are associated with injuries to consumers. This study will be used by the Commission staff to determine whether existing labeling requirements for aerosolized household products could be improved to reduce or eliminate risks of injury associated with those products.

With regard to misleading or deceptive promotion (other than mislabeling) of aerosolized household products, the Commission notes that the Federal Trade Commission is the agency of the federal government with primary jurisdiction over such practices. Section 5 of the Federal Trade Commission Act authorizes the Federal Trade Commission to prevent "unfair or deceptive practices" directed toward consumers. The Commission therefore believes this request would more appropriately be directed to the FTC.

#### B. PAM CLUB PETITION

PAM is an aerosol product used for the lubrication of cooking surfaces. Since portions of such products inevitably become commingled with the food being cooked and because it is an edible substance, the Commission believes the product to be a "food" subject to regulation under the Federal Food, Drug, and Cosmetic Act, *supra*. The propellant, as discussed above, likewise becomes a "food" subject to regulation under FDCA. Accordingly, because the CPSC lacks subject matter jurisdiction, the PAM Club petition is denied insofar as it requests a ban of the product "PAM".

The PAM Club petition further requests the Commission to ban all aerosols which have caused more than three confirmed deaths per year due to inhalation, and seeks a ban on all aerosols containing "Freon-11" and "Freon-12" mixtures." The Commission interprets this request to apply to all aerosols regardless of whether they contain a food, drug, cosmetic or pesticide. As noted above, the Commission's jurisdiction extends only to propellants in aerosol products which are not considered foods, drugs, cosmetics or pesticides.

Regarding the part of the petition which requests a ban on "specific aerosol products which have caused more than three confirmed deaths as a result of inhalation of the propellant . . ." the Commission believes this language is too vague for regulatory purposes. More importantly, however, the Commission disagrees with the establishment of a "death count" approach to regulation of product safety. It seems clear that the

<sup>1</sup> "Freon-11" and "Freon-12" are trade names of Dupont Corporation for certain fluorocarbon compounds.

petitioner's intent is to have the Commission respond with regulatory action before a substantial number of deaths occur and that three deaths associated with a specific problem is an adequate early warning signal. The Commission intends to fully investigate alleged problems with aerosol products under its jurisdiction when brought to its attention, and to take action where warranted. A specified number of deaths need not be the criterion for initiating regulatory action. Therefore the Commission denies the specific request to ban an aerosol product whenever three deaths have occurred as a result of inhalation of the propellant.

Regarding the portion of the petition requesting a ban on "all aerosols containing both Freon 11 and Freon 12 in a mixture", the Commission is unaware of evidence that "Freon-11" and/or "Freon-12", when used in conjunction with any product within CPSC's jurisdiction, is being misused by intentional inhalation to any extent requiring regulation. Therefore, the Commission does not at this time believe it is appropriate or necessary to initiate regulatory action.

Accordingly, for the foregoing reasons, the Commission finds that the petition fails to present reasonable grounds for the banning of any product within its jurisdiction and therefore denies requests for such bans without prejudice.

In taking this action the Commission is not ignoring the increasing problem associated with abuse of inhaling aerosols. As the Commission recognizes the possibility that certain aerosol products within its jurisdiction may pose the same hazard as "PAM", it plans to undertake a major information and education campaign to inform consumers of this problem. It is believed that this can be an important step in eradicating misuse, although it must be done with great caution as publicity can in fact aggravate the problem.

Dated: July 18, 1975.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.75-19226 Filed 7-23-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 403-5; PP5G1528/T3]

### BACILLUS THURINGIENSIS BERLINER Extension of Temporary Exemption From Requirement of a Tolerance

On July 29, 1974, notice was given (39 FR 27501) that the Environmental Protection Agency (EPA) had granted a temporary exemption from the requirement of a tolerance for residues of the microbial insecticide *Bacillus thuringiensis* Berliner in or on the raw agricultural commodity almonds to the University of California, Berkeley CA 94720. This temporary tolerance exemption was granted in response to a pesticide petition (PP 5G1528) filed by the University of California effective July 23, 1974, until

July 23, 1975. An experimental use permit was issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The experimental use permit is being extended to allow the University of California to continue testing to obtain additional experimental data. Therefore, the petitioner has requested a one-year extension of this temporary tolerance exemption. This extension would permit the marketing of the raw agricultural commodity treated in accordance with the experimental use permit. In addition, the petitioner has requested that the extension provide for a temporary exemption for residues resulting from both the pre-harvest and post-harvest application of the microbial insecticide to almonds. The data submitted in the petition and other relevant material have been evaluated. It has been determined that such an extension of the temporary tolerance exemption will protect the public health. Therefore, the temporary tolerance exemption is extended as requested for the microbial insecticide for distribution under the University of California, Berkeley, name and on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active insecticide to be used must not exceed the quantity authorized by the permit.

2. The University must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or Food and Drug Administration.

This temporary tolerance exemption expires July 23, 1976. Residues remaining in or on the raw agricultural commodity almonds after the expiration date will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance.

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: July 18, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-19145 Filed 7-23-75;8:45 am]

[FRL 403-6; OPP-33000/287]

### NOTICE OF 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 each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before September 22, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 22, 1975.

Dated: July 17, 1975.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/287)

EPA File Symbol 15887-RL. Agricultural Chemicals of Dallas, 3707 E Kiest Blvd., Dallas TX 75203. HI BRAND DURS BAN HOUSEHOLD INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.5%; Pyrethrins 0.1%; Piperonyl butoxide, technical 0.2%; N-octyl bicycloheptene dicarboximide 0.3%; Aromatic petroleum derivative solvent 1.0%; Petroleum distillate 97.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 8590-UTN. Agway Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. AGWAY AGRAZINE 4L. Active Ingredients: Atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) 40.8%; Related compounds 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

- EPA File Symbol 8590-UAO. Agway Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. CRABGRASS & POA ANNUA CONTROL WITH BALAN. Active Ingredients: (N-butyl-N-ethyl- $\alpha,\alpha,\alpha$ -trifluoro-2,6-dinitro-*p*-toluidine 1.15%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA Reg. No. 204-105. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. BUTYRAC 200. Active Ingredients: 4-(2,4-Dichlorophenoxy) butyric acid, dimethylamine salt 25.9%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use. PM23.
- EPA File Symbol 6125-EG. Bixon Chem. Co., 50-19-97 11th Place, Corona NY 11365. WEED KILLER C WITH DRIFT CONTROL. Active Ingredients: Petroleum oil 96.00%; 2,4-Dichlorophenoxyacetic acid isooctyl ester 1.10%; Bromacil (5-bromo-3-sec-butyl-6-methyl-luracil) 0.61%; Pentachlorophenol 0.79%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 5887-RNT. Black Leaf Products Co., 667 N State St., Elgin IL 60120. BLACK LEAF TOMATO AND VEGETABLE SPRAY KILLS INSECTS. Active Ingredients: Pyrethrins 0.02%; Piperonyl butoxide, technical 0.25%; Rotenone 0.13%; Other cube resins 0.26%; Petroleum Distillate 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 21226-E. Cardinal Maintenance Supplies, 327 Cory St., Montgomery AL 36107. CARDINAL PINE ODOR 13 DISINFECTANT. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.
- EPA File Symbol 21228-R. Cardinal Maintenance Supplies, 327 Cory St., Montgomery AL 36107. CARDINAL PINE ODOR 6 DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.
- EPA File Symbol 14150-G. Central Cleaning Service & Supply, 1124 La Fayette Rd., Rossville GA 30741. PINE-ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.
- EPA File Symbol 14150-E. Central Cleaning Service & Supply. LEMON ODOR DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 14150-R. Central Cleaning Service & Supply. MINT ODOR DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 4450-UN. Chemex Chemical & Coatings Co., PO Box 5072, Tampa FL 33675. CHEMEX PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.
- EPA File Symbol 3282-UG. The d-con Co., Inc., 90 Park Ave., New York NY 10016. NEW CHILD-GUARDIAN CAP D-CON STAY/AWAY OUTDOOR FOGGER. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.20%; Piperonyl butoxide, technical 0.50%; N-octyl bicycloheptene dicarboximide 0.50%; 2-Hydroxyethyl-n-octyl sulfide 1.42%; Related compounds 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 464-LEI. The Dow Chemical Co., PO Box 1706, Midland MI 48640. BRUSH KILLER TX HERBICIDE. Active Ingredients: 2,4,5-Trichlorophenoxyacetic Acid, Butoxy Propyl Esters 69.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 464-LET. The Dow Chemical Co., PO Box 1706, Midland MI 48640. BRUSH KILLER X HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butoxy Propyl Esters 36.0%; 2,4,5-Trichlorophenoxyacetic Acid, Butoxy Propyl Esters 34.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 5736-LU. Dubois Chemicals, Div. of Chemed Corp., 3630 E Kemper Rd., Sharonville OH 45241. D-SLIME, ALGICIDE/BACTERIOSTAT. Active Ingredients: n-Alkyl (7% C8, 6.5% C10, 5.3% C12, 19% C14, 8.5% C16, 6% C18)-1,3-Propanediamine 15.0%; Isopropyl Alcohol 15.0%; 2,4,5-Trichlorophenol 9.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.
- EPA Reg. No. 352-291. E. I. du Pont de Nemours & Co., Inc., Blochemicals Dept., 6054 Du Pont Bldg., Wilmington DE 19898. MANZATE D MANEB FUNGICIDE. Active Ingredients: Maneb (Manganese ethylenedisulfocarbamate) 80%; (Manganese equivalent as metallic 16.5%). Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 11694-TA. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. DC-1250. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Di-octyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 6.000%; Tetrasodium Ethylenediamine tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.
- EPA File Symbol 11694-TL. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. DC-425 CLEANER-DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 4.25%; Tetrasodium ethylenediamine tetraacetate 1.60%; Sodium carbonate 2.00%; Sodium metasilicate, anhydrous 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.
- EPA File Symbol 6621-AO. Eagle Chemical Co., 2819 W Lake St., Chicago IL 60612. INDUSTRIAL SANITIZING-SOFTNER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 3.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 56-UA. J. T. Eaton & Co., Inc., 10311 Meech Ave., Cleveland OH 44105. EATON'S WATER-SOLUBLE RAT & MOUSE KILLER CONCENTRATE WITH NATURAL SUGAR ADDED. Active Ingredients: Sodium Salt of Diphacinone 0.106%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.
- EPA File Symbol 270-RER. Farnam Companies, Inc., 2230 E. Magnolia St., Phoenix AZ 85036. FURA OINTMENT PLUS. Active Ingredients: Nitrofurazone 0.2%; Di-n-propyl isocinchomeronate 1.0%; Pyrethrins 0.2%; Piperonyl Butoxide Technical (equivalent to 0.40% (Butylcarbityl) (6-Propylpiperonyl) ether and 0.10% of related compounds) 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 1304-AE. Furst-McNess Co., 120 E. Clark St., Freeport IL 61032. MCNESS RABON LIVESTOCK DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.
- EPA File Symbol 904-EUU. B. G. Pratt Div., Gabriel Chemicals Ltd., 204 21st Ave., Paterson NJ 07509. PRATT EMULSIFIABLE ROACH AND ANT REPELLENT CONCENTRATE. Active Ingredients: 2-Hydroxyethyl-n-octyl sulfide 4.75%; Other related compounds 0.25%; N-octyl bicycloheptene dicarboximide 10.00%; Petroleum distillate 75.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM 17.
- EPA File Symbol 35303-R. Garden Of Alwyn, Inc., PO Box 450222, Miami FL 33145. GARDEN GUARD. Active Ingredients: Pyrethrins 0.025%; Piperonyl Butoxide, Technical 0.256%; Rotenone 0.128%; Other cube extractives 0.237%; Folpet: N-Trichloromethylthio Phthalimide 0.700%; Carbaryl; 1-naphthyl N-methylcarbamate 1.000%; Petroleum Distillate 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.
- EPA File Symbol 9754-A. Gro-Lyfe, a Div. of Sungro Chem., Inc., PO Box 24632, Los Angeles CA 90024. SUNBUGGER #6 SPRAY CONCENTRATE. Active Ingredients: Malathion 10.00%; Aromatic Petroleum Distillate 84.80%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.
- EPA File Symbol 5905-UUT. Helena Chemical Co., 5100 Poplar Ave., Suite 3200, Memphis TN 38137. DI-WORM. Active Ingredients: Bacillus thuringiensis, Berliner 4,320 I.U.'s per mg. At least 6.75 billion viable spores per gram 0.86%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 334-UER. Hysan Corp., 919 W 38th St., Chicago IL 60609. PS 350 DOUBLE ACTION INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related Compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 12596-E. Mihelich's Nursery, 14300 Toepfer, Warren MI 48089. ANT AND GRUB CONTROL. Active Ingredients: Technical Chlordane 45%; Petroleum Hydrocarbon 45%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.
- EPA File Symbol 12956-R. Mihelich's Nursery, 14300 Toepfer, Warren MI 48089. SUPER ANT AND GRUB CONTROL. Active Ingredients: Technical Chlordane 75.00%; Petroleum Hydrocarbon 20.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.
- EPA File Symbol 9556-EL. Ortex Products Inc., 560 Ferry St., Newark NJ 07105. ORTEX WINTERIZING TABLETS. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

- EPA File Symbol 9556-EE. Ortex Products Inc., 560 Ferry St., Newark NJ 07105. ORTEX POOL STAY WINTERIZER. Active Ingredients: Trichloro-s-Triazinetrone 50%, Sodium Bicarbonate 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.
- EPA File Symbol 8503-RE. Products Chemical Co., 3045 E 87th St. Cleveland OH 44104. PRO CHEM 200 GERMICIDAL CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.
- EPA File Symbol 37296-E. Product-Sol, Inc., 2010 Cole, Birmingham MI 48008. BIODERM 400. Active Ingredients: 2,2-Dibromo-3-nitropropionamide 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA Reg. No. 11273-S. Sandoz, Inc., Crop Protection, PO Box 1489, Homestead FL 33030. THURICIDE-HP. Active Ingredients: Bacillus thuringiensis Berliner, potency of 16,000 International Units (at least 30 million viable spores) per milligram 3.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 11511-EA. Shalco Chem. Co., PO Box 2508, 2421 Lexington Ave., Toledo OH 43606. SHALCO 2,4-D SELECTIVE WEED CONTROL. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic acid 19.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 11511-EG. Shalco Chem. Co. SHALCO AMINE SELECTIVE WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 26.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 11511-GG. Shalco Chem. Co. SHALCO 2,4-D SELECTIVE WEED KILLER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic acid 39.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 11511-EL. Shalco Chem. Corp. SHALCO WEED KILLER AND SEMI-SOIL STERILANT. Active Ingredients: Petroleum Solvent 94.94%; 2,4-Dichlorophenoxyacetic acid, isooctyl ester 1.09%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.98%; Pentachlorophenol 0.80%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.
- EPA File Symbol 11511-EL. Shalco Chem. Corp. SHALCO NON-SELECTIVE VEGETATION KILLER. Active Ingredients: Petroleum Oil 98.10%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.72%; Pentachlorophenol 0.86%; Other Chlorophenols 0.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.
- EPA File Symbol 11511-EU. Shalco Chem. Corp. SHALCO CONTACT VEGETATION KILLER. Active Ingredients: Diquat dibromide [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium dibromide] 1.85%. Application proceeds under 2(c) of interim policy. PM24.
- EPA File Symbol 35967-R. Summit Hill Labs., PO Box #1, Avalon NJ 08282. VETERINARY UMBREL GEL. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.25%; Related compounds 0.03%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 148-REGU. Thompson-Hayward Chem. Co., PO Box 2382, Kansas City KS 66110. PHOSMET 50-WP. Active Ingredients: N-(mercaptomethyl)phthalimide, S-(0,0-dimethyl phosphorodithioate) 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.
- EPA File Symbol 148-REGO. Thompson-Hayward Chemical Co. METHOXYCHLOR 50 WETTABLE POWDER. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.
- EPA File Symbol 148-REGE. Thompson-Hayward Chemical Co. BARBAN THE POST-EMERGENCE WILD OAT HERBICIDE. Active Ingredients: Barban (4-chloro-2-butynyl m-chlorocarbamate) 11.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA File Symbol 148-REUA. Thompson-Hayward Chemical Co. CAPTAN 50 WP. Active Ingredients: N-[(trichloromethyl)thio]-4-cyclohexene - 1,2 - dicarboximide 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-REUL. Thompson-Hayward Chemical Co. CAPTAN 80-WP. Active Ingredients: Captan: N-(trichloromethylthio)-4-cyclohexene - 1,2 - dicarboximide 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-REUU. Thompson-Hayward Chemical Co. SIMAZINE 4G GRANULAR HERBICIDE. Active Ingredients: simazine (2-chloro-4,6-bis-[ethylamino]-s-triazine) 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.
- EPA File Symbol 148-REUG. Thompson-Hayward Chemical Co. SIMAZINE 80W HERBICIDE. Active Ingredients: Simazine: 2-chloro-4,6-bis (ethylamino)-s-triazine 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.
- EPA File Symbol 148-REUE. Thompson-Hayward Chemical Co. MANEB 80 WP. Active Ingredients: Maneb (Manganese ethylenedisulfocarbamate) 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-RELR. Thompson-Hayward Chemical Co. DODINE 65-W FRUIT FUNGICIDE. Active Ingredients: Dodine (n-dodecylguanidine acetate) 65.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-REUI. Thompson-Hayward Chemical Co. PROPACHLOR 20 GRANULAR HERBICIDE. Active Ingredients: 2-Chloro-N-isopropylacetanilide 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA File Symbol 148-REUO. Thompson-Hayward Chemical Co. PROPACHLOR 65 HERBICIDE. Active Ingredients: 2-chloro-N-isopropylacetanilide 65%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA File Symbol 148-RELL. Thompson-Hayward Chemical Co. TOXAPHENE TECHNICAL. Active Ingredients: Toxaphene 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.
- EPA File Symbol 148-REEO. Thompson-Hayward Chemical Co. ZINEB 75 WETTABLE POWDER FUNGICIDE. Active Ingredients: Zineb (Zinc ethylene bisdithiocarbamate) 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-REGA. Thompson-Hayward Chemical Co. MCPA ACID. Active Ingredients: 2-Methyl-4-chlorophenoxyacetic acid 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 148-REUR. Thompson-Hayward Chemical Co. MANEB TECHNICAL. Active Ingredients: Maneb: Manganese ethylenedisulfocarbamate 90.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-RELE. Thompson-Hayward Chemical Co. DODINE TECHNICAL. Active Ingredients: Dodine (n-dodecylguanidine acetate) 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-REUT. Thompson-Hayward Chemical Co. CAPTAN TECHNICAL. Active Ingredients: Captan: N-Trichloromethylthio-4-cyclohexene - 1,2 - dicarboxamide 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-REGN. Thompson-Hayward Chemical Co. ZINEB TECHNICAL. Active Ingredients: Zineb: Zinc ethylenedisulfocarbamate 90%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.
- EPA File Symbol 148-REGR. Thompson-Hayward Chemical Co. BARBAN TECHNICAL. Active Ingredients: Barban: 4-chloro-2-butynyl n-chlorocarbamate 89.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA File Symbol 148-REGL. Thompson-Hayward Chemical Co. BARBAN TECHNICAL. Active Ingredients: Simazine: 2-chloro-4,6-bis(ethylamino)-s-triazine 96.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.
- EPA File Symbol 148-REEL. Thompson-Hayward Chemical Co. AZINPHOSMETHYL TECHNICAL. Active Ingredients: O,O-Dimethyl S-(4-oxo-1,2,3-Benzotriazin-3(4H)-yl)methyl phosphorodithioate 92.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.
- EPA File Symbol 148-RELA. Thompson-Hayward Chemical Co. SILVEX TECHNICAL. Active Ingredients: Silvex: 2-(2,4,5-Trichlorophenoxy)propionic acid 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 148-RELN. Thompson-Hayward Chemical Co. PROPACHLOR TECHNICAL. Active Ingredients: 2-Chloro-N-isopropylacetanilide 0.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA File Symbol 148-REVN. Thompson-Hayward Chemical Co. METHOXYCHLOR TECHNICAL. Active Ingredients: 2,2-Bis-(p-methoxyphenyl) - 1,1,1-trichloroethane 83.0%; Related Compounds 12.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.
- EPA File Symbol 148-REGL. Thompson-Hayward Chemical Co. METHYL PARATHION TECHNICAL. Active Ingredients: O,O-Dimethyl O-p-nitrophenyl phosphorothioate 80.0%; Xylene 17.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.
- EPA File Symbol 148-REGT. Thompson-Hayward Chemical Co. PARATHION TECHNICAL. Active Ingredients: O,O-Diethyl O-p-nitrophenyl phosphorothioate 95.0%; Xylene 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.
- EPA File Symbol 148-REGG. Thompson-Hayward Chemical Co. PHOSMET TECHNICAL. Active Ingredients: N-(mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate) 97.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.
- EPA File Symbol 148-RELU. Thompson-Hayward Chemical Co. MALATHION TECHNICAL. Active Ingredients: Malathion 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 148-RELG. Thompson-Hayward Chemical Co. ENDOSULFAN TECHNICAL Active Ingredients: Endosulfan: Hexachlorocyclohexane-2,4,3-benzodioxathiepin-3-oxide 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 10873-UI. Tifton Chem. Co., PO Box 5, Tifton GA 31794. TIFCHEM LIQUID SULPHUR. Active Ingredients: Sulphur 52.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 10485-RT. United Chemical Corp., 601 N Leech, PO Box 1499, Hobbs NM 88240. ALPHA 542 WATER TREATMENT MICROBICIDE. Active Ingredients: Sodium Pentachlorophenate 11.85%; Sodium Salts of Other Chlorophenols 1.65%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 1270-ROI. Zep Mfg. Co., PO Box 2015, Atlanta GA 30301. ZEP X-6875. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related Compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%; d-Trans Allethrin 0.150%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

[FR Doc.75X19146 Filed 7-23-75;8:45 am]

[FRL 403-2]

#### SCIENCE ADVISORY BOARD, ECOLOGY ADVISORY COMMITTEE

##### Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 1:00 p.m., August 15, 1975, in the Conference Room, Corvallis Environmental Research Laboratory, 200 S.W. 35th Street, Corvallis, Oregon.

This meeting is the fourth meeting of the Ecology Advisory Committee. The agenda includes the following topics: the tussock moth as a problem of the Pacific Northwest; the Alaska Pipe Line; the acid precipitation problem; and status report on the *Ad Hoc* Study Group evaluation of the Technical Bulletin on Acceptable Methods for the Utilization or Disposal of Sludges.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information, should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

THOMAS D. BATH,  
Staff Director  
Science Advisory Board.

[FR Doc.75-19142 Filed 7-23-75;8:45 am]

[FRL 399-1]

#### UNDERGROUND INJECTION CONTROL

##### Designation of States Requiring Programs

Section 1422(a) of the Public Health Service Act ("the Act"), as amended by the Safe Drinking Water Act, P.L. 93-523, provides that within 180 days of enactment of the Safe Drinking Water Act the Administrator of the Environmental Protection Agency shall list in the

*Federal Register* "each State for which in his judgment a State underground injection control program may be necessary to assure that underground injection will not endanger drinking water sources." That 180-day period ended on June 14, 1975. Section 1422(a) also provides that the list of States may be amended from time to time.

It is anticipated that each of the 50 States, and possibly the District of Columbia or one or more of the territories or possessions of the United States will eventually be designated by the Administrator. However, the Administrator's judgment with respect to each State must be a reasoned judgment based on pertinent information.

The designation of States requiring underground injection control programs is directly related to the development of regulations for State underground injection control programs pursuant to Section 1421 of the Act and to the assessment of information on the incidence of ground water pollution. The proposed regulations for State programs are expected to be proposed for public comment this fall. The development of those regulations includes the collection of data pertinent to the designation of States requiring control programs. It also involves statutory interpretation pertinent to State designations.

The Agency's final review of the necessity of an underground injection control program with respect to each State cannot be completed until the information described above is considered. It is anticipated that the desired additional information will be available in time to publish the list of States this fall. This will be after publication of the proposed State program regulations, but prior to promulgation of those regulations. States designated at that time will be able to review and comment on the proposed regulations with the knowledge that the regulations will apply to their State programs. The proposed scheduling will enable States to understand the program requirements which would be applicable and formulate plans for assuming primary program responsibility accordingly.

Dated: July 15, 1975.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc.75-19148 Filed 7-23-75;8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

##### CANADA-U.S.A. TV AGREEMENT OF 1952

##### Amendment of Table

##### Supplement No. 1

JULY 17, 1975.

(To the table of Canadian television channel allocations within 250 miles of the Canada-U.S.A. border, dated December 6, 1974, as revised to September 12, 1974)

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A

of the Canadian-U.S.A. Television Agreement has been amended as follows:

City and province	Channel No.	
	Delete	Add
British Columbia:		
Fernie.....	8+ L <sup>1</sup>	8 L <sup>1</sup>
Ladysmith.....	29	
Lake Cowichan.....	29	
Sooke.....	33	
Manitoba:		
Birch River.....	13	
Ste. Rose du Lac.....		3+ L <sup>1</sup>
Nova Scotia:		
Halifax.....	13 L <sup>2</sup>	13 L <sup>4</sup>
Ontario:		
Chatham.....	43 <sup>3</sup>	43 <sup>4</sup>
Driftwood.....	74	74
London.....	18 <sup>7</sup>	18 <sup>8</sup>
Opasatika.....	71	71
Penetanguishene.....	34	34
Windsor.....	75 <sup>9</sup>	75 <sup>10</sup>
Quebec:		
Maciville.....	4 L <sup>11</sup>	
Normandin.....	10	
Roberval.....		10
St. Fabien de Panet.....		13 L <sup>12</sup>
St. Jerome.....		4 L <sup>13</sup>
Saskatchewan:		
Arabella.....		7- L <sup>14</sup> , 13 L <sup>14</sup>
Prince Albert.....	13+	9+ L <sup>15</sup>
Regina.....	13-	13- L <sup>16</sup>
Saskatoon.....		13 L <sup>14</sup>

<sup>1</sup> L=Limitation of 1,000 W maximum ERP and -1,804 ft EHAAT.

<sup>2</sup> L=Limitation to protect CKOS-TV, Yorkton, Saskatchewan, and CBWFT, Winnipeg, Manitoba.

<sup>3</sup> L=Limitation to protect CBCT, Charlottetown, Prince Edward Island, and WMED-TV, Calais, Maine.

<sup>4</sup> L=Limitation to protect CBCT, Charlottetown, Prince Edward Island, and WMED-TV, Calais, Maine. Moreover, this channel shall not prejudice the future use of channel 13 at Calais, Maine.

<sup>5</sup> Approximate site location: Lat. 42°25'40" N., long. 82°07'14" W.

<sup>6</sup> Approximate site location: Lat. 42°27'00" N., long. 82°05'00" W.

<sup>7</sup> Approximate site location: Lat. 42°57'15" N., long. 81°15'58" W.

<sup>8</sup> Approximate site location: Lat. 42°57'20" N., long. 81°21'20" W.

<sup>9</sup> Approximate site location: Lat. 42°08'28" N., long. 82°51'40" W.

<sup>10</sup> Approximate site location: Lat. 42°09'09" N., long. 82°57'09" W.

<sup>11</sup> L=Limitation to protect CBOT, Ottawa, Ontario, and CFQM-TV, Quebec, Province of Quebec.

<sup>12</sup> L=Limitation of 45 W toward WMED-TV, Calais, Maine, and maximum effective radiated power of 1,114 W at 25° and 240° azimuth at 485 ft AHAAT. Moreover, this channel shall not prejudice the future use of channel 13 at Calais, Maine.

<sup>13</sup> L=Limitation to protect CBWIT, The Pas, Manitoba, and CFSS-TV, Carleton Place, Saskatchewan.

<sup>14</sup> L=Limitation to protect an allocation at Regina, Saskatchewan.

<sup>15</sup> L=Limitation to protect CBKST-1, Stranraer, Saskatchewan.

<sup>16</sup> L=Limitation to protect an allocation at Saskatoon, Saskatchewan.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

Copies of the basic Table of Allocations may be obtained from Downtown Copy Center, 1730 K Street, N.W., Washington, D.C. 20006, telephone (202) 452-1422.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau,  
Federal Communications Commission.

[FR Doc.75-19243 Filed 7-23-75;8:45 am]

[Docket No. 20524, File No. BPH-9138;  
Docket No. 20525, File No. BPH-9246]

#### BOULDIN CORP. ET AL.

##### Designating Applications for Consolidated Hearing on Stated Issues

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to

delegated authority, has before it the two above-captioned applications, which are mutually exclusive in that they seek the same channel in Huntingdon, Tennessee.

2. Because of the failure of Ernest Vickers, Jr., d/b as Magic Valley Broadcasting Co., to submit a demographic breakdown of Huntingdon, the Commission is unable to determine whether the individuals consulted by the applicant are representative of the composition of the community. Additionally, the applicant failed to contact any labor union officials, students and women in its community leader survey. In light of the requirements of questions and answers 9 and 13(b) of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, an appropriate issue will be specified.

3. Based on data submitted by the applicant, Ernest Vickers, Jr., will require \$129,920 to construct and operate the proposed station for one year, itemized as follows:

Equipment .....	\$30,500
Miscellaneous items .....	3,146
Working capital .....	36,274
Principal payments on loan .....	50,000
Estimated interest on loan at 10 percent .....	10,000
<b>Total .....</b>	<b>129,920</b>

The applicant states in the financial portion of his application that he intends to construct and finance the station out of existing cash and operating reserves. Nonetheless, he submits a letter from the Farmer's and Merchant's Bank of Trezevant, Tennessee, extending him a one year loan, renewable for an additional twelve months, in the amount of \$100,000. Mr. Vickers' balance sheet, however, is undated and as such cannot be relied upon. Moreover, if it were dated, it would fail to show sufficient net current liquid assets to meet the \$129,920 requirement. Among other things, the "listed stocks" are not sufficiently identified and current liabilities are not segregated from long term liabilities as required by instruction 4(b) of section III of the application. Finally, the bank loan cannot be relied upon as it fails to state the rate of interest and whether or not any collateral will be required. See instruction 4(e) of section III. Accordingly, a general financial issue will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. IT IS ORDERED, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Ernest Vickers, Jr., d/b as Magic Valley Broadcasting Co., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs

and interests.

2. To determine whether Ernest Vickers, Jr., d/b as Magic Valley Broadcasting Co., is financially qualified to construct and operate the proposed station.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. IT IS FURTHER ORDERED, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: July 8, 1975.

Released: July 17, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

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

[FR Doc.75-19241 Filed 7-23-75; 8:45 am]

[Docket No. 20534, File No. BPH-8406; Docket No. 20535, File No. BPH-9069]

RAY SMITH, ET AL.

Designating Applications for Consolidated  
Hearing on Stated Issues

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority has before it the applications of Ray Smith [Smith] and Camden Broadcasting Company, Inc. [CBC], which are mutually exclusive in that they seek the same channel in Camden, Tennessee.<sup>1</sup>

<sup>1</sup> Also before the Commission are a petition to deny the CBC application, filed by Smith, and responsive pleadings thereto. This petition raised identical allegations concerning both the CBC application and that of Carroll Broadcasting Corporation [Carroll], the majority shareholder of which is the sole shareholder of CBS, to assign the license for station WKTA(FM), McKenzie, Tennessee (File No. BALH-2045). In the course of a grant of the assignment application, the Commission considered all the contentions presented by Smith, and found them to be without merit. *Camden Broadcasting Company, Inc.*, FCC 75-589 (Adopted May 20, 1975). As the Commission has previously denied the petition, no further consideration of it is warranted.

2. Analysis of the financial data submitted by CBC reveals that the applicant will require \$43,592 for construction and operation of the proposed facility for a period of one year, without revenue, itemized as follows:

Downpayment on equipment .....	\$9,740
Payment on equipment balance .....	9,740
Interest on equipment balance .....	3,312
Land .....	3,000
Buildings .....	1,000
Miscellaneous .....	4,000
Principal payment on bank loan .....	2,000
Interest payment on bank loan .....	800
Working capital (1st-year) .....	10,000
<b>Total .....</b>	<b>43,592</b>

To meet this requirement, CBC relies on a \$10,000 loan from the Bank of Camden, and up to \$30,000 in funds derived from the existing operation of WFWS (AM), Camden, Tennessee, licensed to CBC. However, the Commission cannot verify the availability of more than \$20,000 from the operation of WFWS, as the cash flow of that station will not support a commitment of more than this amount. In addition, CBC has neglected to submit the personal guarantee of Michael R. Freedland, the president of the corporation; the bank loan expressly states that the guarantee of Mr. Freedland serves as the collateral for the transaction. As such, this information is to be associated with the application, pursuant to the instructions of section III, paragraph 4(e) of FCC Form 301, for without the requisite guarantee, the Commission cannot conclude that the funds to be supplied by the bank will be available to the applicant. Thus, CBC has demonstrated the availability of but \$20,000 in order to defray anticipated costs of \$43,592 for the construction and operation of the proposed station.<sup>2</sup> Accordingly, an appropriate issue will be designated concerning CBC's financial qualifications.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, IT IS ORDERED, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of CBC:

a. Whether CBC will have available the funds committed by the Bank of Camden;

b. Whether, in the event that the loan from the Bank of Camden is available to CBC, the necessary additional funds are available to CBC to meet the deficiency in the proposal of the applicant;

<sup>2</sup> We note that, even were the applicant's financial proposal fully satisfactory, CBC would have a deficiency of \$3,592 from that required to construct and operate the facility, as proposed.

c. Whether, in light of the evidence adduced pursuant to issues 1(a), and (b), above, CBC is financially qualified to construct and operate its proposed station.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

5. IT IS FURTHER ORDERED, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: July 9, 1975.

Released July 17, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

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

[FR Doc.75-19242 Filed 7-23-75;8:45 am]

[FCC 75-843]

#### NOTIFICATION OF RESPONSIBILITY FOR FULL AMOUNT OF ANNUAL LICENSE FEES DUE

##### Stations Sold Since the Previous Payment

JULY 17, 1975.

The Commission has received inquiries concerning a licensee's responsibility for the payment of annual fees if the station has been sold during the period since the previous payment of annual license fees. In the *Notice of Proposed Rule Making* in Docket No. 19658, the fee proceeding in which the Commission adopted the 1975 fee schedule, we said:

79. It is contemplated that under the new fee schedule the party who is the licensee of a broadcast station or the owner of a cable system on the date the annual fee falls due (the anniversary date of expiration of license for broadcast station licensees, and April 1 for cable television system owners) will be liable for the entire fee regardless of whether that party was the licensee or owner for the entire year which the fee covers. (37 Fed. Reg. 28574, at 28582, adopted December 13, 1972).

Moreover, the foregoing policy has been consistently applied since the broadcast

annual license fees were promulgated in 1970. (E.g., letter to Station WNJU-TV, Linden-Newark, New Jersey, dated May 27, 1971, referred to in *Broadcasting of June 7, 1971*, page 33.)

The licensee is also responsible for the payment of the recalculated annual fees that are due August 1, 1975. At the time that the Commission suspended the payment of annual license fees for broadcast stations pending a study of the effect of the case of *National Cable Television Association, Inc. v. U.S.*, 415 U.S. 336 (1974), on broadcast annual fees, it stated that the appropriate fee for the period in suspension would be announced after further proceedings. So broadcast licensees were on notice of likely future liability for the annual license fees for the period that payment was suspended. The parties should have provided for reserves or other saving clauses, if desired, against future liability in the contracts of purchase and sale that were the basis for the change of ownership applications.

Thus, on either the anniversary date of the expiration of the license or August 1, 1975 (for the recalculated annual license fees), as the case may be, the licensee shall remit the full amount of the annual license fee that is due under Section 1.1111 of the Commission's rules.

Action by the Commission July 16, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-19244 Filed 7-23-75;8:45 am]

#### FEDERAL ENERGY ADMINISTRATION

##### CONSOLIDATION OF ADMINISTRATIVE PROCEDURES RELATING TO OIL IMPORTS

###### Hearing

On July 1, 1975, the Federal Energy Administration (FEA) issued proposed regulations to abolish the Oil Import Appeals Board effective August 1, 1975, and consolidate its functions with the Office of Exceptions and Appeals (40 FR 28481, July 7, 1975). No public hearing was scheduled in connection with the proposal, though FEA stated that it would "provide such a hearing (postponing the effective date of these amendments, if necessary) if a significant number of persons indicate that such a hearing would be desirable." Since issuance of the notice of proposed rulemaking, substantial interest has been shown in this connection. FEA has, therefore, determined that a hearing in this matter would be appropriate. As a result of scheduling requirements, it will be necessary to postpone the effective date of these amendments.

The public hearings will be held beginning at 9:30 a.m., e.d.s.t., on August 8, 1975, in room 2105, 2000 M Street, N.W., Washington, D.C. Any person who has an interest in these changes, or who is a representative of a group or class of

persons which has such an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, Room 3309, Federal Energy Administration, Box DP, the Federal Building, Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.s.t., July 31, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through August 6, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., August 4, 1975, and must submit 100 copies of his statements to Executive Communications, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., August 7, 1975.

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

Any interested person may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., August 5, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection in the Administrator's Reception Area, Room 3400, FEA, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

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

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

[FR Doc.75-19221 Filed 7-21-75; 12:17 pm]

## FEDERAL POWER COMMISSION

[Project No. 2146]

### ALABAMA POWER CO.

#### Application for Approval of a Proposed Easement

JULY 17, 1975.

Public notice is hereby given that application for permission to grant an easement for a proposed 230 kV transmission line has been filed under the FEDERAL POWER ACT (16 U.S.C. 791a-825r) by Alabama Power Company (correspondence to Mr. S. R. Hart, Vice President—Engineering, Alabama Power Company, 600 North 18th Street, P.O. Box 2641, Birmingham, Alabama 35291) to be located partly within the project boundary of constructed Coosa River Project No. 2146, located on the Coosa River in Elmore, Chilton, Coosa, Shelby, Talladega, St. Clair, Calhoun, Etowah and Cherokee Counties in Alabama and Floyd County, Georgia. The project land over which the proposed easement would be granted is in Floyd County, Georgia.

The application seeks Commission approval of a proposed easement to be granted by Alabama Power Company to Georgia Power Company to allow Georgia Power Company to construct and maintain a 230 kV transmission line across the project's Weiss Reservoir in Floyd County, Georgia. The proposed Aniston-Plant Hammond transmission line would cross the Big Cedar Creek arm of the reservoir on an 87.5-foot wide, 1.83 acre right of way parallel and adjacent to an existing Georgia Power Company transmission line. No towers would be located within the project boundary; and, pursuant to a United States Army Corps of Engineers' permit, a minimum clearance of 70 feet would be maintained between the conductors and the reservoir at normal pool level of 564 feet.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 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. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred

upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19153 Filed 7-23-75; 8:45 am]

[Docket No. CP76-10]

### ARKANSAS LOUISIANA GAS CO.

#### Application

JULY 17, 1975.

Take notice that on July 8, 1975, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP76-10 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the change of natural gas with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant alleges that Michigan Wisconsin and Applicant have available for exchange in the proximity of each other's pipeline system volumes of gas from gas reserves which they own or have the right to purchase. Applicant further alleges that Michigan Wisconsin and Applicant have entered into an exchange agreement dated May 8, 1975, for the mutual benefit of both parties that provides for a gas-for-gas exchange with adjustments for the Btu content of the gas. The proposed exchange points that would be constructed are at the tailgate of Applicant's plant in Custer County, Oklahoma, which Michigan Wisconsin would install own and operate, and at a point in Caddo County, Oklahoma, which Michigan Wisconsin would install and own and Applicant would operate. Deliveries to Michigan Wisconsin would be made at the Custer delivery point and deliveries to Applicant would be made at the Caddo delivery point. Deliveries would not exceed 25,000 Mcf of gas per day. The estimated cost of the proposed facilities to effectuate the exchange, a tap at each point of delivery, is stated to be approximately \$3,000, to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19154 Filed 7-23-75; 8:45 am]

### ARKANSAS-MISSOURI POWER CO.

[Docket No. E-9092]

#### Further Extension of Procedural Dates

JULY 17, 1975.

On July 9, 1975, Staff Counsel filed a motion to defer the procedural dates fixed by order issued November 29, 1974, as most recently modified by notice issued June 16, 1975. The motion states that the parties have been notified and have no objection.

Since the proposed settlement has not yet been filed, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, August 19, 1975.  
Service of Intervenor Testimony, September 2, 1975.  
Service of Company Rebuttal, September 19, 1975.  
Hearing, September 30, 1975 (10 a.m., Est.).

KENNETH F. PLUMS,  
Secretary.

[FR Doc.75-19155 Filed 7-23-75; 8:45 am]

[Project No. 2600]

**BANGOR HYDRO-ELECTRIC CO.****Application for Use of Project Property**

JULY 17, 1975.

Public notice is hereby given that application was filed on February 24, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by the Bangor Hydro-Electric Company (Correspondence to: Mr. Earle R. Webster, Executive Vice President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401) for Commission approval of a previously unauthorized Use of Project Property for Project No. 2600 on the Penobscot River in the Towns of Enfield and Howland in Penobscot County, Maine.

Applicant proposes to lease a parcel of project property to the Town of Enfield. This parcel, which contains approximately seven acres, is located on the east bank of the Penobscot River about 1000 feet below the project powerhouse.

The Town proposes to develop the parcel as a summer picnic site. Picnic tables, benches, nature walks, and a sanitary facility will be provided.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 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). 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. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or ini-

tial pleader to appear or be represented at the hearing before the Commission.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19156 Filed 7-23-75;8:45 am]

[Project No. 2732]

**CAROLINA POWER & LIGHT CO.****Application for Surrender of Preliminary Permit**

JULY 17, 1975.

Public notice is hereby given that application for surrender of preliminary permit has been filed under the FEDERAL POWER ACT (16 U.S.C. 791a-825r) by Carolina Power & Light Company (Correspondence to: William E. Graham, Esquire, Vice President and General Counsel, Carolina Power & Light Company, P.O. Box 1551, Raleigh, North Carolina 27602 and copies to Richard A. Brown, Esquire, Wald, Harkrader & Ross, 1320 Nineteenth Street, N.W., Washington, D.C. 20036) for the proposed Jackson County Pumped Storage Project No. 2732, to be located in Jackson County, North Carolina on Caney Fork, a tributary of the Tuskasegee River; and Frady Creek, a branch of Chastine Creek which is a tributary of Caney Fork.

On June 18, 1974, the Commission issued an order issuing preliminary permit to Carolina Power & Light Company (Permittee) to study the feasibility of the proposed 1,000 mW Jackson County Pumped Storage Project and affirmed that order on February 19, 1975. The Permittee seeks to surrender this permit citing the following reasons: (1) Permittee's analyses of sites for the Jackson County Pumped Storage Project (Project No. 2732) and the Madison County Pumped Storage Project (Project No. 2734, preliminary permit issued December 12, 1974) indicate the Jackson County site is less well adapted for development as a hydroelectric pumped storage facility than the Madison County site; (2) it is not necessary to pursue the investigation and development of more than one proposed site at this time due to changes in Permittee's generation plan and deferral of several fossil and nuclear units until the middle and late 1980's; and (3) surrender of the permit will allow more expeditious investigation of the apparently more adaptable Madison County site.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to

the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19157 Filed 7-23-75;8:45 am]

[Docket No. CP75-235]

**CLAJON GAS CO.****Petition To Amend**

JULY 17, 1975.

Take notice that on July 1, 1975, Clajon Gas Co. (Petitioner), 1730 M Street, N.W. Suite 501, Washington, D.C. 20036, filed in Docket No. CP75-235 a petition to amend the order of the Commission of May 7, 1975, pursuant to Section 1(c) of the Natural Gas Act by substituting Petitioner for West Texas Natural Gas Company (West Texas) as the entity declared exempt from the provisions of the Natural Gas Act, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by order issued May 7, 1975, West Texas was declared exempt from the provisions of the Natural Gas Act. Petitioner further states that West Texas was a wholly-owned subsidiary and was merged into Petitioner on June 20, 1975, and has ceased to exist. The petition to amend states that the merger has not resulted in any change in operations as described in the application of West Texas of February 13, 1975,<sup>1</sup> and that Petitioner will operate the system as was represented in the application. Petitioner requests that the Commission amend the order of May 7, 1975, in the instant docket by substituting Petitioner for West Texas as the entity declared exempt from the provisions of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 4, 1975, file with the Federal Power Commission, Washington, D.C. 20425, 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.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19158 Filed 7-23-75;8:45 am]

<sup>1</sup> Noticed in the Federal Register March 14, 1975 (40 FR 11947).

[Docket No. RP75-112]

**COLORADO INTERSTATE GAS CO.**  
Proposed Changes in FPC Gas Tariff

JULY 17, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on July 11, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 2. CIG states that the proposed changes will make effective Initial Rate Schedule X-54, a Letter Agreement between CIG and Northern Natural Gas Company, operating as Peoples Natural Gas Division (Peoples), which provides charges for increased delivery pressure for gas volumes delivered at the existing Hugo, Colorado, delivery point during the months of June, July, and August.

CIG further states that this filing is a resubmission of the initial rate schedule filed on June 16, 1975 and rejected by the Commission on June 27, 1975.

An effective date of July 1, 1975, is requested. CIG states that copies of the filing were mailed to Peoples.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 August 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19159 Filed 7-23-75;8:45 am]

[Docket No. RP75-28]

**EAST TENNESSEE NATURAL GAS CO.**  
Certification of Proposed Settlement

JULY 17, 1975.

Public notice is hereby given that on June 25, 1975, Presiding Administrative Law Judge Michel Levant, certified to the Commission for action a "Motion To Make Tariff Sheets Fully Effective And To Terminate Proceedings As Herein Requested," together with Exhibit No. 1, entitled "Final Report Of Technical Committee" as a proposed settlement to this proceeding. The instant proceeding was initiated by Commission order of November 27, 1974, which ordered, *inter*

<sup>1</sup>Original Sheet Nos. 47A, 74A, 74B, 74C and 74D; First Revised Sheet Nos. 35, 40, 53, 58, and 62; Second Revised Sheet Nos. 6, 10, 13, 22, 46, 47, 69, 70, 71, 72, 73, and 74; Third Revised Sheet No. 46; Fourth Revised Sheet Nos. 5, 9, 12, 23, and 27; Fifth Revised Sheet No. 23; and Ninth Revised Sheet No. 4.

*alia*, that hearings be held on the issues raised by East Tennessee Natural Gas Company's (East Tennessee) filing of October 31, 1975, which set forth a proposed curtailment plan for the East Tennessee system. Said curtailment plan, according to East Tennessee, was filed pursuant to Order No. 431 in Docket No. R-418, and pursuant to and in conformity with the Commission's orders in Docket No. R-469, as modified as to priority-of-service (2) by Commission Opinion No. 647-A.

The Presiding Judge notes that the certification of the proposed settlement to the Commission is supported by all parties appearing in the case, including Commission Staff. The Presiding Judge adds however, that while the instant, "motion is intended to effect a final disposition of this proceeding, a reservation has been made for further proceedings, as may be necessary, with respect to curtailments during the coming winter heating season, in accordance with the Commission's order of June 11, 1975."

The motion is in effect a request to end that instant proceeding, and with the concurrence of all parties to make East Tennessee's Order No. 467-B curtailment plan fully effective. Initial comments on the proposed settlement agreement may be filed with the Commission on or before August 8, 1975. Reply comments may be filed on or before August 29, 1975.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19160 Filed 7-23-75;8:45 am]

[Docket No. ID-1568]

**JAMES H. MILLER, JR.**  
Supplemental Application

JULY 17, 1975.

Take notice that on June 3, 1975, James H. Miller, Jr. (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director & Executive Vice Pres., Georgia Power Company, Public Utility.

Georgia Power Company (hereinafter sometimes referred to as "GEORGIA") has its principal place of business at 270 Peachtree Street, N.W., Atlanta, Georgia 30303, and is engaged in the generation and purchase of electric energy and the distribution and sale of such energy within the State of Georgia at retail in 646 communities (including Atlanta, Columbus, Augusta and Macon), as well as in rural areas, and the sale at wholesale of electric energy to 50 municipalities and to 39 rural distributing cooperative associations. In addition, Georgia is engaged in the production and sale of steam for heating purposes in the main business district of Atlanta.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5,

1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19161 Filed 7-23-75;8:45 am]

[Docket No. RP73-6]

**MISSISSIPPI RIVER TRANSMISSION CORP.**

Availability of Draft Environmental Impact Statement

JULY 25, 1975.

Notice is hereby given in the above Docket, that on July 25, 1975, a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket RP73-6 across the Mississippi River Transmission Company system.

This draft statement has been circulated to Federal, State and local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and at its Regional Offices located at 819 Taylor Street, Fort Worth, Texas 76102 and the 31st Floor, Federal Bldg., 230 S. Dearborn Street, Chicago, Illinois 60604.

Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-19162 Filed 7-23-75;8:45 am]

[Docket Nos. CI75-440; CI75-444]

**NORTH AMERICAN ROYALTIES, INC., ET AL.**

Withdrawal and Cancellation of Hearing

JULY 17, 1975.

On July 2, 1975, Texas Gas Transmission Corporation filed a motion to defer the procedural dates fixed by order issued June 9, 1975, in the above-designated matter.

Superseding the motion by Texas Gas on June 27, 1975, North American Royalties filed a motion to withdraw its application in the same Proceeding. On June 30, 1975, Robert J. Hewitt also filed

a motion to withdraw his application in the above proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of application filed in Docket No. CI75-440 shall become effective July 27, 1975. The withdrawal of the application filed in Docket No. CI75-444 shall become effective on July 30, 1975. The hearing scheduled for July 22, 1975 is cancelled.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-19162 Filed 7-23-75;8:45 am]

[Docket No. CP76-4]

**NORTHERN NATURAL GAS CO.**

**Application**

JULY 17, 1975.

Take notice that on July 3, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-4 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional delivery point for Iowa Public Service Company (IPS), in Black Hawk County, Iowa, and the transportation by displacement of gas for IPS, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant alleges that IPS is presently constructing a liquefied natural gas (LNG) plant on the outskirts of Waterloo, Black Hawk County, and has requested that Applicant install an additional point of delivery of natural gas for liquefaction and storage. Applicant states that volumes of gas so provided would be served from IPS's present contract demand. The estimated cost of the proposed delivery point to be located adjacent to the existing Waterloo TBS #1, is approximately \$45,000, and it is stated that IPS has agreed to reimburse Applicant for such costs.

It is further requested that for the winter season of November 27, 1976, through March 26, 1977, and for each successive winter season, Applicant be authorized to transport for IPS volumes equivalent to that portion of vaporized LNG produced by IPS at its Waterloo LNG plant.

Applicant states that pursuant to the terms and conditions of the gas transportation service contract IPS would notify Applicant of vaporized LNG to be transported by displacement, and Applicant would concurrently reduce its deliveries to IPS at the Waterloo TBS #1 by the amount equivalent to the volume vaporized and deliver such volumes to IPS through the facilities at Sioux City, the Sioux City TBS #1A. The maximum volume of gas so transported is stated to be 15,000 Mcf per day. The cost of the proposed service to IPS would be an annual demand charge of \$5.01 per Mcf of the Sioux City Maximum Daily Volume,

and a commodity charge of 2.12 cents per Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 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.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19163 Filed 7-23-75;8:45 am]

[Docket No. ES76-2]

**ORANGE AND ROCKLAND UTILITIES, INC.**

**Application**

JULY 17, 1975.

Take notice that on July 10, 1975, Orange and Rockland Utilities, Inc. (Applicant) filed an application with the Commission pursuant to Section 203 of the Federal Power Act for authority to acquire at par 50,000 shares of Common Stock, par value \$100 per share, of the Rockland Electric Company (Rockland).

Applicant is incorporated under the laws of the State of New York with its principal business office at Spring Valley, New York and is engaged in the electric and gas utility business in three counties in the State of New York.

Rockland Electric Company, a subsidiary of Applicant, is incorporated under the laws of the State of New Jersey with its principal business office at Spring Valley, New York and is engaged in the electric utility business in northern New Jersey. Rockland's operations

have been integrated with the operations of the Applicant to such an extent that the electric properties of both companies constitute and are operated as one continuous electric system.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19164 Filed 7-23-75;8:45 am]

[Docket No. RI76-3]

**PIONEER PRODUCTION CORP.**

**Petition for Special Relief**

JULY 17, 1975.

Take notice that on July 7, 1975, Pioneer Production Corporation (Petitioner), P.O. Box 2542, Amarillo, Texas 79105, filed a petition for special relief in Docket No. RI76-3 pursuant to Section 2.76 of the Commission's Statements of General Policy and Interpretations, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 51 cents per Mcf for the sale of gas to Natural Gas Pipeline Company of America under its FPC Gas Rate Schedule No. 36 from the Sallaska #1 well, Southeast Boyd Field, Beaver County, Oklahoma. The petition is based upon the cost for the remedial work necessary to restore the Sallaska #1 to production.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19165 Filed 7-23-75;8:45 am]

[Docket No. CP76-7]

**TRANSCONTINENTAL GAS PIPE LINE  
CORP.****Application**

JULY 17, 1975.

Take notice that on July 8, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-7 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a service agreement dated June 5, 1975, Applicant proposes to transport for Natural from existing facilities of Applicant located on the producing platform of Mitchell Energy Offshore Corporation (Operator), *et al.* (Mitchell), in the High Island Block 22-L Field, offshore Texas, natural gas purchased by Natural from Mitchell in the High Island Block 23-L Field. Applicant would transport and deliver the gas on a firm basis to Natural at the inlet of Mobil Oil Corporation's Cameron Meadows Plant, Cameron Parish, Louisiana. Applicant states that the gas that Natural purchases in the Block 25-L Field would be transported from the Mitchell Block 22-L Field platform to Applicant's existing 16-inch pipeline in Block 22-L through Applicant's recently constructed 16-inch pipeline. Applicant further states that it would not be obligated to transport more than 10,000 Mcf of gas at 14.73 psia per day for Natural.

Applicant would charge Natural 6.262675 cents per Mcf to transport gas through the 16-inch pipeline and 5.010204 cents per Mcf to transport gas through the 10-inch pipeline. The 5.010204-cent charge is said to reflect Natural's proportionate part of the estimated cost of service based on the capacity utilized over an approximate six-year period for the 10-inch connecting pipeline of approximately \$380,000. The 6.262755-cent charge is said to be the same as that charged others for similar transportation services.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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.

MARY B. KIDD,  
*Acting Secretary.*

[FR Doc.75-19166 Filed 7-23-75;8:45 am]

[Docket No. ER76-11]

**UNION ELECTRIC CO.****Filing of Revised Service Schedule**

JULY 17, 1975.

Take notice that on July 14, 1975, Union Electric Company (Union) tendered for filing a revised Service Schedule D to the Interconnection Agreement dated November 1, 1969, between it, Tennessee Valley Authority, Central Illinois Public Service Company, and Illinois Power Company. The proposed schedule provides for an increase in the reservation charge for Maintenance Energy Transactions under the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 August 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,  
*Acting Secretary.*

[FR Doc.75-19167 Filed 7-23-75;8:45 am]

[Docket No. E-7002]

**DEPARTMENT OF THE INTERIOR,  
SOUTHEASTERN POWER AUTHORITY****Extension of Procedural Dates**

JULY 16, 1975.

On July 16, 1975, the U.S. Department of the Interior filed a request to extend the procedural dates fixed by

order issued July 1, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to August 18, 1975, within which interventions may be filed. The public hearing to be commenced with a prehearing conference is postponed to September 3, 1975, at 10:00 a.m. in a Hearing Room of the Federal Power Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

MARY B. KIDD,  
*Acting Secretary.*

[FR Doc.75-19168 Filed 7-23-75;8:45 am]

[Docket No. ER76-10]

**VERMONT ELECTRIC POWER CO., INC.****Filing of Rate Schedule**

JULY 17, 1975.

Take notice that Vermont Electric Power Company, Inc. (VELCO) on July 14, 1975, tendered for filing with the Federal Power Commission the following rate schedule:

Purchase Agreement for the sale of eighty-five thousand kilowatts (KW), fifty-five thousand kilowatts (KW), and one hundred thousand kilowatts (KW) and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vermont to the Connecticut Light and Power Company, Hartford Electric Light Company, and the Western Massachusetts Electric Company, by the Vermont Electric Power Company, Inc., dated as of April 1, 1975.

Service under this rate schedule commenced on May 1975, and will terminate on October 31, 1976, unless terminated earlier by the Buyers.

VELCO states that the service to be rendered under this rate schedule consists of the sale of electric capacity and related energy at the following maximum amounts for each of the three Capability Periods indicated below:

First Capability Period, May 1, 1975-  
Oct. 31, 1975, 85,000 KW.  
Second Capability Period, Nov. 1, 1975-  
Apr. 30, 1976, 55,000 KW.  
Third Capability Period, May 1, 1976-  
Oct. 31, 1976, 100,000 KW.

VELCO further states that service to the Buyers under this rate schedule is being provided at the flat rate of 16.5 mills per kilowatt hour for at least 75% of the available power in any one week and at least 85% of the available power in any Capability Period, and during all other hours when such power is less expensive than other sources of power available to the Northeast Utilities System, as determined by NEPEX for Northeast Utilities' "own load dispatch"; and that the service sold by VELCO for the indicated flat rate will be made available whenever the Vermont Yankee Generating Unit is operating at no less than 70% of its capability during the first and third Capability Periods, and at no less than 80% capability during the second Capability Period.

VELCO estimates that the amount of power and charges for such power dur-

ing each month of the three Capability Periods will be as follows:

Capability period	Monthly kilowatt-hours	Monthly charges
1st.....	46,300,000	\$755,000
2d.....	29,600,000	490,000
3d.....	54,500,000	900,000

VELCO requests a waiver of Section 35.5 of the Commission's Regulations to allow an effective date of May 1, 1975, citing extensive contract negotiations with Buyers, and no effect upon purchasers of VELCO power under other rate schedules if waiver of notice is granted.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 August 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.75-19169 Filed 7-23-75;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[AA1921-134/135]

### PRIMARY LEAD METAL FROM AUSTRALIA AND CANADA

#### Cancellation of Hearing

On the basis of the following letter of July 15, 1975, addressed to the Commission by the Deputy Assistant Secretary (Tariff Affairs), Department of the Treasury, the Commission hereby cancels the public hearing scheduled to be held July 22, 1975, with respect to the disposition of a petition for the revocation of findings of dumping issued by the Department of the Treasury in April 1974 (39 F.R. 13783), which hearing was ordered on May 21, 1975 (40 F.R. 23121):

Dear Mr. Chairman:

As you know, extensive discussions have recently taken place between the staff of the International Trade Commission and the Treasury Department, concerning the petition received by Treasury on February 4, 1975, from Hunton, Williams, Gay & Gibson seeking revocation of the dumping finding on primary lead products from Canada and Australia. Those discussions, including my telephone conversation with members of the Commission July 10, principally relate to the nature of price information and analysis required from the Treasury by the Commission for it to undertake a review of its likelihood of injury determination in that case. I can assure you that the Treasury appreciates the desire of the Commission to have before it the most current information and analysis

available given the recent price movements in the lead market.

In order to provide the Commission with the pricing information and analysis it needs, and to establish a sound basis for a review of the petition first forwarded to the Commission by Mr. Macdonald's letter of April 12, I believe it would be appropriate to provide updated foreign market and export price information to the Commission. Along with that information, we would furnish judgment as to what that data reveals as to the likelihood that sales at less than fair value would have occurred in the absence of an outstanding dumping finding.

It is my intention, should Treasury have before it the question of pricing during the most recent past, to proceed as follows:

In the case of the Canadian sales, information will be sought which extends beyond the data through December 1974 contained in the Customs' materials already forwarded to the Commission;

In addition, although we are not certain that the results of our inquiry will be of meaningful assistance to you, we will inquire from exporters and the original petitioner as to what Canadian export and home market prices would have been had no dumping finding been in effect;

In the case of Australia, since no exports have occurred subsequent to the dumping finding, we will seek an indication from the exporter and the original petitioner as to what price it would have sold at, for export to the United States, given the market conditions in recent months, had no dumping finding been outstanding;

We will also seek current Australian home market prices. These prices would be adjusted, employing the methodology established under the original dumping finding;

Based on this data, and upon any other information developed or procedures utilized that we, in our discretion, may believe appropriate, we would state our conclusions as to what margins or range of margins, if any, would have been present had the dumping finding not been in effect.

It has been suggested that Treasury gather export prices of primary lead metal from Canada and Australia to third country markets. Under the circumstances we do not believe this information would be appropriate for purposes of our review of pricing practices with regard to the U.S. market.

If you are in accord, the Customs files should be returned to Treasury so that our review can begin. In that event the Commission may wish to consider withdrawing its notice of hearing scheduled for July 22, 1975. The calculations and price comparisons performed with the data received along with the complete Customs file will be forwarded to the Commission in an appropriate fashion, and would supersede previous Treasury communications on the petition for revocation.

Sincerely yours,

PETER O. SUCHMAN,  
Deputy Assistant Secretary  
(Tariff Affairs).

By order of the Commission:

Dated: July 21, 1975.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.75-19234 Filed 7-23-75;8:45 am]

[337-TA-17]

### RECORD PLAYERS INCORPORATING STRAIGHT LINE TRACKING SYSTEMS Investigation

A complaint was filed with the United States International Trade Commission

on March 18, 1975, and supplemental submissions thereto were filed with the Commission on May 7, 1975, on behalf of Harman-Kardon, Inc., Plainview, Long Island, N.Y., and on behalf of Jacob Rabinow, Bethesda, Md., alleging the importation and sale in the United States of record players incorporating straight line tracking systems and that such importation and sale are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), by reason of the coverage of such straight line tracking systems by claims 1 and 2 in U.S. Patent No. 2,915,315, Jacob Rabinow being the owner and Harman-Kardon, Inc., being the exclusive licensee. The complainants further allege that the effect or tendency of the unfair methods or acts is to (1) substantially injure an industry, efficiently and economically operated, in the United States, and/or (2) prevent the establishment of such an industry. Complainants have requested that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the above complaint and the supplemental submissions thereto, the United States International Trade Commission, on July 7, 1975, ORDERED:

1. That for purposes of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), an investigation is instituted with respect to whether there is any violation of this section in the importation or sale in the United States of record players incorporating straight line tracking systems, which straight line tracking systems are allegedly covered by claims 1 and 2 in U.S. Patent No. 2,915,315, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry;

2. That for purposes of the investigation so instituted, (a) Bang & Olufsen a/s, DK-7600, Struer, Denmark, (b) Bang & Olufsen of America, Inc., 2271 Devon Avenue, Elk Grove Village, Ill., and (c) High Fidelity House, Pasadena, Calif., all of whom are alleged or believed to be importing the subject product, are hereby named as parties upon whom the complaint, and the supplemental submissions thereto, are to be served; and

3. That for purposes of the investigation so instituted, Wilhelm A. Zeitler, United States International Trade Commission, 8th & E Sts., NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses submitted by the parties and submissions by interested persons which are pertinent to the investigation will be considered by the Commission if received not later than August 20, 1975.

A signed original and nineteen (19) true copies of each response or submission should be filed with the Secretary, United States International Trade Commission, 8th & E Sts., NW., Washington, D.C. 20436, and service of such response or submission shall be made upon each of the parties to the investigation, including Commission investigative attorney.

Extensions of time for submitting a response or submission will not be granted unless good and sufficient cause is shown therefor.

Failure of a party to file a response to each of the allegations which are the subject of this investigation as set forth in this notice, taking into consideration the applicable detail of the allegations in the complaint and the supplemental submissions thereto, within the time provided, may be deemed to constitute a waiver of its right to appear and contest such allegations and shall authorize the Commission, without further notice to that party, to find the facts to be as alleged and to enter an order containing such findings.

The complaint and the supplemental submissions thereto are available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, Washington, D.C., and in the New York City office of the Commission, located at 6 World Trade Center.

By order of the Commission:

Issued: July 21, 1975.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.75-19233 Filed 7-23-75;8:45 am]

[TA-201-3]

#### WRAPPER TOBACCO

##### Places and Times of Hearings

Notice is hereby given that the public hearings to be held in connection with investigation No. TA-201-3, Wrapper Tobacco, will be held in Tallahassee, Florida, at 10 a.m., EDT, on Monday, August 11, 1975, in the Florida Department of Transportation Auditorium, Hayden-Burns Building, 605 Suwannee Street; in Hartford, Connecticut, at 10 a.m., EDT, Wednesday, August 13, 1975, in the Hartford Public Library Auditorium, 500 Main Street; and in Washington, D.C., at 10 a.m., EDT, Friday, August 15, 1975, in the Hearing Room, U.S. International Trade Commission, Eighth and E Streets, N.W. Requests for appearances at the hearings should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon of the fifth calendar day prior to the hearing.

Notice of institution of the investigation and of dates for hearings was published in the *Federal Register* on Tuesday, July 1, 1975 (40 F.R. 27737).

Issued: July 18, 1975.

By order of the Commission:

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.75-19151 Filed 7-23-75;8:45 am]

#### LEGAL SERVICES CORPORATION

##### COMMITTEE ON ADMINISTRATION

##### Meeting

The first meeting of the Committee on Administration of the Board of Direc-

tors of the Legal Services Corporation will be held on Saturday, July 26, 1975 in the conference room of the Corporation's offices at 1725 K Street, N.W., Washington, D.C., Suite 413. The meeting will begin at 10:00 a.m. and will be for the purpose of considering a variety of administrative matters including: general employment matters, staffing arrangements, office operations and General Services Administration support of the transition staff, and recommendations to the Board with respect to the continuation of existing programs and activities.

Dated: July 22, 1975.

ROGER C. CRAMTON,  
Chairman.

[FR Doc.75-19352 Filed 7-23-75;8:45 am]

#### NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

##### NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

##### Meeting

JULY 16, 1975.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council of the Humanities will be conducted at San Francisco, California on August 14 and 15, 1975.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Hotel St. Francis, Union Square, San Francisco, California. The session of the proposed meeting on August 14, 1975 and part of the afternoon session on August 15, 1975 will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The public session on August 15, 1975 will convene at 11:00 a.m. The agenda for the public session will be as follows:

- I. Minutes of the Previous Meeting.
- II. Reports:
  - A. Summary of Recent Business.
  - B. Application Report.
  - C. Chairman's Grants.
  - D. Appropriation Hearings.
  - E. Gifts and Matching Report.
  - F. Report on American Issues Forum.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advi-

sory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,  
Advisory Committee  
Management Officer.

[FR Doc.75-19211 Filed 7-23-75;8:45 am]

#### NATIONAL TRANSPORTATION SAFETY BOARD

##### ACCIDENT REPORT; RESPONSES TO SAFETY RECOMMENDATIONS

##### Availability and Receipt

The National Transportation Safety Board announces the release on June 18, 1975, of report No. NTSB-AAR-75-9 on the Eastern Air Lines DC-9-31 crash on approach to Charlotte, North Carolina, September 11, 1974. The Safety Board determined that the probable cause of the crash was "the flightcrew's lack of altitude awareness at critical points during the approach due to poor cockpit discipline in that the crew did not follow prescribed procedures." On October 8, 1974, the Board recommended to the Federal Aviation Administration the initiation of means for improving professional standards among pilots (recommendations A-74-85 and 86). FAA is in agreement with these recommendations and is in the process of establishing a pertinent working liaison with both airline management and air carrier pilot organizations.

During the past week, the Safety Board received the following letter responses from addressees of earlier recommendations:

"Federal Highway Administration," letter of July 2, 1975, re recommendation P-75-1 contained in pipeline accident report NTSB-PAR-75-1 (40 FR 25107). Although agreeing with the conclusions reached in the Board report, FHA thinks it is possible, rather than probable, that the use of casing contributed to the failure of the carrier pipe in the March 2, 1974, accident at Monroe, Louisiana. FHA agrees that the recommended industry-wide survey on the value of casing pipelines beneath roads and railroads would be beneficial in reevaluating the overall safety and economic value of pipeline encasement. FAA will cooperate with the Office of Pipeline Safety in making such a survey.

"Federal Railroad Administration," letter of July 11, 1975, re recommendation R-75-16 (40 FR 19045). Referring to its letter of May 21, 1975 (40 FR 24252) regarding this recommendation, FRA states that one of the objectives of its present research effort "is to develop indicators (bench marks) of potential adverse behaviors in chemicals, particularly characteristics which could cause severe problems during transportation. FAA indicates that development of this information will give the Department of Transportation and its operating administrations better ability to evaluate bulk liquid shipments, including tank car shipments. FRA adds that specific characteristics of certain chemicals are

being studied to develop more information on transportation hazards during both normal and accident conditions.

"National Highway Traffic Safety Administration and New Jersey Turnpike Authority," both letters dated July 11, 1975, re the October 23-24, 1973, multi-vehicle accident on the New Jersey Turnpike—report No. NTSB-HAR-75-2 (40 FR 22323). NHTSA, responding to recommendation H-75-8 contained in that report and referring to earlier Safety Board recommendation H-72-4, states, " \* \* \* action is still suspended with regard to revision of Standard 4, Driver Education. The Board's recommendations will, however, be considered when the revision process gets underway." A joint NTSB-NHTSA discussion of the various criteria for revising Standard 4 is urged. The New Jersey Turnpike Authority, with reference to recommendation H-75-4, comments on the capabilities of its "Automatic Traffic Surveillance and Control System" now under design and installed on its roadway to provide for rapid detection of traffic stream friction. The System provides for automatic closing of one barrel of the Turnpike dual roadway and diversion to another in the event of extreme traffic friction. However, the Turnpike adds, " \* \* \* at this time neither the technology nor the necessary hardware exists by which this System could provide a method through which a manual closing of the Turnpike could be accomplished immediately; this instantaneous action is presently not feasible."

The report is available to the general public, and 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 (49 U.S.C. 1903, 1906)).)

Dated: July 21, 1975.

MARGARET L. FISHER,  
Federal Register  
Liaison Officer.

[FR Doc.75-19283 Filed 7-23-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

### CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 3)

#### Application

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received from the Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York (the applicants) an application for an amendment to the proposed facility

operating license for the Indian Point Nuclear Generating Station, Unit No. 3 (the facility).

Consolidated Edison Company of New York, Inc. is the holder of Construction Permit No. CPPR-62, issued by the Commission on August 13, 1969, which authorized construction of the facility in Westchester County, New York. On December 4, 1970, Consolidated Edison filed with the Commission an amendment to its application containing a description of the final facility, as a prerequisite to obtaining an operating license for the facility. Notice of consideration of issuance of an operating license was published in the *Federal Register* on October 25, 1972 (37 F.R. 22816). By an Order dated April 8, 1975, the Atomic Safety and Licensing Board assigned to this proceeding by the Commission authorized the issuance of an interim operating license to Consolidated Edison Company of New York, Inc. for the facility. The license itself has not yet been issued.

In the application, the applicants have requested that the Power Authority of the State of New York be a coholder of any operating license issued by the Commission for the facility. The proposed amendment would permit the Power Authority of the State of New York to purchase and acquire title to the facility. Consolidated Edison would retain complete responsibility for the operation of the facility under contract by the Power Authority of the State of New York. The facility is designed for an initial output of 3025 megawatts thermal, with an equivalent net electrical output of approximately 965 megawatts.

Dated at Bethesda, Maryland, this 15th day of July, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,  
Chief, Light Water Reactors  
Project Branch 1-1, Division  
of Reactor Licensing.

[FR Doc.75-19214 Filed 7-23-75;8:45 am]

[Docket No. 50-315]

### INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO. [DONALD C. COOK NUCLEAR PLANT UNIT 1]

#### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company. The amendment revises the Technical Specifications for operation of the Donald C. Cook Nuclear Plant Unit 1 located in Berrien County, Michigan, and is effective as of its date of issuance.

The amendment changes certain Technical Specifications to correct typographical and proofreading errors and to reflect changes made in certain equip-

ment for assuring containment integrity.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment is not required because the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 3, 1975, (2) Amendment No. 7 to License No. DPR-58 with Change No. 7, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 17th day of July, 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,  
Chief, Light Water Reactors  
Branch 2-2 Division of Reactor  
Licensing.

[FR Doc.75-19216 Filed 7-23-75;8:45 am]

[Docket Nos. 50-282 and 50-306]

### NORTHERN STATES POWER CO. Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that pursuant to a Supplemental Initial Decision by the Atomic Safety and Licensing Board dated May 1, 1975, the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-42, and Amendment No. 2 to Facility Operating License No. DPR-60, issued to Northern States Power Company, which revised the licenses for operation of the Prairie Island Nuclear Generating Plant, Units 1 and 2 (the facility), located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revised Appendix A to the Technical Specifications revising the inservice inspection program for steam generator tubes.

For further details with respect to this action, see (1) Atomic Safety and Licensing Board Supplemental Initial Decision dated May 1, 1975, (2) Amendment No. 7 to License No. DPR-42, with attachments, and (3) Amendment No. 2 to License No. DPR-60, with attachments. These items are available for public inspection at the Commission's Public Doc-

ument Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Library of Minnesota, 1222 S.E. 4th Street, Minneapolis, Minnesota 55414.

Single copies of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of July 1975.

For the Nuclear Regulatory Commission.

**KARL KNIEL,**  
Chief, Light Water Reactors,  
Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-19215 Filed 7-23-75; 8:45 am]

[Docket No. 50-296]

**TENNESSEE VALLEY AUTHORITY  
(BROWNS FERRY NUCLEAR PLANT,  
UNIT 3)**

**Extending Construction Completion Date**

Tennessee Valley Authority (TVA) is the holder of Provisional Construction Permit No. CPPR-48 issued by the Atomic Energy Commission<sup>1</sup> on July 31, 1968, for construction of the Browns Ferry Nuclear Plant, Unit 3 presently under construction on TVA's site at Wheeler Lake in Limestone County, Alabama.

On November 15, 1974, TVA filed a request, which was supplemented by a letter dated February 14, 1975, for an extension of the completion date because construction has been delayed approximately one year primarily due to late deliveries of major components and materials, and also due to contributing labor-related factors such as a shortage of qualified craftsmen and lower than anticipated productivity levels. However, by letter dated April 29, 1975, the Commission advised TVA that their request for extension of the Unit 3 construction completion date would be held until TVA submitted conclusions relating to the effects of the penetration fire at the Browns Ferry Nuclear Plant, Units 1 and 2 (Docket Nos. 50-259 and 50-260, respectively) on the Unit 3 construction schedule. TVA's June 5, 1975 response indicates that the Unit 3 construction schedule has been delayed an additional three to four months because of an indirect result of the fire and is primarily a result of having to coordinate restoration activities on Units 1 and 2 with the construction activities on Unit 3 in such a way as to achieve the most productive overall schedule.

This action involves no significant hazards consideration; good cause has been

<sup>1</sup>Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission (the Commission).

shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated July 17, 1975.

It is hereby ordered that the latest completion date for CPPR-48 is extended from February 1, 1975, to May 1, 1976.

Date of Issuance: July 17, 1975.

For the Nuclear Regulatory Commission.

**VOSS A. MOORE,**  
Assistant Director for Light Water  
Reactors, Group 2, Division  
of Reactor Licensing.

[FR Doc.75-19217 Filed 7-23-75; 8:45 am]

[Docket No. 50-321]

**GEORGIA POWER CO. AND OGLETHORPE  
ELECTRIC MEMBERSHIP CORP.**

**Proposed Issuance of Amendment to  
Facility Operating License**

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation (the licensees), for operation of the Edwin I. Hatch Nuclear Plant Unit 1 located in Appling County, Georgia.

The amendment would revise the provisions in the Technical Specifications relating to the temperature limits for the pressure suppression pool water, in accordance with the licensee's application for amendment, dated March 31, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By August 25, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts

and Trowbridge, Barr Building, 910 17th Street, N.W., Washington, D.C. 20006, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 31, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia. The proposed license amendment and the Safety Evaluation, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director Division of Reactor Licensing.

Dated at Bethesda, Maryland this 16th day of July, 1975.

For the Nuclear Regulatory Commission.

**GEORGE LEAR,**  
Chief, Operating Reactors  
Branch Number 3, Division  
of Reactor Licensing.

[FR Doc.75-18879 Filed 7-23-75; 8:45 am]

[Docket No. 50-331]

**IOWA ELECTRIC LIGHT AND POWER CO.  
ET AL.**

**Proposed Issuance of Amendment to  
Facility Operating License**

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Company, and Corn Belt Power Cooperative (the licensees), for operation of the Duane Arnold Energy Center, located in Linn County, Iowa.

The amendment would revise the provisions in the Technical Specifications relating to the temperature limits for the pressure suppression pool water, in accordance with the licensee's applica-

tion for amendment dated March 27, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By August 25, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, 910 17th Street, N.W., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 27, 1975, which is available for public inspection at the

Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Cedar Rapids Public Library, 426 Third Avenue, S.E. Cedar Rapids, Iowa 52401. The proposed amendment and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this July 10, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-18880 Filed 7-23-75;8:45 am]

[Dockets Nos. 50-277 and 50-278]

#### PHILADELPHIA ELECTRIC CO. ET AL.

##### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses Nos. DPR-44 and DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company (the licensees), for operation of the Peach Bottom Atomic Power Station Units 2 and 3, located in Peach Bottom, York County, Pennsylvania.

The amendment would revise the provisions in the Technical Specifications relating to the temperature limits for the pressure suppression pool water, in accordance with the licensee's application for amendment, dated March 31, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By August 25, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed li-

ensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Eugene J. Bradley, Philadelphia Electric Company, Assistant General Counsel, 2301 Market Street, Philadelphia, Pennsylvania 19101, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 31, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401. The license amendment and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 16th day of July, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-18881 Filed 7-23-75;8:45 am]

**ADVISORY COMMITTEE ON REACTOR SAFEGUARDS**

**Meeting**

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Environmental Subcommittee will hold a meeting on August 7-8, 1975 in Room 1046, 1717 H Street, N.W. Washington, D.C. 20555. The purpose of the meeting will be to discuss radiation exposure to reactor plant operating and contractor personnel and to discuss qualification of radiological protection personnel at nuclear facilities.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

*Thursday, August 7, 1975, 9:00 a.m. until the close of business.* Presentations will be made on the various aspects of personnel exposure and qualifications of radiological protection personnel. Discussions will be held with representatives of the Atomic Industrial Forum and of the NRC Staff.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. on August 7, and all day on August 8 to consider matters relating to these topics. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items

may do so by mailing a readily reproducible copy thereof, postmarked no later than July 31, 1975 to the Executive Secretary, ACRS, NRC, Washington, D.C. 20555, Attn: Mr. T. G. McCreless. Comments which fail to meet the specified mailing date noted above will be considered to the extent practicable.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement so that appropriate arrangements can be made. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted can be obtained by a prepaid telephone call on August 6, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) Seating for the public will be available on a first-come, first-served basis.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. Use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 12, 1975 at the NRC Public Document Room, 1717 H St., N.W., Wash., D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second St., N.E., Wash., D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(h) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., N.W., Wash., D.C. 20555 after November 7, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: July 22, 1975.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc.75-19423 Filed 7-23-75;9:25 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### CONTINENTAL VENDING MACHINE CORP.

#### Suspension of Trading

JULY 18, 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 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 19, 1975 through July 28, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-19222 Filed 7-23-75; 8:45 am]

[File No. 500-1]

### ROYAL PROPERTIES INC.

#### Suspension of Trading

JULY 18, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated 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 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 22, 1975 through July 31, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-19223 Filed 7-23-75; 8:45 am]

[812-3819]

### CARDINAL TAX-EXEMPT BOND FUND FIRST SERIES (AND SUBSEQUENT SERIES) & OHIO CO.

#### Filing of Application for an Order of Exemption

Notice is hereby given that Cardinal Tax-Exempt Bond Fund, First Series ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") and its sponsor, The Ohio Company ("Sponsor") (hereinafter the Sponsor and the Fund are referred to collectively as "Applicants"), 51 North High Street, Columbus, Ohio 43215, have filed on June 12, 1975, an application pursuant to Section 6(c) of the Act for an order of the Commission exempting the Fund (and subsequent Series) (hereinafter referred to collectively as "Funds") from the provisions of

section 14(a) of the Act and exempting the frequency of capital gains distributions of the Funds and the secondary market operations of Sponsor from the provisions of Rule 19b-1 and Rule 22c-1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Sponsor has filed a Form S-6 Registration Statement under the Securities Act of 1933 ("1933 Act") covering a maximum of 7500 Units of fractional undivided interests in the Fund (hereinafter called "Units") to be offered to investors at a public offering price set forth in the prospectus included in the S-6 Registration Statement. The number of Units being registered includes 2,500 Units which will be resold from time to time by the Sponsor in connection with its secondary market activities. The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N8-A Notification of Registration and a Form N-8B-2 Registration Statement under the Act relating to the Fund.

Cardinal Tax-Exempt Bond Fund, First Series, and each future Series will be governed by a trust agreement for that Series (hereinafter called the "Agreement"), which will be executed within two months of the registration of such Series with the Securities and Exchange Commission, and under which the Sponsor will act as such, The United States Trust Company of New York will act as Trustee, and Standard & Poor's Corporation will act as Evaluator. The Agreement for each Series will contain standard terms and conditions of trust common to all Funds. Pursuant to the Agreement, the Sponsor will deposit with the Trustee not less than \$3,000,000 principal amount of bonds which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for not less than 3,000 Units which will represent the entire ownership of the Series. These Units are in turn to be offered for sale to the public by the Sponsor.

Applicants state that such bonds will not be pledged or be in any other way subjected to any debt at any time after the bonds are deposited in the Funds. All of such bonds will be interest-bearing obligations of states and territories of the United States, and political subdivisions and authorities thereof, the interest on which is exempt from federal income taxation. In selecting such bonds, the following factors are considered: (i) Standard & Poor's Corporation rating of "BBB" or better, or equivalent; (ii) the price of the bonds relative to other bonds of similar quality and maturity; (iii) diversification of the bonds as to the purpose of issue; and (iv) income to the certificateholders of the Funds. In the opinion of counsel, none of the Funds will be associations taxable as corporations under the Internal Revenue Code and, to the extent that income of any

Series consists of interest excludable from gross income under the Internal Revenue Code, such income is excludable from the gross income of the certificateholders when distributed to them.

The assets of the Funds will consist of the bonds initially deposited, such other bonds as may continue to be held from time to time in exchange or substitution for any of the bonds upon certain refundings, accrued and undistributed interest, and undistributed cash. Certain of these bonds may from time to time be sold under the special circumstances set forth in the Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to certificateholders and not reinvested. There is no provision in the Agreement for the sale and reinvestment of the bonds, and such activity will not take place.

Each Unit of a Series will represent a fractional undivided interest in that Series. The numerator of the fractional interest represented will be 1; the denominator, the number of Units then in the particular Series Units will be redeemable. In the event that any Units shall be redeemed, the denominator of such fraction will be reduced and the fractional undivided interest represented by each Unit increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated with respect to any particular Series upon approval by 66% percent of the certificateholders of such Series or, in the event that the value of the bonds in a particular Series shall fall below 20 percent of the principal amount of the bonds initially deposited in such Series, upon direction of the Sponsor to the Trustee. There is no provision in the Agreement for the issuance of any Units after the initial offering of Units (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act) and such activity will not take place.

While the Sponsor undertakes no obligation to do so, it is its intention to maintain a market for Units of each Series and continuously to offer to purchase such Units at prices in excess of the redemption prices as set forth in the Agreement. In the absence of such a market, certificateholders may only be able to dispose of their Units by redemption.

Section 14(a). Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities, (a) have a net worth of \$100,000, (b) have previously made a public offering and at that time have had a net worth of \$100,000, or (c) have made arrangements for at least \$100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of Section 14(a) in order that a public offering of Units of the Funds as described above may be made. In connection with the requested exemption from Section 14(a) the Sponsor agrees (1) to refund on demand and without

deduction the sales load to purchasers of Units of any Series if, within 90 days after the registration of a Series under the Securities Act of 1933 becomes effective, the net worth of such Series shall be reduced to less than \$100,000, or if such Series is terminated; (ii) to instruct the Trustee on the date the bonds are deposited in each Series that if any Series shall at any time have a net worth of less than 20 percent of the principal amount of bonds initially deposited in such Series as a result of redemption by the Sponsor of Units constituting a part of the unsold Units, the Trustee shall terminate such Series in the manner provided in the Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above, to refund any sales load to any purchaser of Units purchased from the Sponsor on demand and without any deduction.

**Rule 19b-1.** Rule 19b-1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and interest to certificateholders of each Series are to be made quarterly. Distributions of principal constituting capital gains to certificateholders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Series will be distributed to a certificateholder on the next distribution date; and (2) if units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption each certificateholder will receive his pro rata portion of the proceeds from the bonds sold. In such instances, a certificateholder may receive in his distribution funds which constitute capital gains, since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit.

As noted, paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of the Funds in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, the Funds would be forced to hold any monies which would constitute capital gains upon distribution until the end of

its taxable year. The application contends that such a practice would clearly be to the detriment of the certificateholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand since neither the Sponsor nor any Series has control over events which might trigger capital gains, i.e., the tendering of Units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to certificateholders as a return of principal.

**Rule 22c-1.** Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants seek an order exempting the secondary market operations of the Sponsor from the provisions of Rule 22c-1 under the Act. Applicant assert that the pricing by the Sponsor in the secondary market will in no way affect the Funds' assets, and that the public certificateholders will benefit from such pricing procedure by receiving a normally higher repurchase price for their Units without the cost burden of daily evaluations of the Unit redemption value. In addition, Applicants state that the Sponsor has undertaken to adopt a weekly pricing procedure whereby the Evaluator will make a formal evaluation on the last business day of each week, and will provide estimated evaluations on trading days between formal evaluations. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees, in the case of resale of Units in the secondary market, that if the Evaluator cannot state that the previous Friday's price is not more than one-half point (\$5.00 on a unit representing \$1,000.00 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any inter-

ested person may, not later than August 8, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices or orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-19301 Filed 7-23-75;8:45 am]

[811-1066]

#### VANTAGE TEN-NINETY FUND, INC.

#### Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Vantage Ten-Ninety Fund, Inc. ("Applicant"), PO. Box 19027, Washington, D.C. 20036, registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, filed an application on June 26, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Maryland corporation and has been registered under the Act since 1968. It engaged in a public offering of its shares of common stock from December 27, 1968 until September 27, 1971.

Applicant represents that on December 5, 1974, it filed a petition with the Circuit Court for Baltimore City, Maryland ("Court") seeking Court-supervised liquidation and dissolution. Such action was deemed necessary by the directors of Applicant because Applicant's records

lacked correct addresses of shareholders holding in excess of a majority of Applicant's shares. Therefore, a statutory liquidation and dissolution under Maryland corporate law could not be effected because of the requirement that two-thirds of all outstanding voting securities cast affirmative votes to effect such a dissolution.

Subsequently, the Court ordered Applicant, after payment of all outstanding expenses, to distribute net assets to those shareholders for whom Applicant had current addresses, such distribution representing their pro-rata interest in such net assets and to transmit the balance to the Comptroller of the State of Maryland as Administrator of the Maryland Uniform Disposition of Unclaimed Property Act, to be held and administered under such Act.

Such distributions to shareholders and transfers to the Comptroller were effected as of June 13, 1975. The assets transferred to the Comptroller will be held in perpetuity for the benefit of shareholders entitled thereto who may obtain their interest by filing an appropriate claim with the Comptroller of the State of Maryland. As a result of such transfers, Applicant represents that it conducts no business of any kind; it has minimal assets; and all of its liabilities have been satisfied. Applicant further represents that it intends to request the Court to revoke its corporate charter.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of the order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 12, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued by the Commission following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including

the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-19303 Filed 7-23-75; 8:45 am]

[812-3803]

**CONNECTICUT GENERAL LIFE  
INSURANCE CO. ET AL.**

**Application for Approval of Offers of  
Exchange for an Order of Exemption**

Notice is hereby given that Connecticut General Life Insurance Company ("CG Life"), a Connecticut stock life insurance company, CG Variable Annuity Account I ("VAA-I") and CG Variable Annuity Account II ("VAA-II"), separate accounts of CG Life registered under the Investment Company Act of 1940 (the "Act") as unit investment trusts, Companion Fund, Inc. and Companion Income Fund, Inc. (the "Funds") both open-end management investment companies registered under the Act, and CG Equity Sales Company ("Equity Sales"), Hartford, Connecticut 06152, the principal underwriter of the VAA-I and VAA-II and a wholly-owned subsidiary of Connecticut General Insurance Corporation, the parent corporation of CG Life (collectively referred to as "Applicants") have filed an application on April 30, 1975 and an amendment thereto on July 7, 1975, pursuant to Section 11 of the Act, for an order approving certain offers of exchange and pursuant to section 6(c) of the Act for an order of exemption from sections 12(d)(1) and 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

CG Life has established, pursuant to Connecticut law, two separate accounts, VAA-I and VAA-II, for the purpose of holding assets attributable to individual and group variable annuity contracts issued by CG Life. To date, such assets have been invested exclusively in shares of Companion Fund, Inc. ("Companion Fund"), a management investment company the investment adviser of which is CG Investment Management Company. The latter company is also a wholly-owned subsidiary of Connecticut General Insurance Corporation.

By means of post-effective amendments to the registration statements under the Securities Act of 1933 ("1933 Act") for the individual contracts participating in VAA-I and VAA-II, CG Life has proposed to offer a new type of individual variable annuity contract (the "contract") which will permit an owner to have the assets supporting the reserve liabilities attributable to his contract invested in shares of Companion Fund, Companion Income Fund, Inc. ("Companion Income Fund") or both during the period prior to the com-

mencement of annuity payments. CG Investment Management Company also acts as investment adviser to Companion Income Fund.

In connection with the foregoing, there will be established in each of the two separate accounts (VAA-I and VAA-II) a Growth Division consisting of the Companion Fund shares allocated thereto and an Income Division consisting of the shares of Companion Income Fund allocated thereto. An owner of a contract will be entitled to select whether payments are to be allocated to the Growth Division, the Income Division or both ("accumulation transfer privilege"). As of the commencement of annuity payments, the value of the contract attributable to the Growth Division will be applied to provide a variable annuity and the value attributable to the Income Division will be applied to provide a fixed-dollar annuity. At any time prior to 30 days before the commencement of annuity payments the owner may direct that all or part of the value of his contract attributable to one separate account division be transferred to the other division provided that the minimum amount which may be transferred is \$500 or the entire value, if less. CG Life reserves the right to limit the number of such transfers to two in any one-year period and the maximum amount that may be transferred in any calendar month and will deduct a transfer charge of \$5 from any amount transferred pursuant to the accumulation transfer privilege ("transfer charge"). In addition, any time within 30 days prior to the commencement of annuity payments the owner may elect to have all or part of the value of his contract held in the Growth Division applied to provide a fixed-dollar annuity or all or part of the Income Division value applied to effect a variable annuity without charge (the right to make the latter election is referred to herein as the "annuity date transfer privilege").

Section 11. Section 11(a) makes it unlawful for any registered open-end company or principal underwriter thereof to make an offer to the holder of a security of such company or of any other open-end investment company to exchange its security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Although Applicants consider that transfers pursuant to the accumulation and annuity date transfer privileges would not appear to involve any exchange of a security of a registered unit trust for the security of any other in-

vestment company, Applicants are requesting an order pursuant to Section 11 approving the transfer privilege to avoid any question that might be raised. Applicants assert that the transfer privileges discussed in the application and summarized herein are consistent with the policy of Sections 11 (a) and (c) and would benefit contract owners.

Applicants state that the policy underlying Section 11(a) would not be violated by Commission approval of the transfer privileges since no portion of the transfer charge is intended to cover sales expense and no attempt will be made by Applicants to induce contract owners to make transfers and no compensation will be paid to any agents in connection with a transfer. Applicant also states that the transfer charge is designed to cover the cost of certain administrative functions associated with a transfer and that the cost of such functions will equal or exceed \$5. Applicants submit that there is no reason to prevent imposition of a reasonable transaction charge when a transfer is made pursuant to the accumulation transfer privilege.

According to Applicants, the requirement of approval of all exchanges described in Section 11(c) of the Act appears to have been designed to avoid possible unfairness in exchanges subject to that provision. Applicants represent that the transfer privileges, which are designed to allow each contract owner to modify his prior allocation of purchase payments between investment media in light of his personal changing needs and evolving economic conditions, involve no element of unfairness.

In addition to its right to limit unilaterally transfers pursuant to the accumulation transfer privilege to not less than two in any one-year period, CG Life has undertaken to impose any such limitation which may be recommended after a vote of a majority of the directors of Companion Fund or Companion Income Fund or a majority of the directors of either Fund who are not interested persons of such Fund and to provide periodically information, which the boards of such Funds will consider, necessary to evaluate whether such a recommendation should be made.

*Section 12(d)(1).* Section 12(d)(1)(A) of the Act provides in pertinent part that it shall be unlawful for a registered investment company (the "acquiring company") to purchase or otherwise acquire any security of another investment company (the "acquired company") if immediately thereafter the acquiring company owns in the aggregate (i) more than 3 percent of the total outstanding voting stock of the acquired company, (ii) securities issued by the acquired company having an aggregate value in excess of 5 percent of the value of the acquiring company's total assets, or (iii) securities issued by the acquired company and all other investment companies (other than the acquiring company's treasury stock) having an aggregate value in excess of 10 percent of the value of the total assets of the acquiring company.

Section 12(d)(1)(B) of the Act provides in pertinent part that it shall be unlawful for any registered open-end investment company (the "acquired company") knowingly to sell or otherwise dispose of any security issued by such company to any other investment company (the "acquiring company") if immediately thereafter (i) more than 3 percent of the total outstanding voting stock of the acquired company is owned by the acquiring company, or (ii) more than 10 percent of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies.

Subsection (E) of Section 12(d)(1) of the Act provides an exemption from the provisions of subsections (A) and (B) for securities purchased or acquired by registered unit investment trusts, such as VAA-I and VAA-II, subject to two conditions: (i) the depositor of or principal underwriter for such registered unit investment trust is a broker or dealer registered under the Securities Exchange Act of 1934, or a person controlled by such broker or dealer, and (ii) such security is the only investment security held by such registered unit investment trust, or such securities are the only investment securities held by such registered unit investment trust which is the issuer of two or more classes or series of securities each of which provides for the accumulation of shares of a different investment company.

Applicants anticipate that the purchases of shares of Companion Fund and Companion Income Fund by VAA-I and VAA-II will exceed the limitations of Sections 12(d)(1)(A) and (B), but consider that they are exempted from such limitations by subsection (E). However, Applicants state that literally the conditions of clause (ii) of subsection (E) do not appear to be satisfied in that clause (ii) contemplates the situation where securities of two or more investment companies are accumulated by a registered unit investment trust, each such security being accumulated pursuant to provisions of separate classes or series of securities issued by such trust, while under Applicants' proposal, accumulation of the securities of two different investment companies will be pursuant to the terms of one class or series of securities, the contracts, participating in each account. According to Applicants, this variance from the language of clause (ii) is only a difference in form and, for purposes of subsection (E), the right of contract owners to allocate payments and transfer contract values for investment in shares of either Companion Fund or Companion Income Fund pursuant to a single contract should be viewed as equivalent to a series trust's investment in two investment company securities pursuant to separate securities issued by such trust. However, to remove any doubt in this regard, Applicants request exemption from the provisions of Section 12(d)(1) of the Act to the extent necessary to permit VAA-I and VAA-II to invest in Companion Fund and Companion Income

Fund shares without regard to the limitations of subsections (A) and (B).

Applicants represent that the insurance features of the contract to be offered by CG Life are the same whether investments are made in shares of Companion Fund, Companion Income Fund, or both, and that use of a single contract avoids the needless expense of issuing two contracts, one providing for investment in shares of Companion Fund and the other in shares of Companion Income Fund. Applicants state that no purpose would be served by requiring the issuance of two contracts when an identical result can be obtained by incorporating the relevant provisions in a single contract.

*Section 22(d).* Section 22(d) of the Act provides in pertinent part that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current public offering price described in the prospectus. In connection with the transfer privileges described above, all or specified portions of the contract values may be transferred between separate account divisions without charge in the case of the annuity date transfer privilege and subject only to the transfer charge in the case of the accumulation transfer privilege.

Section 22(d) excepts from its coverage sales made "pursuant to an offer of exchange permitted by Section 11 \* \* \*." However, Applicants state that an exemption from Section 22(d) may be necessary since the "exchange" would not be included among those permitted by the terms of Section 11, but rather would be permitted by Commission order. Accordingly, Applicants request to the extent deemed necessary an exemption from Section 22(d) to permit, in connection with the transfer provisions described above, the transfer of amounts from one separate account division to the other without a sales charge.

Applicants note that Section 22(d) appears to have been designed, in part, to assure orderly distribution of redeemable securities of investment companies and to prevent unfair price differentials among members of the public. They represent that the orderly distribution of the contracts will not be disrupted by not imposing a sales load upon transfer since the transfer privileges are not exercisable during the contract distribution process or simultaneously with the sale of a contract. Nor will the exemption create any unfair price discrimination according to Applicants. They state that full sales charges will already have been deducted from the payments the owner makes to VAA-I or VAA-II before either transfer provision is utilized. Elimination of the sales charge in connection with transfers between separate account divisions will avoid, according to Applicants, an unnecessary and inequitable culmination of sales charges when no sales expense has been incurred in connection with such transfers.

*Section 6(c).* Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any

person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application will be issued as of course following such date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-19302 Filed 7-23-75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1153;  
Amdt. No. 1]

### MONTANA

#### Declaration of Disaster Area

In addition to previously declared counties (40 FR 29365), Wheatland, and adjacent counties within the State of Montana constitute a disaster area because of damage resulting from flooding caused by severe storms, heavy rains and snowmelt beginning about June 19, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 8, 1975, and for economic injury until the close of business on April 8, 1976, at:

Small Business Administration, District Office, 613 Helena Avenue, Helena, Montana 59601.

or other locally announced locations.

The last sentence of Declaration of Disaster Loan Area #1153 is also hereby

revised to read as follows: "Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 8, 1975, . . ."

Dated: July 11, 1975.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.75-19184 Filed 7-23-75;8:45 am]

[Declaration of Disaster Loan Area #1156]

### NORTH DAKOTA

#### Declaration of Disaster Area

As a result of the President's declaration I find that Barnes, Cass, Dickey, La Moure, Ransom, Richland, Sargent, Stutsman, and adjacent counties within the State of North Dakota constitute a disaster area because of damage resulting from severe storms and flooding beginning about June 27, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 11, 1975, and for economic injury until the close of business on April 12, 1976, at:

Small Business Administration, District Office, Federal Office Building, Room 218, 653 Second Avenue North, Fargo, North Dakota 58102.

or other locally announced locations.

Dated: July 15, 1975.

LOUIS F. LAUN,  
Acting Administrator.

[FR Doc.75-19185 Filed 7-23-75;8:45 am]

## UNITED STATES INFORMATION AGENCY

### ADVISORY COMMISSION ON INFORMATION

#### Meeting Postponement

The meeting of the U.S. Advisory Commission on Information announced 40 FR 28687, July 8, 1975, scheduled for August 4, 1975 has been postponed indefinitely.

WALTER W. JONES,  
Chief, Management Division.

[FR Doc.75-19188 Filed 7-23-75;8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### MARYLAND STATE STANDARDS

##### Approval of Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and

approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 17834) of the approval of the Maryland plan and the adoption of Subpart O to 29 CFR Part 1952 containing the decision.

The Maryland plan provides for the adoption of Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letter dated March 3, 1975, from Harvey A. Epstein, Commissioner, Maryland Division of Labor and Industry to David H. Rhone, Assistant Regional Director, and incorporated as part of the plan, the State submitted amendments to its standards comparable to the revisions, amendments, and corrections to 29 CFR sections 1910.93(c) through 1910.93(q), 1910.103, 1910.104, 1910.106, 1910.107, 1910.110, 1910.157, 1910.158, 1926.750 which amendments and corrections were published in the FEDERAL REGISTER on June 3, 1974, (39 FR 19468-70). The State also submitted a supplement the Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1b-1973 and A17-1c-1974, for which there are no comparable standards promulgated under section 6 of the Act. The State standards were promulgated on February 20, 1975, after public comments were requested on or about December 25, 1974, and hearings were requested on February 6, 1975, pursuant to the Maryland Occupational Safety and Health Law of 1973, Article 89, Section 28 et seq., Annotated Code of Maryland.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the comparable Federal standards with the exception of the supplements to the Safety Code for Elevators, ANSI A17.1b-1973 and ANSI A17.1c-1974 for which OSHA does not have comparable standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Suite 15220, Gateway Bldg., 3535 Market St., Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore St., Baltimore, Maryland 21202 and Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, 200 Constitution Ave. NW., Washington, D.C., 20210.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Assistant Re-

gional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal Standards and are therefore deemed to be at least as effective with the exception of the standards, ANSI A17.1b-1973 and ANSI A17.1c-1974 for which OSHA does not have comparable standards.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be necessary.

This decision is effective July 24, 1975. (Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Philadelphia, Pennsylvania this 21st day of April, 1975.

DAVID H. RHONE,  
Assistant Regional Director.

[FR Doc.75-19246 Filed 7-23-75;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH  
Meeting

Notice is hereby given that the Asbestos Subgroup of the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656) will meet on Wednesday, August 13, and Thursday, August 14, 1975 starting at 9:00 a.m. in Room 9022, Federal Office Building, 450 Golden Gate Ave., San Francisco, California. The meeting shall be open to the public.

The Subgroup will discuss proposed revisions to the 1910 asbestos rules as amended by the 1926/1910 project subgroup. The Subgroup is also interested in obtaining specific recommendations from the public regarding the use and hazards of asbestos in the construction industry.

Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by August 6, 1975. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the group and will be included in the record of the meeting.

Persons wishing to orally address the group at the meeting should submit a written request to be heard to the Committee Management Officer no later than August 6, 1975. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed.

Communications may be mailed to:

Jay Arnoldus, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, Room N-3633, Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of July 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc.75-19248 Filed 7-23-75;8:45 am]

[TA-W-87]

BENDIX CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 16, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Guidance Systems Division of The Bendix Corporation, Denver, Colorado (TA-W-87). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with space hardware produced by The Bendix Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of July 1975.

MARVIN M. FOOKS,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-19251 Filed 7-23-75;8:45 am]

[TA-W-88]

CLAYTON SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 11, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union, on behalf of the workers and former workers of Clayton Shoe Company, Corning, Arkansas (TA-W-88). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear, produced by Clayton Shoe Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,  
Acting Director, Office of  
Trade Adjustment Assistance.

[FR Doc.75-19252 Filed 7-23-75;8:45 am]

MANHATTAN SHIRT CO.

Negative Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of

Labor herein presents the results of TA-W-20; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 7, 1975 in response to a worker petition received on May 6, 1975 which was filed on behalf of workers producing men's, women's and children's apparel at the Ashburn, Georgia plant of Manhattan Shirt Company, Glenrock, New Jersey.

The notice of investigation was published in the Federal Register (40 FR 21800) on May 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Manhattan Shirt Company, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Ashburn plant of Manhattan Shirt Company declined in each year from 1972 to 1974. All employment was terminated in February 1975 when the plant was permanently closed.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of dress shirts, which comprised nearly two-thirds of plant production, increased 7 percent from 1972 to 1974.

Production of pajamas, which comprised nearly all of the remainder of production, declined 24 percent during the 1972-1974 period. Total plant production after declining 11 percent in 1973, increased 5 percent in 1974. All production at the Ashburn plant was terminated in February 1975.

#### INCREASES IN IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's and boys' dress shirts like or directly competitive with those

produced at Manhattan Shirt's Ashburn plant declined 53 percent from 1970 to 1974, during the same period in which domestic production was declining less than 20 percent. Total domestic production of men's and boys' shirts, including sport shirts, declined only 18 percent during 1972-1974 while imports of men's and boys' dress and sport shirts were declining 39 percent. Imports of men's and boys' pajamas, like or directly competitive with those produced at the Ashburn plant, declined both absolutely and relatively from 1972 to 1974. Evidence developed during the course of the investigation indicates that the general economic slowdown was the reason for Manhattan Industries' decision to close the Ashburn plant of Manhattan Shirt Company. Several customers of Manhattan Shirt indicated that the increased resistance of consumers to higher shirt prices has caused intense competition within the industry in recent years and that Manhattan faced much stiffer competition from domestic manufacturers than from imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and boys' shirts and pajamas produced at the Ashburn, Georgia plant of Manhattan Shirt Company did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of the plant.

Signed at Washington, D.C., this 3rd day of July 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc. 75-19253 Filed 7-23-75; 8:45 am]

#### NORTHLAND SHOE CORP.

#### Notice of Negative Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-27: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 29, 1975 in response to a worker petition received on May 21, 1975 which was filed by workers formerly producing uppers for women's footwear at Northland Shoe Corporation, Fryeburg, Maine, a wholly-owned subsidiary of Standard Prudential Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 23801) on June 2, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Northland Shoe Corporation, its customers, the U.S. In-

ternational Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Production of shoe uppers at Northland Shoe Corporation was based principally on production of finished women's footwear at Eastland Shoe Corporation—a sister company of Northland—located in Freeport, Maine.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

A significant number or proportion of the hourly, piecework, and salaried workers of Northland Shoe Corporation became totally or partially separated in the first quarter of 1975 when employment declined 40 percent. All employment was terminated at the plant by the end of January 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Northland Shoe Corporation declined steadily during the last three quarters of 1974 and in the first quarter of 1975. All production of shoe uppers was ceased at the Northland Shoe Corporation in January 1975.

#### INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of all women's nonrubber footwear increased their share of domestic consumption and production fractionally in 1974. While specific data on the types of footwear produced by Eastland Shoe were not available, officials of Eastland and several of its major customers indicated that the demand for the type of sport and casual shoes produced by Eastland has declined sharply in recent years. In addition, a customer for whom Northland performed contract stitching operations ceased all purchases from Northland in 1974 and began performing many of its own stitching operations at a domestic facility. The decision to close the Northland Shoe was based both on the declining demand for the type of shoe stitched by Northland and sold by Eastland, and on the loss of the

major contract stitching operations by Northland in 1974.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced by Eastland Shoe Corporation did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of Northland Shoe Corporation.

Signed at Washington, D.C., this 16th day of July 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade Adjustment  
Policy.

[FR Doc. 75-19249 Filed 7-23-75; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Notice 814]

#### ASSIGNMENT OF HEARINGS

JULY 21, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-12234, Century Express Ltd.—Purchase—Landsale Transportation Co., Inc., now assigned July 29, 1975, at Washington, D.C., is postponed indefinitely.

MC 110683 Sub No. 104, Smith's Transfer Corporation, now being assigned October 15, 1975, (3 days), at Columbus, Ohio, in a hearing room to be designated later.

MC 114290 Sub 75, Exley Express, Inc., and MC 119639 Sub 15, Inco Express, Inc., now being assigned September 23, 1975 (2 days) at Olympia, Washington; in a hearing room to be designated later.

MC 921 Sub 28, Dean Truck Line, Inc., now being assigned November 3, 1975, at Jackson, Miss.; (1 week) in a hearing room to be later designated.

MC-F 12250, Lovelace Truck Service, Inc.—Purchase (Portion)—Atkinson Lines, Inc., and MC-151 (Sub No. 53), Lovelace Truck Service, Inc., now assigned July 28, 1975 in Indianapolis, Ind. and August 4, 1975 in St. Louis, Mo., are now cancelled.

MC 114273 Sub 229, Crst, Inc., now being assigned November 4, 1975 (2 days) at Denver, Colorado; in a hearing room to be designated later.

MC 140692, Denver Trans-Corp., now being assigned November 6, 1975 (2 days) at Denver, Colorado; in a hearing room to be designated later.

MC 19227 Sub 208, Leonard Bros. Trucking, Co., Inc., now being assigned November 10, 1975 (1 day) at Denver, Colorado; in a hearing room to be designated later.

MC 113855 Sub 307, International Transports, Inc., now being assigned November 11, 1975

(1 day) at Denver, Colorado; in a hearing room to be designated later.

MC 123407 Sub 234, Sawyer Transport, Inc. and MC 124947 Sub 38, Machinery Transports, Inc., now being assigned November 11, 1975 (3 days) at Denver, Colorado; in a hearing room to be designated later.

MC 113658 Sub 9, Scott Truck Line, Inc., now being assigned November 17, 1975 (1 week) at Denver, Colorado; in a hearing room to be designated later.

MC 124606 (Sub No. 4), Ford Truck Line, Inc., now being assigned November 10, 1975, (2 weeks), at Little Rock, Ark., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-19285 Filed 7-23-75; 8:45 am]

[Ex Parte No. MC-43]

#### MOTOR CARRIERS

##### Lease and Interchange of Vehicles

JULY 21, 1975.

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 15th day of July 1975.

It appearing, that a petition has been filed by Brown Transport Corp. (MC-56679 and numerous subs) and Harper Motor Lines, Inc. (MC-504 and various subs), under temporary common control for waiver of paragraphs (a) (3) and (c) of § 1057.4 of the lease and interchange of vehicles regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, that the U.S. Department of Transportation recommends that the petition be granted based on an examination of petitioners' records;

It is ordered, That waiver of paragraphs (a) (3) and (c) of § 1057.4, be, and it is, hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-19288 Filed 7-23-75; 8:45 am]

[Notice 38]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 21, 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 August 13, 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-75763. By supplemental order entered the Motor Carrier Board approved the transfer to St. Louis Freight Lines, Inc., St. Louis, Mich., of the operating rights set forth in Certificate No. MC-117165 (Sub-No. 36), issued April 21, 1975, to C. J. Davis, doing business as St. Louis Freight Lines, St. Louis, Mich., authorizing the transportation of composition board, particle board, and plywood, and accessories, materials, and supplies used in the sale and installation thereof (except in bulk), from Blountstown, Fla., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and materials, supplies, and accessories used in the manufacture and installation of composition board, particle board, and plywood (except in bulk), from points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the plant and warehouse facilities of Abitibi Corporation at Blountstown, Fla. Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167, attorney for applicants.

No. MC-FC-75975. By order entered July 18, 1975, the Motor Carrier Board approved the transfer to Donald Richard Transportation Co., Inc., Port Newark, N.J., of the operating rights set forth in Certificate Nos. MC-129129 (Sub-No. 2), MC-129129 (Sub-No. 3), and MC-129129 (Sub-No. 5), issued July 8, 1968, September 22, 1971, and April 23, 1974, respectively, to Jack-Leonard Transportation Co., Inc., Port Newark, N.J., authorizing the transportation of general commodities, with the usual exceptions, and various specified commodities, including house furnishings (other than furniture), and utensils, from, to, and between specified points in New York and New Jersey. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-19286 Filed 7-23-75; 8:45 am]

[Notice 80]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1975.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the

provisions of 49 CFR Part 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 437TA), filed July 11, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wisconsin 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wisconsin 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vinyl, asbestos and asphalt composition tile*, from Houston, Tex. to points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, and Wisconsin. (For 180 days). SUPPORTING SHIPPERS: Uvalde Rock Asphalt Company, P.O. Box 531, San Antonio, Texas 73292 (Charles G. Dennis). SEND PROTESTS TO: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 607, Milwaukee, Wisconsin 53203.

No. MC 106278 (Sub-No. 38TA), filed July 9, 1975. Applicant: E. B. LAW AND SON, INC., P.O. Box 1360, Las Cruces, N. Mex. 88001. Applicant's representative: Donald T. Law (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lead concentrates*, in bulk, from American Smelting and Refining Company Mill, near Deming, N. Mex., to El Paso, Tex., for 180 days. SUPPORTING SHIPPER:

American Smelting and Refining Company, 405 Montgomery St., San Francisco, Calif. 94104. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, 1106 Federal Office Bldg., 517 Gold Ave. SW., Bureau of Operations, Interstate Commerce Commission, Albuquerque, N. Mex. 87101.

No. MC 109397 (Sub-No. 315TA), filed July 10, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Suite 223, Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Radioactive and "Sensitive" non-radioactive waste materials*, requiring special disposition, from the Cities of Eureka and San Francisco and the Counties of San Francisco, Alameda, Solano, Contra Costa, Santa Clara, San Mateo, Sacramento, San Diego, Los Angeles, and Orange, Calif.; Denver, Arapahoe, Jefferson, and Weld Counties, Colo.; the Cimarron Facility near Crescent, Okla.; and Albuquerque, N. Mex.; to the burial site of Nuclear Engineering near Beatty, Nev.; (2) *Containers* used in the transportation of the above materials, from the burial site of Nuclear Engineering near Beatty, Nev., to points named above. SUPPORTING SHIPPER: Nuclear Engineering Company, Inc., Box 7246, Louisville, Ky. 40207. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 109443 (Sub-No. 19TA), filed July 3, 1975. Applicant: Seaboard Tank Lines, Inc., Monahan Avenue, Dunmore, Pa. 18512. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, (1) From Malvern, Pa., to Wilmington, Newark, New Castle, and Claymont Heights, Del., (2) From New Kingston, Pa., to Wilmington, Newark, New Castle, and Claymont Heights, Del. (For 150 days) SUPPORTING SHIPPERS: Trans-Pen Oil Co. Box 428 Titusville, Pa. 16354. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 109689 (Sub-No. 291TA), filed July 8, 1975. Applicant: W. S. HATCH, CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from El Paso, Tex., to Uravan, Colo., for 180 days. SUPPORTING SHIPPER: Asarco Incorporated, 405 Montgomery Suite 609, San Francisco, Calif. 94104. SEND PROTESTS TO: Lyle D. Helfer, District Supervisor, Bu-

reau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 111170 (Sub-No. 221TA), filed July 10, 1975. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bulk liquid pipe coating material*, from Lone Star, Tex., to Shreveport, La., and Arkansas City, Kans., for 180 days. SUPPORTING SHIPPER: Irish Pipe Coating Co., Inc., 2504 Flournoy-Lucas Road, Shreveport, La. 71108. SEND PROTESTS TO: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 558TA), filed July 8, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Business papers, records and audit and accounting media of all kinds*, between Jacksonville, Fla., on the one hand, and, on the other, Albany, Columbus, and Griffin, Ga., for 180 days. SUPPORTING SHIPPER: Florida Rock & Tank Lines, Inc., 155 East 21st., P.O. Box 1559, Jacksonville, Fla. 32201. SEND PROTESTS TO: Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 559TA), filed July 11, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Radioactive material, special form*, in type B approved containers, in packages or articles not to exceed 75 pounds from one consignor to one consignee on any one day, from Burlington, Mass., to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia; (2) *Empty containers* used for radioactive material set forth above, in packages or articles not to exceed 75 pounds from one consignor to one consignee on any one day, from points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia to Burlington, Mass.; (3) *Emergency computer repair and replacement parts, and emergency office supplies*, in packages or articles not to exceed 60 pounds from one consignor to one consignee on any one day, between Nashua and Merrimack, N.H., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Jersey, New York, and Rhode Island, for 90 days. SUP-

**PORTING SHIPPERS:** Technical Operations, Inc., Radiation Products Division, 40 South Avenue, Burlington, Mass. 01803. Nashua Corporation, 44 Franklin St., Nashua, N.H. 03060. **SEND PROTESTS TO:** Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111812 (Sub-No. 517TA), filed July 11, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: David Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Eureka, S. Dak., to Northvale, N.J., for 180 days. **SUPPORTING SHIPPER:** Eureka Cheese Factory, Eureka, S. Dak. 57437. **SEND PROTESTS TO:** J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 114045 (Sub-No. 423TA), filed July 9, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books, cleaning compounds, earth, garden tool sets, insecticides agricultural, moss plastic articles, sprayers and vermiculite*, in packages in mixed shipments with drugs, toilet preparations and/or paper impregnated with soap or cleansing agents, from Parsippany, N.J., to Dallas, Grand Prairie, Tex., for 180 days. **SUPPORTING SHIPPER:** Pfizer, Inc., 235 East 42nd St., New York, N.Y. 10017. **SEND PROTESTS TO:** Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 114606 (Sub-No. 8TA), filed July 8, 1975. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, beet or cane*, in bags, barrels or boxes, from East Grand Forks, Moorhead and Crookston, Minn., to Superior, Wis., for 180 days. **SUPPORTING SHIPPER:** American Crystal Sugar Company, 101 North Third St., Moorhead, Minn. 56560. **SEND PROTESTS TO:** Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118745 (Sub-No. 13TA), filed July 11, 1975. Applicant: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, PA. 19518. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Con-

necticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: *lumber, wood fencing and pallets* (1) From Lower Moreland Township, Montgomery County, Pa., to points in Delaware, Maryland, New Jersey, and New York. (2) From points in Maryland and Delaware to points in Pennsylvania on and east of U.S. Highway 219. **RESTRICTION:** Restricted to traffic moving under a continuing contract or contracts with The Warner Company. (For 180 days) **SUPPORTING SHIPPERS:** The Warner Company, 1721 Arch Street, Philadelphia, PA. 19103. **SEND PROTESTS TO:** Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA. 19106.

No. MC 123085 (Sub-No. 5TA), filed July 8, 1975. Applicant: IRGO TRUCKING CORP., 550 East Chester St., Long Beach, N.Y. 11561. Applicant's representative: Bowes, Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles and closures*, between Carle Place, N.Y., and points in the New York, N.Y. Commercial Zone, as defined by the Commission. Applicant intends to tack its existing authority with MC 123085 and MC 123085 (Sub-No. 1), New York Commercial Zone, for 180 days. **SUPPORTING SHIPPER:** Richford American Corporation, 220 Smith St., Farmingdale, N.Y. 11735. **SEND PROTESTS TO:** Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124078 (Sub-No. 654TA), filed July 8, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: W. H. Quirnbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Universal, Pa., to Middletown, Ohio, for 180 days. **SUPPORTING SHIPPER:** United States Steel Corporation, 600 Grant St., Pittsburgh, Pa. 15231. **SEND PROTESTS TO:** John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 655TA), filed July 8, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: W. H. Quirnbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, from Fayetteville, N.C., to Columbia County, Fla., for 180 days. **SUPPORTING SHIPPER:** Cargill, Inc., Cargill Bldg., Minneapolis, Minn. 55402. **SEND PROTESTS TO:** John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124813 (Sub-No. 131TA), filed July 11, 1975. Applicant: UMHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Belvidere, Ill., to points in Iowa, Wisconsin, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. **SUPPORTING SHIPPER:** International Distributing Corp., 2516 North Broadway, St. Louis, Mo. 63102. **SEND PROTESTS TO:** Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 126709 (Sub-No. 10TA), filed July 7, 1975. Applicant: SABER, INC., 514 South Floyd Blvd., Sioux City, Iowa 51101. Applicant's representative: Davey E. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, oils and inedible tallows and greases*, in tank vehicles, from Windom, Minn., to Sioux City, Iowa, for 180 days. Supporting shipper: Larry Doeschet, Sales & Traffic Manager, By Products, Tri-State Tallow Company, 2023 Leech St., Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 127042 (Sub-No. 162TA), filed July 7, 1975. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities of or utilized by Wilson & Company, Inc., located at or near Albert Lea, Minn., to points in Montana; (2) *Meat, meat products, meat by-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), from the plantsite and storage facilities of or utilized by Wilson & Co., Inc., located at or near Albert Lea, Minn., to points in Wyoming, for 180 days. Supporting shipper: A. N. Brent, Transportation Manager, Wilson & Company, Inc., 4545 Lincoln Blvd., Oklahoma City, Okla. 73105. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 127651 (Sub-No. 28TA), filed July 11, 1975. Applicant: EVERETT G. ROEHL, INC., E. 29th St., P.O. Box 7, Marshfield, Wis. 54449. Applicant's rep-

representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from Town of Quincy (Township), Adams County, Wis., to Lima, Ohio, for 180 days. SUPPORTING SHIPPER: The Townsend Co., 2767 N. Main St., Decatur, Ill. 62526. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 134336 (Sub-No. 7TA), filed July 9, 1975. Applicant: Tom Bowen, Inc., 1935 Hill Street, P.O. Box 689, Sturgis, SD 57785. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, bark, shavings, and other sawmill products* (except lumber) from points in Lawrence and Meade Counties, S. Dak. to points in Colorado, Nebraska, Iowa, Minnesota, Illinois, North Dakota, Wisconsin, and Kansas. (Note: specific points cannot be named since ranches and feedlots are purchasers of this product.) (For 180 days) SUPPORTING SHIPPERS: Homestake Forest Products Co. P.O. Box 472, Spearfish, S. Dak. 57783. W. Reed, Sales Manager Dickson Forest Products, Inc., Box 736 Sturgis, S. Dak. 57785. Charles N. Davis, Plant Manager. SEND PROTESTS TO: District Supervisor J. L. Hammond, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 134978 (Sub-No. 11TA), filed July 10, 1975. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Route 2, Chesnee, S.C. 29323. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials* (except in bulk in tank vehicles) from points in Spartanburg County, S.C., to points in Georgia on or North of I-20. (For 180 days) SUPPORTING SHIPPERS: International Minerals & Chemical Corp., P.O. Box 5398, Spartanburg, S.C. 29301. SEND PROTESTS TO: E. E. Strothel, District Supervisor, ICC Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 138469 (Sub-No. 18TA), filed July 3, 1975. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, Suite 200, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, mirrors, automobile parts, metal vehicle accessories, plastic articles, moulding, spray*

*paint, metal hangers, and items used in the installation thereof*, from Evans Products Company at or near Dothan, Ala., to points in the United States (except Alabama, Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Evans Products Company, Daniel D. Dalek, T. M., 15500 East Twelve Mile Road, Roseville, Mich. SEND PROTESTS TO: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 139495 (Sub-No. 79TA), filed July 10, 1975. Applicant: National Carriers, Inc., 1501 East 8th, Liberal, Kansas 67901. Applicant's representative: James E. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products and materials, equipment and supplies* used in the manufacture of medical care products. (A) From Ogden, Utah, to Dallas, Tex. and Chattanooga, Tenn.; (B) From Chattanooga, Tenn., to Ogden, Utah, City of Industry, Berkeley and San Lorenzo, Calif., and Tukwila, Wash. (For 180 days.) Supporting shippers: Cutter Laboratories, Inc. Berkeley, California. Send protests to: M. E. Taylor, District Supervisor Interstate Commerce Commission 501 Petroleum Building, Wichita, Kansas 67202.

No. MC 140998 (Sub-No. 1TA), filed July 9, 1975. Applicant: DALE OSBURN, INC., 5850 Pardee, Taylor, Mich. 48180. Applicant's representative: David E. Jerome, P.O. Box 400, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar pellets*, in dump equipment, from the plantsite of the Mercier Corporation, Dearborn, Mich., to the port of entry, International Boundary at Sault Ste. Marie, Mich., for 180 days. Supporting: Mercier Corporation, T. E. Kelley, Vice President, P.O. Box 1039, Birmingham, Mich. 48011. Send protests to: Melvin F. Kirsch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 141048 (Sub-No. 1TA), filed July 7, 1975. Applicant: SAMUEL A. PEARMAN, doing business as INDUSTRIAL TRANSPORT, Route 6, Box 328, Martinsville, Va. 24112. Applicant's representative: Samuel A. Pearman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper tube products*, between Martinsville, Va., and Wilmington, N.C.; and Between Martinsville, Va., and Kingston, Ontario, Canada, under a continuing contract or contracts with Yarn Carriers, Inc., for 180 days. Supporting shipper: Yarn Carriers, Inc., P.O. Box 2276, Martinsville, Va. 24112. Send protests to: Danny R. Beeler, District Su-

pervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., S.W., Roanoke, Va. 24011.

No. MC 141070 (Sub-No. 1TA), filed July 8, 1975. Applicant: Razorback Dump Haulers, Inc., Route 1, Black Rock, Arkansas 72415. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Arkansas 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, and gravel*, from Sharp and Lawrence Counties, Ark. to Wright and Texas Counties, Mo. (For 180 days). Supporting shippers: W. W. Smith, dba Black Rock Sand & Gravel Co., P.O. Box 276, Black Rock, Ark. 72415. Send protests to: District Supervisor William H. Land, Jr. 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

#### APPLICATION OF PASSENGERS

No. MC 141115 TA, filed July 7, 1975. Applicant: PILCHER BUS SERVICE, INC., R.D. 3, Freehold, N.J. 07728. Applicant's representative: Bruce S. Edington, 2 Broad St., Freehold, N.J. 07728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter service, beginning and ending in that portion of Monmouth County, N.J., west of state Highway 34 and Jackson and Lakewood Townships, Ocean County, N.J., to points in Washington, D.C., New York, Connecticut, Rhode Island, Vermont, and that portion of Pennsylvania lying east of a line beginning at the New York State and Pennsylvania State line at Lawrenceville, Pa., extending down Rt. No. 15 to Williamsport, Pa., and following the Susquehanna River between Williamsport and Peachbottom, Pa., at the Maryland State line, for 180 days. SUPPORTING SHIPPERS: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Dieter H. Harper, Transportation Specialist, Interstate Commerce Commission, 428 State St., Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-19287 Filed 7-23-75; 8:45 am]

[Notice 74]

#### TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Merrill Transport Co., MC-8262 Sub-70	MC-8262 Sub-73	May 13, 1975
Popelka Trucking Co., MC-26396 Sub-64	MC-26396 Sub-65	May 14, 1975
Alabama Storage Co., MC-26344 Sub-1	MC-26344 Sub-2	May 6, 1975
A. G. Boone Co., MC-42146 Sub-17	MC-42146 Sub-18	Do.
Theodor Rossi Trucking Co., MC-42828 Sub-7	MC-42828 Sub-8	May 13, 1975
Schneider Transport, Inc., MC-51146 Sub-299	MC-51146 Sub-300	May 29, 1975
Schneider Transport, Inc., MC-51146 Sub-308	MC-51146 Sub-307	May 16, 1975
Blue Henlines, Inc., MC-72069 Sub-4	MC-72069 Sub-5	Do.
Hunt Transportation, Inc., MC-82841 Sub-127	MC-82841 Sub-133	May 1, 1975
Hunt Transportation, Inc., MC-82841 Sub-133	MC-82841 Sub-137	May 27, 1975
Hover Truck Line, MC-95084 Sub-62	MC-95084 Sub-65	May 20, 1975
Merit Dress Delivery Inc., MC-101219 Sub-53, 55	MC-101219 Sub-54	May 15, 1975
Constat Tank Lines, Inc., MC-102616 Sub-887	MC-102616 Sub-890	May 14, 1975
Constat Tank Lines, Inc., MC-102616 Sub-895	MC-102616 Sub-899	Do.
Constat Tank Lines, Inc., MC-102616 Sub-896	MC-102616 Sub-900	May 8, 1975
Fleet Transport Co. Inc., MC-103051 Sub-321	MC-103051 Sub-323	May 15, 1975
Huston Truck Line, Inc., MC-104523 Sub-57	MC-104523 Sub-58	May 16, 1975
Pre-Fab Transit, Co., MC-107295 Sub-706	MC-107295 Sub-711	Do.
Ruan Transport Corp., MC-107496 Sub-885, 888	MC-107496 Sub-893	May 20, 1975
Litten & Litten Motor Lines, MC-108570 Sub-5	MC-108570 Sub-6	May 8, 1975
Seattle Trucking Corp., MC-109124 Sub-19	MC-109124 Sub-20	May 1, 1975
Tri-State Motor Transit Co., MC-109397 Sub-180	MC-109397 Sub-172	May 16, 1975
Miller Trucking, Inc., MC-109551 Sub-7	MC-109551 Sub-6	Do.
Lee Motor Lines, Inc., MC-109612 Sub-37	MC-109612 Sub-38	May 6, 1975
J. E. Lammert Transfer, Inc., MC-110589 Sub-20	MC-110589 Sub-26	May 14, 1975
Smith's Transfer Corp., MC-110653 Sub-100	MC-110653 Sub-102	May 23, 1975
Home Transportation Co., MC-111545 Sub-153	MC-111545 Sub-156	May 20, 1975
Puroator Courier Corp., MC-111729 Sub-425	MC-111729 Sub-448	May 5, 1975
Puroator Courier Corp., MC-111729 Sub-431, 433	MC-111729 Sub-451	Do.
The Manfredi Motor Transit Co., MC-112194 Sub-45	MC-112194 Sub-44	May 16, 1975
McKenzie Tank Lines Inc., MC-112520 Sub-288	MC-112520 Sub-287	May 15, 1975
Jefferson Trucking Co., MC-113646 Sub-10	MC-113646 Sub-11	May 21, 1975
Freeport Transport, Inc., MC-113666 Sub-47	MC-113666 Sub-49	May 1, 1975
Erickson Transport Corp., MC-113908 Sub-272	MC-113908 Sub-286	Do.
Farm Products Co., MC-117792 Sub-6	MC-117792 Sub-7	May 20, 1975
Abbott Trucking, Inc., MC-114312 Sub-28	MC-114312 Sub-27	May 16, 1975
Louis J. Kennedy Trucking Co., MC-115353 Sub-16	MC-115353 Sub-18	May 27, 1975
Bursch Trucking, Inc., MC-115524 Sub-17, 19, 20	MC-115524 Sub-22	May 6, 1975
Erwin Hurner, MC-115876 Sub-28	MC-115876 Sub-29	May 14, 1975
Barrett Mobile Home, Transport, MC-116073 Sub-299	MC-116073 Sub-300	May 15, 1975
Thaddeus A. Gorski, d.b.a. Gorski Bulk Transport, MC-116702 Sub-41	MC-116702 Sub-42	May 20, 1975
Hahn Truck Line, Inc., MC-117765 Sub-166, 168	MC-117765 Sub-169	May 21, 1975
Monkem Company, Inc., MC-119493 Sub-105	MC-119493 Sub-108	May 27, 1975
Stahly Cartage Co., MC-119702 Sub-41	MC-119702 Sub-42	May 30, 1975
DBA Packer Transportation Co., MC-123115 Sub-9	MC-123115 Sub-13	May 12, 1975
Sawyer Transport, Inc., MC-123407 Sub-206	MC-123407 Sub-188	May 23, 1975
Schwerman Trucking Co., MC-124078 Sub-553	MC-124078 Sub-554	May 20, 1975
Frostways, Inc., MC-124170 Sub-37	MC-124170 Sub-40	May 6, 1975
Chemical Express Carriers, MC-124236 Sub-71	MC-124236 Sub-74	May 21, 1975
Feed Transports, Inc., MC-124673 Sub-18	MC-124673 Sub-20	May 9, 1975
DBA Mondloch Transfer, MC-125900 Sub-3	MC-125900 Sub-2	May 15, 1975
Doden Trucking Co., MC-126049 Sub-14	MC-126049 Sub-15	May 6, 1975
Anderson Motor Lines, Inc., MC-126102 Sub-13	MC-126102 Sub-14	May 19, 1975
Eline Trucking, Inc., MC-127196 Sub-14	MC-127196 Sub-15	May 27, 1975
DBA Mayer Truck Line, MC-128217 Sub-11, 12	MC-128217 Sub-3	May 14, 1975
Arrow Freightways, Inc., MC-128279 Sub-23	MC-128279 Sub-25	May 1, 1975
Crete Carrier Corp., MC-128375 Sub-97	MC-128375 Sub-87	May 9, 1975
Larry's Express, Inc., MC-128860 Sub-12	MC-128860 Sub-13	May 22, 1975
DBA Dittreich Trucking, MC-128951 Sub-10	MC-128951 Sub-11	May 12, 1975
Spencer Trucking Corp., MC-129086 Sub-20	MC-129086 Sub-21	May 5, 1975
Pattons, Inc., MC-129516 Sub-4	MC-129516 Sub-5	May 1, 1975
Polar Transport, Inc., MC-129600 Sub-18	MC-129600 Sub-17	May 6, 1975
Eckley Trucking & Leasing, MC-133065 Sub-27	MC-133065 Sub-26	Do.
Heyl Truck Lines, Inc., MC-133119 Sub-18	MC-133119 Sub-19	May 1, 1975
Helvor Lines, Inc., MC-133330 Sub-3	MC-133330 Sub-4	May 7, 1975
Overland Express, Inc., MC-133689 Sub-31	MC-133689 Sub-27	May 21, 1975

(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 within 60 days of the date of this publication, 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 applications 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. 318), filed June 26, 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: Wine, in bulk, in tank vehicles, from Cutler, Calif., to Laconia, N.H.

[SEAL]

JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.75-19289 Filed 7-23-75;8:45 am]

[Notice No. 58]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 18, 1975.

The following applications are governed by Special Rule 1100.247<sup>1</sup> 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.

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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. Failure seasonably to file a protest 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

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 8544 (Sub-No. 26), filed June 25, 1975. Applicant: GALVESTON TRUCK LINE CORPORATION, doing business as GALVESTON TRUCK LINES, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Joe G. Fender, 711 Fannin, Suite 802, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum sulfate* in bags, from Houston, Tex., to points in Oklahoma (except Oklahoma City, Ponca City, and Tulsa, Okla.); and (2) *soft drink beverages* in cans and bottles, from Tulsa, Okla., to Houston, Tex.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Houston, or Dallas, Tex.

No. MC 19227 (Sub-No. 216), filed June 11, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2115 NW 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbines, gas and steam, heat exchangers, and parts thereof*, from Philadelphia, Pa., to those points in Alabama north of Choctaw, Marengo, Dallas, Lowndes, Montgomery, Bullock, and Barbour Counties, Ala.; points in Arkansas and those points in California north and east of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Sacramento, Yolo, Colusa, Lake and Mendocino Counties, Calif.; those points in Georgia north of Stewart, Webster, Sumter, Crisp, Turner, Ben Hill, Coffee, Bacon, Pierce, Brantley, and Glynn Counties, Ga.; points in Kansas, Louisiana, Mississippi, Missouri, Nebraska, and those points in New Mexico north and east of McKinley, Sandoval, Santa Fe, Torrance, Guadalupe, De Baca, Roosevelt and Curry Counties, N. Mex.; points in Oklahoma, South Carolina, and those points in Texas north of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex.; points in Colorado, Nevada, and Utah.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 217), filed June 23, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, and roofing supplies*, between Los Angeles, Calif., and points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 201), filed June 25, 1975. Applicant: MCLEAN

TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. 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 of KWS Manufacturing Co., located at or near Joshua, Tex., as an off-route point in conjunction with applicant's regular route operations to and from Dallas and Ft. Worth, Tex.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Ft. Worth, Tex., or Washington, D.C.

No. MC 38320 (Sub-No. 18), filed May 22, 1975. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer C, Campbellsville, Ky. 42718. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Louisville, Ky., and Elizabethtown, Ky.; from Louisville, Ky., over U.S. Highway 31-W to Elizabethtown, Ky., and return over the same route, serving no intermediate points.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either Louisville or Frankfurt, Ky.

No. MC 43246 (Sub-No. 21), filed June 26, 1975. Applicant: BUSKE LINES, INC., 123 West Tyler St., P.O. Box 349, Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used wooden barrels*, from Peoria, Ill., to Detroit, Mich., under contract with Hiram Walker & Sons Ltd.

**NOTE.**—Applicant holds common carrier authority in MC 15975 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 48948 (Sub-No. 6), filed June 26, 1975. Applicant: THE HOCKING CARTAGE COMPANY, a corporation, R.R. 2, Logan, Ohio 43138. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products, sewer pipe, pottery ware* (except chinaware), from points in Hocking County, Ohio, to points in that part of West Virginia east of U.S. Highway 219 and those in that part of Kentucky south of U.S. Highway 60; and (2) *empty pallets* on return.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 51146 (Sub-No. 434), filed June 25, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway Street, Green Bay, Wis. 54304. 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: *Printed matter, publications, and exempted printed matter*, as described in Section 203(b)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, from the plant and warehouse facilities of Henry Wurst, Inc. located at or near North Kansas City, Mo., and the plant and warehouse facilities of Rigby Corporation at or near Lenexa, Kans., to Omaha, Nebr.; and points in Missouri, Illinois, Indiana, Wisconsin, Iowa, Minnesota, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Michigan, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52323 (Sub-No. 1), filed June 18, 1975. Applicant: E. I. BRANDT TRUCKING CO., INC., P.O. Box 125, Yuba City, Calif. 95991. Applicant's representative: E. I. Brandt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried fruits, canned goods and preserved fruit products*, when transported in the same vehicle and at the same time with commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Yuba City, Calif. and points within 5 miles of Yuba City to Roseville, Sacramento, Stockton, Oakland, and San Francisco, Calif.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or Sacramento, Calif.

No. MC 59457 (Sub-No. 28), filed June 17, 1975. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dated, printed publications and parts thereof*, between Lancaster, Pa.; Albany and New York, N.Y.; Bridgeport, Bethany, and Old Saybrook, Conn., on the one hand, and, on the other, Albany, N.Y., Hauppauge and Carle Place, N.Y., and points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

No. MC 61592 (Sub-No. 360), filed June 16, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (except in bulk tank vehicles), from Winston-Salem, N.C., to points in the United States in and east of Minnesota, Iowa, Arkansas, and Louisiana (except North Carolina).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem, N.C., or Washington, D.C.

No. MC 79142 (Sub-No. 7), filed June 25, 1975. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54 Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193-5, World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, cloth, piece goods, wearing apparel, and hangers*, between carrier's terminal at Maspeth, N.Y., on the one hand, and, on the other, points in Middlesex, Union, Essex, Hudson, Bergen, Passaic, and Monmouth Counties, N.J.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 116858 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 83835 (Sub-No. 123), filed June 23, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gas filters, flow filters, filter separators, cyclotube separators, launching and receiving scrapper traps*; and (2) *materials and supplies* used in, or in connection with the manufacture, fabricating, or distribution of (1) above, between Mineral Wells, Tex., on the one hand, and, on the other, points in the United States (except Hawaii), restricted to shipments originating at or destined to the facilities of Perry Equipment Company located at Mineral Wells, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 95876 (Sub-No. 177), filed June 23, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Marathon County, Wis., to points in South Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, Missouri, Vermont, Nebraska, Michigan, Kansas, and those

points in New York west of New York Highway 96 and those points in Pennsylvania west of U.S. Highway 15.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 98154 (Sub-No. 16), filed June 27, 1975. Applicant: BRUCE CARTAGE, INCORPORATED, 3640 East Washington Road, Saginaw, Mich. 4860. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between Flint, Mich., on the one hand, and, on the other, stores and warehouses of J.C. Penney Company, Inc., located at points in Michigan south of a line beginning at Lake Michigan and extending east along the north boundary of Manistee, Wexford, and Missaukee Counties, thence south along the east boundary of Missaukee County to the north boundary of Clare County, thence east along the north boundary of Clare County and the north boundary of Gladwin County to the east boundary of Gladwin County, thence south along the east boundary of Gladwin and Midland Counties to a point due west of Kawkawlin, Mich., thence east along an imaginary line drawn east and west through Kawkawlin, Mich., to Saginaw Bay.

NOTE.—Applicant holds authority in MC 98154 (Sub-No. 13), to transport the above commodities between Saginaw and Grand Rapids, Mich., on the one hand, and, on the other, points in the above described territory. Applicant states that the purpose of this application is to add Flint, Mich., as a terminal point. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 100666 (Sub-No. 300), filed June 19, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmer Dr., Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper* for recycling purposes, from points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas to Shreveport, La.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Shreveport, La., or Dallas, Tex.

No. MC 104004 (Sub-No. 200), filed June 19, 1975. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 65-12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment), Between Louisville, Ky., and junction Interstate Highway 75 and U.S. Highway 60: From Louisville, Ky. over Interstate Highway 64 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction U.S. Highway 127, thence over U.S. Highway 127 (via Lawrenceburg) to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Interstate Highway 75 at or near Lexington, Ky., and return over the same route, serving no intermediate points, serving the termini for purposes of joiner only and serving the facilities of General Cable Corp. at or near Lawrenceburg, Ky., as an off-route point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., New York, N.Y., or Louisville, Ky.

No. MC 107496 (Sub-No. 997) (Partial correction), filed April 4, 1975, published in the FEDERAL REGISTER issue of June 5, 1975, republished as corrected this issue. 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: (6) *chemicals*, in bulk, between points in Marinette County, 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.—The purpose of this republication is to correct territorial description in part (6) of this proceeding. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 107496 (Sub-No. 1002), filed June 24, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Des Moines, Iowa 50304. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, from points in Mesa County, Colo., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington; and (2) *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 either Denver, Colo., or Omaha, Nebr.

No. MC 107527 (Sub-No. 56), filed June 26, 1975. Applicant: POST TRANSPORTATION COMPANY, a corporation, 1970 E. 213th Street, Carson, Calif. 90745. Applicant's representative: R. Sherman Kirksey (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank trucks, from Los Angeles, Calif., to Upper Scheelite, Calif.,

on traffic having prior out-of-state rail movement, under contract with Union Carbide Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Los Angeles, or San Francisco, Calif.

No. MC 109689 (Sub-No. 289), filed June 11, 1975. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, from Big Horn, Fremont, Hot Springs, Natrona, Park, and Washakie Counties, Wyo., to Salt Lake City, Utah, and points within 10 miles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110325 (Sub-No. 67), filed June 9, 1975. Applicant: TRANSCON LINES, a corporation, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. 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, and commodities in bulk), between Grand Rapids and Muskegon, Mich., serving the intermediate point of Grand Haven, Mich.: (1) From Grand Rapids, Mich., over Interstate Highway 96, to Muskegon, Mich., and return over the same route; (2) From Grand Rapids, Mich., over Michigan Highway 45 to junction Michigan Highway 11, thence over Michigan Highway 11 to junction Interstate Highway 96, thence over Interstate Highway 96 to Muskegon, Mich. (and also over Interstate Highway 96 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, Mich. and return over the same route); and (3) From Grand Rapids, Mich., over Michigan Highway 45 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, Mich., and return over the same route, restricted to shipments transported by carrier to and from points on its authorized routes west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111594 (Sub-No. 68), filed June 26, 1975. Applicant: C. W. TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. 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, between the plantsite of the Southern California Chemical Co., located at or near Union, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 554), filed June 27, 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: (1) *Laboratory specimens*, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Craighead, Crittenden, Jackson, Jefferson, Lee, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Prairie, St. Francis, White and Woodruff Counties, Ark.; and (2) *pharmaceuticals, drugs, sundry items, materials and supplies*, from points in Jefferson County, La., to points in George, Hancock, Har-

ison, Pearl River, and Stone Counties, Miss., and points in Mobile County, Ala.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 111729 (Sub-No. 555), filed June 27, 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: *General commodities* moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment, and commercial papers, documents and written instruments as are used in the business of banks and banking institutions); (1) between points in Arkansas and Louisiana, on the one hand, and, on the other, points in Texas and Oklahoma; (2) between points in New Mexico, Oklahoma, and Texas; and (3) between points in Kansas and Missouri, on the one hand, and, on the other, points in Oklahoma and Arkansas, restricted against the transportation of packages weighing more than 50 pounds, with each package or article considered a separate and distinct shipment, and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., Little Rock, Ark., or New Orleans, La.

No. MC 112617 (Sub-No. 331), filed June 25, 1975. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ink and varnish*, in bulk, in tank vehicles, from New Albany, Ind., to points in Illinois, Kentucky, Mississippi, Missouri, New York, Tennessee, and Texas; (2) *hydrofluosilicic acid*, in bulk, in tank vehicles, from London, Ky., to points in Cincinnati, Ohio; and (3) *pulverized coal*, in bulk, from Greenup, Ky., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 113678 (Sub-No. 591) (Amendment), filed April 28, 1975, and published in the FEDERAL REGISTER issue of May 29, 1975, and republished as

amended this issue. 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) *Carpets, rugs, padding, textile products, tile, linoleum, molding hard surface floor coverings, and adhesives*, (2) *materials and supplies* used in the installation of the commodities in (1) above, from Itasca, Ill., Dallas and Mineral Wells, Tex., and points in Pennsylvania and New Jersey, to points in Colorado, Utah, points in Albany, Goshen, Laramie, and Natrona Counties, Wyo., and points in Cheyenne, Kimball, Perkins, and Scotts Bluff Counties, Nebr.

NOTE.—The purpose of this amendment is to combine parts (1) and (2) of the application as originally published so as to request authority to transport all of the above commodities from all of the above origins to all of the above destinations. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113855 (Sub-No. 320), filed June 26, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Ross, 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) *Road building, earth moving, construction equipment, cranes, and attachments, accessories, and parts*, of such commodities; and (2) *parts, materials and supplies* used in construction of items in (1) above, between the plantsites and warehouse facilities of Grove Manufacturing Company, at Shady Grove and Chambersburg, Pa., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113855 (Sub-No. 321), filed June 27, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 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) *Agricultural implements and adapter kits therefor*; (2) *tractor canopies and cabs*; (3) *agricultural implement and contractors' equipment safety guards*; (4) *attachments* for the commodities described in (1), (2), and (3) above; and (5) *parts* for the commodities described in (1), (2), (3), and (4) above, from Madras, Oreg., 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 Portland, Oreg., or Washington, D.C.

No. MC 113855 (Sub-No. 322), filed June 27, 1975. Applicant: INTERNA-

TIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 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) *Agricultural machinery and equipment*, and (2) *accessories, parts and supplies* for (1) when moving in mixed loads with such commodities, from Broomfield, Colo., 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 Denver, Colo., or Washington, D.C.

No. MC 114211 (Sub-No. 248), filed June 25, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Singer, Sullivan & Smyth, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment*; and (2) *accessories, parts and supplies* for (1) when moving in mixed loads with such commodities, from Broomfield, Colo., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with similar application being filed by International Transport at Washington, D.C., or Chicago, Ill.

No. MC 114211 (Sub-No. 249), filed June 25, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Singer, Sullivan & Smyth, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, from the plantsite of FMC Corp., Crane and Excavator Division located at or near Bowling Green, Ky., to points in the United States (except Alaska and Hawaii); (2) *Materials, equipment and supplies* used or useful in the manufacture of the above-named commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite of the above-named facilities located at Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with similar applications at Chicago, Ill., or Washington, D.C.

No. MC 115162 (Sub-No. 309), filed June 23, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible flour* (except in bulk), from Indianapolis, Ind., to points in Texas, Arkansas, Louisiana, Mississippi, Alabama, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 115311 (Sub-No. 179) (Amendment), filed June 18, 1975, published in the FEDERAL REGISTER issue of July 17, 1975, and republished as amended this issue. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and sand products*, from the facilities of Georgia Marble Company, in Marion County, Ga., to points in Alabama, Florida, Tennessee, North Carolina, South Carolina, Mississippi, Louisiana, Kentucky, Virginia, and West Virginia; (2) *industrial sand*, from points in Crawford County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee; and (3) *sulphate of alumina clay; bauxite ore; and clay*, from points in Sumter and Macon Counties, Ga., to points in Alabama, Florida, Georgia, North Carolina, Texas, Mississippi, Louisiana, Tennessee, Kentucky, South Carolina, Virginia, and West Virginia.

NOTE.—The purpose of this republication is to indicate the additional destination points in part (3) of North Carolina and Texas. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115654 (Sub-No. 42), filed June 24, 1975. Applicant: TENNESSEE CARTAGE COMPANY, INC., P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Steven George (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail grocery houses, restaurants, and institutional facilities (except in bulk), in vehicles equipped with mechanical refrigeration, from the warehouse facilities of Polar Refrigerated Services, located at or near Nashville, Tenn., to points in Alabama, Tennessee, Georgia, Kentucky, Cincinnati, Ohio, St. Louis, Mo., Indianapolis, Ind., and the commercial zones of Memphis, Bristol, and Chattanooga, Tenn., Louisville, Ky., and Henderson, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 115904 (Sub-No. 39), filed June 13, 1975. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies, iron and steel articles, machinery and farm supplies*, between points in Idaho.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Idaho Falls or Rexburg, Idaho.

No. MC 116289 (Sub-No. 4), filed June 23, 1975. Applicant: BYARS OIL COMPANY, INC., P.O. Box 5537, Greenville, S.C. 29606. Applicant's representative: Russell C. Ashmore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and asphalt products*, in bulk, in tank vehicles, from the plant-site and storage facilities of Koppers Company, Inc., located at or near Greer, S.C., to points in Elbert, Hart, Franklin, Stephens, Rabun, Habersham, Banks, Madison, Jackson, Townes, White, Hall, Forsyth, Dawson, Lumpkin, Union, Fannin, Gilmer, Pickens, Cherokee, Bartow, Gordon, and Murray Counties, Ga.; and (2) *refused or returned material*, from the destination points in (1) above, to the plant-site and storage facilities of Koppers Company, Inc., located at or near Greer, S.C.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Greenville or Columbia, S.C.

No. MC 116947 (Sub-No. 42), filed June 26, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Ste 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Bread crumbs or cubes*, dry, in boxes; *cereal*, granulated; *mixes*, *dip*, dry, in boxes; *mushrooms*, *canned or preserved*, in liquid, in containers in boxes; *salad dressing preparation*, in boxes; *table sauce*, not otherwise indexed, in boxes, from Atlanta and Forest Park, Ga., to points in Mississippi, under contract with The Clorox Company.

**NOTE.**—Applicant holds common carrier authority in MC 117965 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117119 (Sub-No. 543), filed June 18, 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: *Chemical products* viz: coal tar dyes; chemicals, N.O.I.; cryolite; dry intermediates; iron oxide; liquid lates; plastic materials; resins; rubber, compound and crude; tellurium dioxide; zinc oxide, restricted against transportation of commodities in bulk and to vehicles equipped with mechanical refrigeration, from points in Union, Hudson, Middlesex Counties, N.J., and Wetzell County, W. Va., to points in California.

**NOTE.**—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 118846 (Sub-No. 11) (Correction), filed June 9, 1975, published in the FEDERAL REGISTER issue of July 17, 1975, republished as corrected this issue. Applicant: DALE JESSUP, R.R. #1, P.O. Box 252, Camby, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and plastic articles*, from Mooresville, Ind., to St. Louis, Mo.; Columbus, Ohio; Three Rivers, Mich.; Cocoa, Fla.; Houston, Tex.; and Chicago, Ill.; and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of paper and plastic articles, from Pelham Manor, Little Falls, and Mount Vernon, N.Y.; Worcester, Mass.; Leominster, Mass.; Mosinee, Wis.; and Murphysboro, Ill., to Mooresville, Ind., under a continuing contract or contracts with Nice Pake Products, Inc.

**NOTE.**—The purpose of this republication is to correct the territorial description in part (2) of this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 119641 (Sub-No. 131), filed June 23, 1975. Applicant: RINGLE EXPRESS, INC., 450 East 9th Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Fort Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled combines*, from Wilmington, N.C., to the facilities of Long Mfg. N.C. Inc., located at or near Tarboro, N.C., restricted to the transportation of shipments having immediately prior movement by water.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 120098 (Sub-No. 28), filed June 19, 1975. Applicant: UINTAH FREIGHTWAYS, a Corporation, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: William S. Richards, 1515 Walker Bank Building, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Salt Lake City, Utah, and Canon City, Colo.: From Salt Lake City, Utah, over Interstate Highway 15 to the junction of U.S. Highway 50, thence over U.S. Highway 50 to Canon City, Colo., and return over the same route, serving all intermediate points on U.S. Highway 50, in Colorado.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah; Grant Junction or Pueblo, Colo.

No. MC 123233 (Sub-No. 56), filed June 26, 1975. Applicant: PROVOST CARTAGE INC., 7887 Grenache Avenue, Ville d'Anjou, Que., Canada, H1J-1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from Baltimore, Dundalk, and Relay, Md., to the Ports of Entry on the International Boundary line between the United States and Canada located on the Niagara River, restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 123405 (Sub-No. 42), filed June 23, 1975. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Greenwood Township (Crawford County), and South Middleton Township (Cumberland County), Pa.; Nashville, Tenn.; and Tulsa, Okla., to Elmwood Park and Maywood, N.J.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123407 (Sub-No. 252), filed June 26, 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: *Feldspar, foundry materials and supplies* (except commodities in bulk in tank vehicles), from Englewood, Colo., to Tempe, Ariz.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 123534 (Sub-No. 4), filed June 23, 1975. Applicant: ADDIEVILLE TRUCKING COMPANY, INC., 1315 West 4th Avenue, Belleville, Ill. 62221. Applicant's representative: G. M. Rebman, Suite 1230, Boatman's Bank Bldg., St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* between St. Louis, Mo., on the one hand, and, on the other, points in Illinois on and south of Interstate Highway 80 and Atkinson, Ill., under a continuing contract or contracts with Sealtest Foods Division, Kraftco Corporation.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Springfield, Ill.

No. MC 123744 (Sub-No. 20), filed June 23, 1975. Applicant: BUTLER TRUCKING COMPANY, a corporation,

P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products*; (2) *materials and supplies* used in the installation and manufacture of refractory products; and (3) *brick*, between ports of entry on the International Boundary line between the United States and Canada located in Minnesota, Michigan, New York, Vermont, New Hampshire, and Maine, on the one hand, and, on the other, points in Alabama, Indiana, Kentucky, Maryland, Missouri, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Centre County, Pa., Clearfield, Clymer, Mt. Union, and Womelsdorf, Pa., to serve points in Alabama, Connecticut, Delaware, the District of Columbia, Illinois, Louisiana, Massachusetts, Mississippi, Missouri, North Carolina, Rhode Island, Tennessee, Virginia, and Wisconsin. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 123887 (Sub-No. 7) filed June 25, 1975. Applicant: L. J. NAVY TRUCKING CO., a corporation, 2300 Eighth Avenue, Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Pabst, Ga., to points in West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 125777 (Sub-No. 147) (Amendment), filed November 14, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. At a prehearing conference held before Administrative Law Judge Samuel Horwich on July 8, 1975, the following broadening amendment to this application was accepted for further consideration before the Commission, subject to FEDERAL REGISTER notice: Authority is sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Pig iron, coke, ores, and alloys*, in dump vehicles, from points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin, to points in the United States (except Alaska and Hawaii), subject to the following restrictions: (a) restricted to traffic having a prior movement by water, in foreign commerce; (b) restricted against the transportation of the above-described commodities from points

in California to points in Solano, Contra Costa, and Alameda Counties, Calif.; and (c) restricted against the transportation of ore from points in Alabama, Florida, and Georgia, to points in Alabama, Florida, and Georgia.

NOTE.—The purpose of this republication is to indicate the amended commodity description above. Any interested person may file a protest against the granting of this authority in compliance with section 247(d) (3) of the *General Rules of Practice* on or before August 25, 1975. Parties already on record in this proceeding should indicate their desire to continue as participants and supplement the record accordingly.

No. MC 125777 (Sub-No. 153) (Amendment), filed March 10, 1975, published in the FEDERAL REGISTER issue of 1975, and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. At a prehearing conference held before Administrative Law Judge Samuel Horwich on July 8, 1975, the following broadening amendment to this application was accepted for further consideration before the Commission subject to FEDERAL REGISTER notice: Authority is sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Pig iron, coke, ores, and alloys*, in dump vehicles, (1) from points in Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, Kentucky and Tennessee, to points in Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Colorado, New Mexico, Arizona, Utah, Wyoming, Montana, Idaho, Nevada, California, Oregon, and Washington, restricted to traffic having a prior movement by water in foreign commerce; and (2) from points in Maryland, to points in the United States (except Alaska and Hawaii), restricted to traffic having a prior movement by water in foreign commerce.

NOTE.—The purpose of this republication is to indicate the amended commodity description above. Any interested person may file a protest against the granting of this authority in compliance with section 247(d) (3) of the *General Rules of Practice* on or before August 25, 1975. Parties already on record in this proceeding should indicate their desire to continue as participants and supplement the record accordingly.

No. MC 126059 (Sub-No. 4), filed June 23, 1975. Applicant: DE ROSA TRUCKING CORP., 33 Ross St., Isthmian Pier, Shed 1, Brooklyn, N.Y. 11231. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial flowers and fruit, holiday novelties, arts and crafts materials, and florist supplies* having a prior or subsequent movement by water or rail, between points in that portion of the New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant

to the partial exemption of Section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, Garden City Park, N.Y., under a continuing contract or contracts with Sol Spitz Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128007 (Sub-No. 78) (Amendment), filed May 6, 1975, published in the FEDERAL REGISTER issue of June 5, 1975, and republished as amended this issue. 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, Mo., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—The purpose of this republication is to indicate the substituted origin at St. Louis, Mo., in lieu of St. Louis County, Mo., as previously published. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 192), filed June 19, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refined copper*, from Amarillo, Tex., to points in Wyoming, Idaho, Montana, North Dakota, South Dakota, Colorado, Utah, New Mexico, and Nevada; (2) *materials and supplies* used in the manufacture and distribution of refined copper, from points in Wyoming, Idaho, South Dakota, Montana, North Dakota, Colorado, Utah, New Mexico, and Nevada, to Amarillo, Tex.; (3) *articles of unusual value*, from Amarillo, Tex., to points in the United States (except Alaska, Hawaii, and Texas); and (4) *dore bullion*, from points in the United States (except Alaska, Hawaii, and Texas), to Amarillo, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129034 (Sub-No. 10), filed June 18, 1975. Applicant: LOOMIS COURIER SERVICE, INC., 808 Burlway Road, Burlingame, Calif. 94010. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters*, between points in King County, Wash., on the one hand, and, on the other, points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho; and Spokane, Whitman, Garfield, and Asotin Counties, Wash., under a continuing contract or

contracts with banks and banking institutions.

**NOTE.**—The term "cash letters" is used to mean those documents as are described in Bankers Dispatch Corp. Conv. 110 M.C.C. 294 at page 295. Common control may be involved. Applicant holds common carrier authority in MC 134386 Sub 1 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash., or Boise, Idaho.

No. MC 129085 (Sub-No. 2), filed June 20, 1975. Applicant: DAVIS HAULING COMPANY, INC., Murray Road, P.O. Box 4018, Augusta, Ga. 30907. Applicant's representative: Charles Davis, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, in dump type vehicles, (1) from points in Knox, Jefferson, and Blount Counties, Tenn., to points in Georgia, South Carolina, North Carolina, and Alabama; (2) from points in Cherokee County, S.C., to points in Georgia and North Carolina; and (3) from points in Richmond County, Ga., to points in South Carolina.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Augusta, Ga., Columbia, S.C., or Atlanta, Ga.

No. MC 129950 (Sub-No. 1), filed June 25, 1975. Applicant: MIDWESTERN TRANSFER, P.O. Box 1140, Union, N.J. 07083. Applicant's representative: Herman B. J. Weckstein, 1 Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal doors and metal door frames*, from the plant site of Pioneer Industries, Inc., located at Carlstadt, N.J., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Minnesota, Mississippi, Michigan, Nebraska, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin, under a continuing contract with Pioneer Industries, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 134386 (Sub-No. 2) (Amendment), filed May 12, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, republished as amended this issue. Applicant: LOOMIS COURIER SERVICE, INC., 808 Burlingame Road, Burlingame, Calif. 94010. Applicant's representative: John L. Glovka (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters*, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in the Counties of Douglas, Polk, Barron, St. Croix, Dunn, Pierce, Eau Claire, Buffalo, Trempealeau, Pepin, Burnett, La Crosse, Chippewa, and Washburn, Wis., under a continuing contract or contracts with banks or banking institutions.

**NOTE.**—The purpose of this republication is to amend the commodity description and to

indicate that service is to be performed under contract with bank and banking institutions in lieu of United Federal Reserve Bank or Minneapolis and First Computer Corporation. Applicant holds motor common carrier authority in MC 129034 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., or Madison, Wis.

No. MC 134601 (Sub-No. 8), filed June 25, 1975. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. #1, Ashville, N.Y. 14710. Applicant's representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, N.Y. 14701. Authority sought to operate as a *contract 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), (1) from points in Iowa and Nebraska, East St. Louis and Chicago, Illinois, South Bend, Ind., Emporia, Kans., Albert Lea and Austin, Minn., Kansas City and Rockport, Mo., to points in Carroll, Cuyahoga, Franklin, and Stark Counties, Ohio; and (2) from the Town of Harmony, Chautauqua County, N.Y., to points in Ohio, under a continuing contract with Fairbank Farms, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 134922 (Sub-No. 135), filed June 25, 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: *Such merchandise as is sold and used by wholesale and retail chain, variety, discount and department stores* (except foodstuffs, alcoholic and malt beverages, commodities in bulk and commodities which because of size or weight require the use of special equipment), between the distribution centers and storage facilities utilized by W. T. Grant Company, located at or near Charlotte, N.C., on the one hand, and, on the other, the distribution centers and storage facilities utilized by W. T. Grant Company, at or near Camarillo and Los Angeles, Calif.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Little Rock, Ark.

No. MC 134922 (Sub-No. 136), filed June 25, 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: *New furniture in boxes, parts and supplies, and plastic or rubber articles*, from Conway, Ark., to points in California, Oregon, and Washington.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Los Angeles, Calif.

No. MC 135032 (Sub-No. 17) (Amendment), filed March 27, 1975, published in the FEDERAL REGISTER issue of April 24, 1975, and republished as amended this issue. Applicant: HIAWATHA PRODUCE COMPANY, a Corporation, 4196 Fourth St., Winona, Minn. 55937. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin, to points in Illinois, Missouri, Kansas, Nebraska, and Iowa, restricted to the transportation of traffic for the account of Land O'Lakes, Inc., originating at the plant sites and facilities of Land O'Lakes, Inc., and destined to points in the named destination states.

**NOTE.**—The order of July 1, 1975, assigning this application for handling under modified procedure is vacated and set aside by order dated July 14, 1975. The purpose of this republication is to indicate the broadened restriction described above as applying to traffic originating at points in Minnesota and Wisconsin in lieu of Iowa as previously published. Applicant holds contract carrier authority in MC 133709 (Sub No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135107 (Sub-No. 6), filed June 23, 1975. Applicant: HIGHWAY DUMP HAULERS, INC., 70 Shamburger Lane, Box 3164, Little Rock, Ark. 72203. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock, sand, and gravel*, from points in Polk, Montgomery, Pike, Howard, Sevier, Little River, Hempstead, Miller, Lafayette, Columbia, Nevada, Clark, Hot Spring, Garland, Saline, Pulaski, Grant, Dallas, Cleveland, Ouachita, Calhoun, Union, Ashley, Bradley, Drew, Lincoln, Jefferson, Lonoke, Prairie, Monroe, Arkansas, Desha, Chicot, Phillips, Lee, Crittenden, and St. Francis Counties, Ark., to points in Louisiana; and (2) *Phosphate, bulk phosphate rock and ore*, from points in Searcy and Van Buren Counties, Ark., to points in Tennessee, Alabama, Oklahoma, and points along the Arkansas River located in Faulkner County, Ark.; and points along the Missouri-Pacific Railroad located in Faulkner County, Ark.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 135384 (Sub-No. 15), filed June 23, 1975. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 71 & I-75, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling*

and wall systems, and parts thereof, and accessories and supplies, necessary for the erection and installation thereof, from the plantsites and warehouse facilities of Roblin Building Products Systems, in Erie, Niagara, and Chautauqua Counties, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 135811 (Sub-No. 4), filed June 26, 1975. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Box 567, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Welding rods, welding wire, electric welders, and parts, materials, and supplies*, used in connection with electric welders, (1) from Dorsey, Md., to points in the United States (except Alaska and Hawaii); and (2) from Charlottesville, Va., to Dorsey, Md., restricted in (1) and (2) above, to traffic moving under a continuing contract or contracts with Esab Manufacturing, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136032 (Sub-No. 13), filed June 25, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chemicals and plastics*, from Knoxville, Tenn., and Louisville, Ky., to Los Angeles and Hayward, Calif., under a continuing contract with Rohm and Haas Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Dallas, Tex.

No. MC 136100 (Sub-No. 3), filed June 9, 1975. Applicant: K & K TRANSPORTATION CORP., 4515 North 24 Street, Omaha, Nebr. 68110. Applicant's representative: Einar Viren, 904 City National Bank Bldg., Omaha, Nebr. 68102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Labels*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii), under contract with Epsen Lithographing.

NOTE.—Applicant holds common carrier authority in MC 139835, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 136343 (Sub-No. 48), filed June 26, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printing paper and paper products*, from the facilities of Watervliet Paper Company, Inc., located at Watervliet, Mich., to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Delaware, Virginia, North Carolina, South Carolina, Florida, Alabama, Kentucky, Georgia, Mississippi, Louisiana, Tennessee, West Virginia, and the District of Columbia; and (2) *equipment, materials, and supplies* used or useful in the manufacture of printing paper and paper products from the above-named States, to the facilities of Watervliet Paper Company, Inc., located at Watervliet, Mich.

NOTE.—Applicant holds contract carrier authority in MC 96098 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 138054 (Sub-No. 10), filed June 25, 1975. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Infant and juvenile furniture, car seats, carriers, and related accessories*, (1) from Eldora, Iowa, Stevens Point, Wis., and Piqua, Ohio to points in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) from Los Angeles, Calif., to Piqua, Ohio, under a continuing contract or contracts with Quester Juvenile Home Products, Division of Questor.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland or Cincinnati, Ohio.

No. MC 138789 (Sub-No. 4), filed June 23, 1975. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Ore. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Clark County, Wash., to points in Linn County, Ore., under a continuing contract or contracts with Willamette Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 138891 (Sub-No. 4), filed June 26, 1975. Applicant: FRANK TRANSFER & STORAGE, INC., 325 East Eighth Street, Sioux Falls, S. Dak. 57102. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, articles of unusual value, household goods, and commodities

in bulk), and empty trailers and empty marine containers, between Sioux Falls, S. Dak., on the one hand, and, on the other, points in Plymouth, Sioux, and Lyon Counties, Iowa; Rock, Nobles, Pipestone, Murray, Lincoln, and Lyon Counties, Minn.; and points in South Dakota east of the Missouri River, restricted to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flatcar, or container-on-flatcar service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 139163 (Sub-No. 3), filed June 25, 1975. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1256 La Quinta Drive, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials and supplies* used in the manufacture, installation, or sale of such commodities, between Atlanta, Ga., and its commercial zone, on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, and Tennessee, under a continuing contract or contracts with Xerox Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Orlando, Fla.

No. MC 139336 (Sub-No. 7), filed June 25, 1975. Applicant: TRANSTATES, INC., 2449 Marseilles Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Motorcycle parts and accessories*, in specially designed equipment, from points in Orange County, Calif., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Tridair Industries, Kimstock, Inc., Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139495 (Sub-No. 74), filed June 19, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Aln Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries, and materials and supplies* used or useful in the manufacture or distribution of electric storage batteries, (1) from Dallas and Tyler, Tex., Indianapolis, Ind., Raytown, Mo., Owensboro, Ky., and Frankfort, Ind., to Salina, Kans., and (2) from Salina, Kans., to points in Oklahoma, Arkansas, Colorado, Nebraska, South Dakota, North Dakota, Missouri, Kentucky, Indiana, and Texas.

**NOTE.**—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 75), filed June 23, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilers, safety cans, oily waste cans, lab cans, safety cabinets, oil and gasoline containers*, from Wellsburg, W. Va., to points in North Dakota, South Dakota, Wyoming, Montana, Idaho, Utah, Nevada, Washington, Oregon, California, and Arkansas.

**NOTE.**—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Kansas City, Mo.

No. MC 139495 (Sub-No. 76), filed June 23, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilers, safety cans, oily waste cans, lab cans, safety cabinets, oil and gasoline containers*, from Wellsburg, W. Va., to points in Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida.

**NOTE.**—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Kansas City, Mo.

No. MC 139495 (Sub-No. 78), filed June 24, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, 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: *Foodstuffs, drugs, plastic and rubber articles*, from the plantsite and storage facilities of Ross Laboratories located at or near Sturgis, Mich., to points in Florida, Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine.

**NOTE.**—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139877 (Sub-No. 2), filed June 16, 1975. Applicant: TRI-CITY RENT-

ALS, INC., P.O. Box 1365, Kingsport, Tenn. 37662. Applicant's representative: John D. Wimberly (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities because of size or weight require the use of special equipment), between points in Carter, Greene, Hawkins, Johnson, Sullivan, Unicol, and Washington Counties, Tenn.; Russell, Scott, Washington, and Wise Counties, Va., on the one hand, and, on the other, the Douglas Municipal Airport, at or near Charlotte, N.C., restricted to the transportation of traffic having a prior or subsequent movement by air.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140260 (Sub-No. 2), filed June 9, 1975. Applicant: MERRY SHIPPING COMPANY, INC., P.O. Box 1928, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Charleston, S.C. Commercial Zone, including Charleston, S.C.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 140271 (Sub-No. 2), filed June 27, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103, East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 620 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail auto and home supply stores and *materials, equipment and supplies* utilized in the distribution thereof, between points in Oklahoma, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Western Auto Supply Co.

**NOTE.**—Applicant holds common carrier authority in MC 119988 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 140493 (Sub-No. 1), filed April 23, 1975. Applicant: SANDEL ASSOCIATES, INC., 110 Amsterdam Avenue, Roselle, N.J. 07203. Applicant's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, in roll-off containers, between Elizabeth, N.J. and Wilmington, Del., on the one hand, and, on the other, Coatesville and East Green-

ville, Pa., Baltimore, Md., Boston, Mass., and Wilmington, Del.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 140677 (Sub-No. 5), filed June 26, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER, doing business as BREWER TUCKING, 1603 East Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap or used metals or metal objects, and crushed bodies of highway vehicles and household appliances*, from points in South Dakota west of the Missouri River, to points in the United States (except Alaska and Hawaii); and (2) *hides*, from Rapid City, S. Dak., to points in the United States (except Alaska and Hawaii).

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 140842 (Sub-No. 1), filed June 27, 1975. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners, fuel filters, oil filters, air cleaner cartridges (elements), oil filter cartridges (elements), and materials and supplies*, used in the marketing or distribution of the above commodities, from Gastonia, N.C., to Des Moines, Iowa, Kansas City, Kans., Minneapolis and St. Paul, Minn., St. Louis, Mo., Omaha, Nebr., Oklahoma City and Tulsa, Okla., Dallas and Houston, Tex., and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract or contracts with Wix Corporation and its wholly owned subsidiary, Gard Corporation.

**NOTE.**—Applicant holds motor common carrier authority in MC 106074 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 140849 (Sub-No. 2), filed June 26, 1975. Applicant: ROBERTS TRUCKING CO., U.S. Highway 271 South, Poteau, Okla. 74953. Applicant's representative: Louis Tarlowski, 914 Pyramid Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics, piece goods and materials and supplies*, used in the manufacture of clothing (except commodities in bulk, in tank vehicles), from points in North Carolina, South Carolina, and Georgia to Pauls Valley, Idabel, and Frederick, Okla., under a continuing contract with Kellwood Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City or Tulsa, Okla., or Little Rock, Ark.

No. MC 140884 (Sub-No. 2), filed June 26, 1975. Applicant: PAUL SWENGLISH, R.D. #4, Box 611, Uniontown, Pa. 15401. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from Morgantown, Fairmont, Barrackville, Idamay, Buckhannon, and Clarksburg, W. Va., to Monongahela, Glassport, Elizabeth, and Pittsburgh, Pa., restricted to a transportation service to be performed under a continuing contract or contracts with Edward Fields & Company of Morgantown, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 140956 (Sub-No. 2), filed June 19, 1975. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, Vt. 05859. Applicant's representative: Mary E. Kelly, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, lime, fertilizer, and fertilizer materials*, from ports of entry on the International Boundary line between the United States and Canada, located at Rouses Point, N.Y.; Highgate Springs, North Troy, and Derby Line, Vt., to points in Vermont.

NOTE.—Applicant does not indicate that it will perform single line service to Canada, and consequently no traffic origin is indicated in this notice. Applicant holds contract carrier authority in MC 117147 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Burlington or Rutland, Vt.

No. MC 140994 (Sub-No. 1), filed May 28, 1975. Applicant: V.I.P. COURIER SYSTEMS, INC., 218 Hamilton Ave., Brooklyn, N.Y. 11231. Applicant's representative: Morton E. Kiel, 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: *Files and records*, between New York, N.Y., and Piscataway, N.J., under a continuing contract or contracts with American Express Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141044 (Sub-No. 1), filed June 23, 1975. Applicant: IRA HARTLEY, doing business as IRA HARTLEY ENTERPRISES, 5071 Gum Club Road, West Palm Beach, Fla. 33406. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containerized chemical products and automotive chemical products*, (1) from points in Palm Beach County, Fla.,

to points in California; and (2) from at or near Santa Fe Springs, Calif., to points in Orange and Palm Beach Counties, Fla., under contract with P.C.I. Industries and Permatex Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Miami or West Palm Beach, Fla.

No. MC 141059, filed June 6, 1975. Applicant: THE GEORGE A. SHEPARD & SONS COMPANY, a Corporation, 32 Henry Street, Bethel, Conn. 06801. Applicant's representative: Robert J. Gallagher and Alvin Altman, 1776 Broadway, New York, N.Y. 10019. 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 Fairfield County, Conn., New York City, Dutchess, Orange, Putnam, Rockland, and Westchester Counties, N.Y., Bergen, Essex, Hudson, and Union Counties, N.J., 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 pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141079, filed June 19, 1975. Applicant: WAYNE H. KUNKEL, R.D. #1, Kempton, Pa. 19529. Applicant's representative: William H. Fitzgerald, 740 Hamilton Mall, P.O. Box 688, Allentown, Pa. 18105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food*, canned and dry in bags, from Waverly, N.Y., to Chapmans and Ironton, Lehigh County, Pa., and Leesport, Berks County, Pa., and Carbon County, Pa.; (2) *animal and poultry feed* in bags, from Bordertown, N.J., to Ironton and Chapmans, Lehigh County, Pa.; (3) *fertilizer* in bulk, in dump vehicles, and in bags, from Yardville, N.J., to points in Berks, Lehigh, Northampton, Monroe, and Carbon Counties, Pa.; (4) *poultry calcium feed* in bags, from Texas, Md., to points in Lehigh and Berks Counties, Pa.; (5) *salt* in bags, from Retsof, N.Y., to points in Lehigh and Berks Counties, Pa.; (6) *farm machinery*, from Timonium, Md., and Syracuse, N.Y., to Chapmans and Lynnport, Pa., and points in Lehigh County, Pa.; (7) *farm machinery* between Chapmans, Lehigh County, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, and New York; and (8) *soybean meal* in bulk, in dump vehicles from Salisbury, Md., to Krumsville, Berks County, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Allentown, Pa., or Washington, D.C.

No. MC 141083, filed June 24, 1975. Applicant: RICHARD COTTRILL, R.F.D. 3, Washington Court House, Ohio 43160. Applicant's representative: Joe F.

Asher, 83 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and livestock feed, feed ingredients, supplements and additives*, (1) from points in Ohio, to points in Boyd County, Ky.; and (2) from points in Boyd County, Ky., to points in Ohio, under a continuing contract or contracts with The Hyland Co., at Ashland, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Ashland, Ky.

No. MC 141084, filed July 3, 1975. Applicant: NATIONAL FREIGHT LINES, INC., 10020 Arbor Trail Street, Fort Wayne, Ind. 46804. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. N.W., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric welders, parts and accessories thereof; electric welder hand trucks; electric motors; and welding rods, compounds, and supplies*, from the plantsites and shipping facilities of the Lincoln Electric Company located at or near Cleveland, Ohio, to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under a continuing contract or contracts with the Lincoln Electric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 141085 (Sub-No. 1), filed June 27, 1975. Applicant: PITTSFIELD FREIGHT LINES, INC., Church Street, Stockbridge, Mass. 01262. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed log products* for log homes, millwork, materials, accessories, parts, and supplies for assembly, processing, and manufacture of log homes, between Great Barrington, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Vermont, Virginia, Maine, Rhode Island, North Carolina, restricted to service performed under a continuing contract with New England Log Homes, Inc., d/b/a NELHI.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Springfield, Mass.

No. MC 141090, filed June 27, 1975. Applicant: L. WAGENER, INC., doing business as AA TOWING COMPANY, 260 East Queen Avenue, Albany, Ore. 97321. Applicant's representative: David C. White, 2400 S.W. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked or disabled trucks, trailers and cranes*, by wrecker-type equipment, (a) from points in California,

Idaho, Montana, Nevada, Utah, and Washington, to points in Oregon; and (b) from points in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming, to Vancouver, Wash.; and (2) *wrecked or disabled buses*, by wrecker-typed equipment, (a) from points in Idaho and points in California in and north of Humboldt, Trinity, Glenn, Butte, and Plumas Counties, to Portland, Oreg., and Seattle, Wash.; (b) from points in Oregon to Seattle, Wash., and San Francisco, Calif.; and (c) from points in Washington to Portland, Oreg. and San Francisco, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 141091, filed June 24, 1975. Applicant: VIRGINIA TANK LINES, INC., P.O. Box 5249, Fredericksburg, Va. 22401. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, and fuel oil*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Virginia, the District of Columbia, and points in Pendleton and Grant Counties, W. Va., under contracts with Quarles Robertson, Inc., Fairfax, Va.; Quarles Oil Company, Inc., Warrenton, Va.; Quarles Oil Company of Culpeper, Inc., Culpeper, Va.; Quarles Petroleum, Inc., Fredericksburg, Va.; Quarles Green Oil, Inc., Ashland, Va.; (2) (a) from points in the District of Columbia, to points in Virginia; and (b) from Richmond, Fairfax, Fredericksburg, and Springfield, Va., to points in Pendleton and Grant Counties, W. Va., under a contract with Quarles Petroleum, Inc., Fredericksburg, Va.; and (3) (a) from Baltimore, Md., to points in Virginia and the District of Columbia; and (b) from Fairfax, Va., to points in Maryland and the District of Columbia, under contract with, Digas of Delaware, Beverly Hills, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141093, filed June 27, 1975. Applicant: BERKSHIRE BULK SERVICE, INC., Route 8, Cheshire, Mass. 01225. Applicant's representative: Thomas W. Murrett, 324 North Maine Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, packaged and/or sacked; *semolina*, in bulk, packaged and/or sacked; and *wheat midds*, in bulk, packaged and/or sacked, from Albany, N.Y. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New Jersey, Rhode Island, and Pennsylvania, under a continuing contract or contracts with Seaboard Allied Milling Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y., or Pittsfield, Mass.

No. MC 141107, filed June 25, 1975. Applicant: KLAMATH DISPOSAL, INC., 333 Spring Street, Klamath Falls, Oreg. 97601. Applicant's representative: Robert R. Hollis, 520 SW Yamhill Street, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, between points in Klamath County, Oreg., on the one hand, and, on the other, points in Oregon, California, Nevada, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Klamath Falls or Portland, Oreg.

No. MC 141108, filed June 26, 1975. Applicant: ERNIE L. DARTING AND JON S. CHRISTENSEN, doing business as D & C EXPRESS, a Partnership, P.O. Box 2566, Wilton, Iowa 52778. 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) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, to points in Colorado, Illinois, Indiana, Kansas, Michigan, Missouri, Nebraska, Oklahoma, and Wyoming; and (2) *Materials, equipment, and supplies*, used in the manufacture and distribution of iron and steel articles, from the destination points in part (1) above, to the plantsite and storage facilities of North Star Steel Company located at or near Wilton, Iowa, restricted to traffic originating at and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with numerous others at St. Paul, Minn.

No. MC 141110, filed May 30, 1975. Applicant: WAYNE BUZZELL, 3727 N. Elmwood Ave., Davenport, Iowa 52806. Applicant's representative: Arthur L. Buzzell, 306 Citizens Federal Bldg., Davenport, Iowa 52801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, advertising, empty beer containers*, between Davenport, Iowa; Rock Island, Ill.; and St. Paul, Minn., under a continuing contract or contracts with Valley Beverage at Davenport, Iowa and Baker Liquor Co., Inc. at Rock Island, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa; Chicago, Ill.; St. Louis, Mo.; or Springfield, Ill.

#### PASSENGER APPLICATIONS

No. MC 78296 (Sub-No. 1) (Amendment), filed May 30, 1975, published in the FEDERAL REGISTER issue of July 3, 1975, and republished as amended this issue. Applicant: MID-AMERICA COACH LINES, INC., P.O. Box 405, Brookfield, Wis. 53005. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30326. 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, from points in Kenosha, Racine, Milwaukee, Waukesha, Walworth, Jefferson, and Rock Counties, Wis.; points in Illinois on and north and east of a line beginning at the Illinois-Indiana State line and extending over Interstate Highway 74 to junction Interstate Highway 280, thence over Interstate Highway 280 to Moline, Ill., and the Illinois-Iowa State line; points in Indiana on, north, and west of a line beginning at the Illinois-Indiana State line and extending over Interstate Highway 74 to junction Indiana State Highway 32, thence over Indiana State Highway 32 to Anderson, Ind., thence north over Indiana State Highway 9 to the Indiana-Michigan State line; and points in Michigan on, west, and south of a line beginning at the Michigan-Indiana State line and extending over Michigan State Highway 66 to its junction with Interstate Highway 96, thence over Interstate Highway 96 to Muskegon, Mich., and Lake Michigan, to points in the United States, including Alaska, but excluding Hawaii, and return.

NOTE.—The purposes of this republication are to provide sufficient notice to the public of this filing by publishing it with the "Passenger" section of the application notices, and to indicate that special operations are requested. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105154 (Sub-No. 9), filed June 25, 1975. Applicant: ROBERT G. WRIGHT, doing business as STAR VALLEY-JACKSON STAGES, 1945 Eagle Drive, Idaho Falls, Idaho 83401. Applicant's representative: Robert G. Wright (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, in special and charter operations beginning and ending at Idaho Falls, Rigby, Rexburg, Sugar City, Teton City, Teton, and Driggs, Idaho, and extending to Grand Targhee Ski Area at Alta, Wyo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Idaho Falls, Pocatello, or Boise, Idaho.

No. MC 107583 (Sub-No. 58), filed June 24, 1975. Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, N.Y. 11354. Applicant's representative: George H. Rosen, 265 Broadway Street, P.O. Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between points in Philadelphia, Pa., and points in the Phil-

Philadelphia, Pa., Commercial Zone as defined by the Commission on the one hand, and, on the other, the Military Ocean Terminal, at Bayonne, N.J., and the Bayonne, N.J., Commercial Zone as defined by the Commission.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Newark, N.J.

#### BROKER APPLICATIONS

No. MC 130140 (Sub-No. 1), filed June 24, 1975. Applicant: CONNECTICUT TOURS, INCORPORATED, 148 Hall Street, New Haven, Conn. 06512. Applicant's representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, Conn. 06103. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at New Haven, Conn., to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip special and charter operations, by motor carriers, beginning and ending at points in New Haven County, Conn., and extending to points in the United States (except Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford or New Haven, Conn.

No. MC 130326, filed June 26, 1975. Applicant: NORTH DAKOTA AUTOMOBILE CLUB, doing business as AAA WORLD WIDE TRAVEL AGENCY, a Corporation, Junction Interstate Highway 29 and Interstate Highway 94, P.O. Box 3147, Fargo, N. Dak. 58102. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Fargo, Bismarck, Grand Forks, Minot, Dickinson, Bowman, Devils Lake, Williston, and Jamestown, N. Dak., to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor or air carriers, between points in North Dakota, points in Minnesota on and north of Minnesota Highway 28 and on and west of U.S. Highway 71, points in South Dakota on and north of U.S. Highway 212, and points in Sheridan, Daniels, Roosevelt, McCone, Richland, Dawson, Prairie, Fallon, Custer, Carter, and Powder River Counties, Mont., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak.

#### WATER CARRIER APPLICATION

No. W-1293, filed June 6, 1975. Applicant: PRUDENTIAL LINES, INC., One California Street, San Francisco, Calif. 94106. Applicant's representative: John A. Traina, Jr. (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in

the transportation of *Passengers and their baggage*, by self-propelled vessels, between Tacoma, Wash., Portland, Oreg., and San Francisco, Long Beach, and San Diego, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-19124 Filed 7-23-75; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

JULY 21, 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 within 10 days from the date of this publication. 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 3252 (Sub-E4), filed May 13, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: James A. Mardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rope fittings*, from points in Maine on and south of a line beginning at the New Hampshire-Maine State line, and extending along Maine Highway 26 to junction Maine Highway 120 to junction Maine Highway 17, to junction Maine Highway 90 to the Atlantic Ocean, to East Rutherford, N.J. The purpose of this filing is to eliminate the gateway of Portland, Maine.

No. MC 3252 (Sub-E7), filed May 13, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: James A. Mardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings*, knocked down, or in sections, and *beams, arches and A-frames*, from points in Maine on and south of a line beginning at the New Hampshire-Maine State line and extending along Maine

Highway 26 to junction Maine Highway 120, to junction Maine Highway 17, to junction Maine Highway 90, to the Atlantic Ocean, to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Michigan. The purpose of this filing is to eliminate the gateway of South Windham, Maine.

No. MC 3252 (Sub-E8), filed May 13, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: James A. Mardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, restricted to building and construction materials, in bulk, in tank vehicles, from Troy, N.Y. and points within 20 miles thereof, to points in New Hampshire and Maine. The purpose of this filing is to eliminate the gateway of Bennington, Vt.

No. MC 9325 (Sub No. E7), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Washington west of the Cascade Mountain Range and points in Oregon (except Baker, Malheur, Lake, and Harney Counties), to points in Ada, Adams, Blaine, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho. The purpose of this filing is to eliminate the gateway of Lime, Oreg.

No. MC 9325 (Sub-No. E9), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Oregon, on the one hand, and, on the other, points in Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash. Restriction: No service is authorized between points in Whitman, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash., on the one hand, and, on the other, points in Umatilla, Union, and Wallowa Counties, Oreg., and no service is authorized between Gilliam and Sherman Counties, Oreg., on the one hand, and, on the other, Klickitat County, Wash. The purpose of this filing is to eliminate the gateways of points in Wasco or Hood River County, Oreg., and points in Klickitat County, Wash., or points in Umatilla County, Oreg., and points in Benton or Franklin Counties, Wash.

No. MC 20551 (Sub-No. E1), filed June 4, 1974. Applicant: S. MALATESTA & SONS, 61-65 Illinois Ave., Paterson, N.J. 07503. Applicant's representative:

Stella Malatesta (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*; (1) between points in Passaic, Essex, Hudson, Union, Morris, and Bergen Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, Delaware, and Maryland; (2) between points in New Jersey, on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland; (3) between points in New Jersey on and south of New Jersey Highways 72 and 70 beginning at Ship Bottom, N.J., Atlantic Ocean, and ending at Camden, N.J., on the Delaware River, on the one hand, and, on the other, points in New York; (4) between points in New Jersey, New York, Pennsylvania, Rhode Island, Delaware, Maryland, Massachusetts, Connecticut, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, Michigan, and the District of Columbia, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, and Philadelphia, Pa.; and (5) between Baltimore, Md., and points in Maryland within 25 miles of Baltimore, Philadelphia, Pa., and points in Pennsylvania within 25 miles of City Hall, Philadelphia, and those in New Jersey, New York, Pennsylvania, Rhode Island, Delaware, Maryland, Massachusetts, Connecticut, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, Michigan, and the District of Columbia, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of: in (1) and (2) above, Philadelphia, Pa.; in (3) and (5) above, Philadelphia, Pa., and points in Pennsylvania within 25 miles of City Hall, Philadelphia, Pa.; and in (4) and (5) above, Baltimore, Md., and points in Maryland within 25 miles of Baltimore.

No. MC 45764 (Sub-No. E62) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER May 30, 1975. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Massachusetts, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction is to correct the destination state.

No. MC 52657 (Sub-No. E37), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies* be-

tween points in Colorado, on the one hand, and, on the other, points in Connecticut, Delaware, Florida (except those points west of Florida Highway 71), Georgia, Maine, Maryland, Massachusetts, Michigan (except that part of the Upper Peninsula west of a line beginning at Lake Superior and U.S. Highway 45 near Ontonagon, Michigan, and thence south on U.S. Highway 45 to the Wisconsin State line near Watersmeet, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except that part south and west of the Hatchie River from the Mississippi River near Randolph, Tennessee, to the Mississippi River near Bolivar, Tennessee), Vermont, Virginia, West Virginia, Wisconsin except that part west of line beginning at the Michigan-Wisconsin State line and U.S. Highway 45 near Land O'Lakes, Wisconsin, then extending south on U.S. Highway 45 to Wisconsin Highway 32, then east on Wisconsin Highway 32 to Wisconsin Highway 55, then south on Wisconsin Highway 55, to U.S. Highway 45, then south on U.S. Highway 45 to U.S. Highway 41 (near Fond du Lac, Wis.), then south on U.S. Highway 41 to Wisconsin Highway 67, then south on Wisconsin Highway 67 to U.S. Highway 12, and east on U.S. Highway 12 to the Illinois State line near Genoa City, Wisconsin, and the District of Columbia, restricted against the transportation of fuel tanks between points in Illinois, Arkansas, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, on the one hand, and, on the other, points in Coles County, Ill. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 52657 (Sub-No. E40), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies* between points in Texas, on the one hand, and on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia (except that portion northeast of a line beginning at the West Virginia-Virginia State line near Covington, Virginia, then extending east on U.S. Highway 60 to the junction of Interstate Highway 81 near Lexington, Virginia, then northeast on Interstate Highway 81 to the junction of Interstate Highway 64 near Staunton, Virginia, thence southeast on Interstate 64 to the junction of U.S. Highway 60, thence east on U.S. Highway 60 to Virginia Beach, Virginia), West Virginia (except that portion of West Virginia northeast of a line beginning at the Ohio-West Virginia State line at Huntington, West Virginia, then extending east on U.S. Highway 60 to the junction of Interstate Highway 64 and 77 at Charleston, West Virginia, thence south on Interstate 64 and 77 to

the junction of Interstate Highway 64, thence east on Interstate to the West Virginia-Virginia State line near White Sulphur Springs, West Virginia), Wisconsin (except that portion of Wisconsin west of a line beginning at the Wisconsin-Illinois State line on Wisconsin Highway 69, then north on Wisconsin Highway 69 to Wisconsin Highway 92, thence north on Wisconsin Highway 92 to Wisconsin Highway 78 near Mt. Horeb, thence north on Wisconsin Highway 78 to U.S. Highway 14 near Black Earth, thence west on U.S. Highway 14 to Wisconsin Highway 23 near Spring Green, thence north on Wisconsin Highway 23 to Wisconsin Highway 33 at Reedsburg, thence northwest on Wisconsin Highway 33 to Wisconsin Highway 80 at Union Center, thence north on Wisconsin Highway 80 to Wisconsin Highway 73 near Pittsville, thence west-northwest on Wisconsin Highway 73 to Wisconsin Highway 29 near Withee, thence east on Wisconsin Highway 29 to Wisconsin Highway 13 near Abbotsford, thence north on Wisconsin Highway 13 to U.S. Highway 8 near Prentice, thence east on U.S. Highway 8 to U.S. Highway 51 near Heafford, thence north on U.S. Highway 51 to the Western County line of Vilas County, thence along the county line to the Wisconsin-Michigan State line 1, and the District of Columbia, restricted against the transportation of fuel tanks between points in Illinois, Arkansas, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, on the one hand, and, on the other, points in Coles County, Illinois. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 60014 (Sub-No. E46) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 9, 1975. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Delaware, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and those in Vermont on and east of a line beginning at Champlain, and extending along U.S. Highway 7 to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 155, thence along Vermont Highway 155 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Vermont-Massachusetts State line. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston. The purpose of this correction

is to correct the "E" number, previously published as E16.

No. MC 61231 (Sub-No. E48), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating material, roofing and roofing materials, and urethane and urethane products*, from points in that part of Iowa on and north of Interstate Highway 80, to points in Indiana. The purpose of this filing is to eliminate the gateway of the plant site of Celotex Corp., at Dubuque, Iowa.

No. MC 61231 (Sub-No. E49), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Illinois, Iowa, and Minnesota, to points in Arizona. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E51), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Minnesota on and east of U.S. Highway 71 and points in Iowa on and east of U.S. Highway 71, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Des Moines or Ft. Dodge, Iowa.

No. MC 61231 (Sub-No. E53), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, except commodities in bulk, and those requiring special equipment, (1) from Omaha, Nebr., and points within 10 miles thereof, to points in Montana (Council Bluffs and Ft. Dodge, Iowa)\*; and (2) from points in Iowa and Illinois to points in Montana (Des Moines or Ft. Dodge, Iowa)\*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 61231 (Sub-No. E55), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from

points in Illinois on and north of U.S. Highway 24 to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E56), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Illinois on and north of U.S. Highway 136 to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site of the U.S. Gypsum Co., located approximately 2 miles southwest of Mediapolis, Iowa.

No. MC 61231 (Sub-No. E57), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except cement and commodities in bulk), from points in Illinois on and north of U.S. Highway 136 to points in Kansas. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E59), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass building materials*, from points in Illinois to points in Colorado. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC 61231 (Sub-No. E60), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Illinois, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Des Moines or Ft. Dodge, Iowa.

No. MC 61231 (Sub-No. E61), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Illinois on and north of U.S. Highway 24, to points in Texas on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E64), filed May 15, 1974. Applicant: ACE LINES,

INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in that part of Minnesota bounded by a line beginning at the Minnesota-Iowa State line and thence along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to St. Paul, Minn., thence along U.S. Highway 12 to the Minnesota-South Dakota State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E65), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Minnesota on and north of U.S. Highway 12, to points in Indiana on and south of Indiana Highway 14. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E67), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Minnesota on and south of U.S. Highway 14 and on and east of Interstate Highway 35, to points in Montana. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 61231 (Sub-No. E68), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating material, roofing and roofing materials, and urethane and urethane products* (except commodities in bulk and commodities requiring special equipment), (1) from points in Minnesota and North Dakota, to points in Indiana (plant site of Celotex Corp., at Dubuque, Iowa)\*; (2) from points in South Dakota, to points in Indiana (plant site of Celotex Corp., at Dubuque, Iowa, and Nassau, Minn., and points in Minnesota within 25 miles of Nassau)\*. The purpose of this filing is to eliminate the gateway marked with asterisks above.

No. MC 61231 (Sub-No. E69), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except commodities in bulk), from points in South Dakota, to points in Michigan on and south of U.S. Highway 10 (Nassau, Minn., and Des Moines, Iowa)\*; and (2) *building materials*, from points in North Dakota, to points in Michigan on and south of U.S. Highway 10 (Des Moines, Iowa)\*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 61231 (Sub-No. E70), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in North Dakota, to points in Texas on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E71), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in North Dakota to points in Indiana. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E72), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, except commodities in bulk, from points in North Dakota on and east of U.S. Highway 281, to points in Oklahoma on and east of Interstate Highway 85. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E73), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, except commodities in bulk, from points in South Dakota, to points in Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 81 to junction U.S. Highway 77 at Waco, Tex., thence along U.S. Highway 77 to Brownsville, Tex. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Des Moines, Iowa.

No. MC 61231 (Sub-No. E74), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines,

Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, except in bulk, from points in South Dakota to points in Arkansas, Indiana, Kentucky, and Ohio. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Des Moines, Iowa.

No. MC 61231 (Sub-No. E75), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, except commodities in bulk, between points in South Dakota, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points within 25 miles thereof in Minnesota.

No. MC 61231 (Sub-No. E83), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe* (except commodities in bulk and those requiring special equipment), from points in Iowa on and west of U.S. Highway 65, Omaha, Nebr., and points within 10 miles thereof, points in that part of Minnesota bounded by a line beginning at Gordonsville, Minn., on U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 12 at Minneapolis, thence along U.S. Highway 12 to the Minnesota-South Dakota State line at Ortonville, Minn., points in South Dakota, and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Savage, Minn., Council Bluffs, Iowa, and Kansas City, Mo.

No. MC 61231 (Sub-No. E86), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from points in North Dakota, to points in Missouri. The purpose of this filing is to eliminate the gateway of Atlantic, Iowa.

No. MC 61231 (Sub-No. E87), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from points in that part of Iowa on and north of Interstate Highway 80 from the Iowa-

Nebraska State line, to junction U.S. Highway 69, and points on and west of U.S. Highway 69 from junction Interstate Highway 80 to the Iowa-Minnesota State line, to points in Missouri on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Atlantic, Iowa.

No. MC 61231 (Sub-No. E88), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from points in Minnesota, to points in Missouri on and west of U.S. Highway 65.

The purpose of this filing is to eliminate the gateway of Atlantic, Iowa.

No. MC 61231 (Sub-No. E90), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (except commodities in bulk), from points in South Dakota on and north of U.S. Highway 16, to points in Missouri. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Atlantic, Iowa.

No. MC 61231 (Sub-No. E91), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (except commodities in bulk), between points in the Chicago, Ill., Commercial Zone, and points in Illinois on and north of U.S. Highway 30, on the one hand, and, on the other, points in South Dakota (except points in South Dakota south and east of a line beginning at the South Dakota-Iowa State line, thence along U.S. Highway 16 to the Missouri River, thence along the Missouri River to the South Dakota-Nebraska State line). The purpose of this filing is to eliminate the gateways of Chicago, Ill., Nassau, Minn., and points in Minnesota within 25 miles of Nassau.

No. MC 61231 (Sub-No. E93), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk), between points in that part of South Dakota on and west of U.S. Highway 83, on the one hand, and, on the

other, points in that part of Minnesota on and south of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 12 at St. Paul, Minn., thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in Minnesota within 25 miles of Nassau.

No. MC 61231 (Sub-No. E94), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk), between points in South Dakota, on the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 12 at St. Paul, Minn., thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in Minnesota within 25 miles of Nassau.

No. MC 61231 (Sub-No. E95), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk, and those requiring special equipment), between points in South Dakota (except points in that part of South Dakota south and east of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 14 to junction U.S. Highway 83 at Pierre, S. Dak., thence along U.S. Highway 83 to the South Dakota-Nebraska State line), on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in Minnesota within 25 miles of Nassau.

No. MC 61396 (Sub-No. E3), filed May 20, 1974. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except those requiring heat in transit), from points in Iowa on and west of U.S. Highway 59 and north of U.S. Highway 6 to points in Missouri on, east, and south of a line beginning at

the Missouri-Iowa State line, thence along Missouri Highway 5 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 131, thence along Missouri Highway 131 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 150, thence along Missouri Highway 150 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa, then points in Harrison County, Mo.

No. MC 61396 (Sub-No. E15), filed May 20, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, 2565 St. Marys Ave., Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and 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 those requiring heat in transit), from the site of the pipeline terminal of the Champlin Refining Company at or near Columbus, Nebr., to points in Missouri east and south of a line beginning at the Iowa-Missouri State Line, thence along Interstate Highway 35 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 150, thence along Missouri Highway 150 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and points in Iowa within ten miles of Council Bluffs, Iowa, then Harrison County, Mo.

No. MC 61396 (Sub-No. E34), filed May 20, 1974. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Iowa within an area bounded by a line beginning at the Nebraska-Iowa State line, thence along Iowa Highway 175 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Nebraska-Iowa State line and points in Iowa in Johnson County, Iowa to points in Illinois (except points in Jo Daviess, Carroll, Whiteside, Henry, Rock Island, Mercer, Henderson, Knox, and Hancock Counties). The purpose of this filing is to eliminate the gateway of the site of the pipeline terminal of Hydrocarbon Transportation, Inc., at or near Iowa City, Iowa.

No. MC 61825 (Sub-No. E54), filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (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, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Pennsylvania on and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 15 to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 to Harrisburg, Pa., thence along the Susquehanna River to the Pennsylvania-Maryland State line to points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 219 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction West Virginia Highway 40, thence along West Virginia Highway 40 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E55), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (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, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Pennsylvania bounded by a line beginning at Reading, Pa., and extending along U.S. Highway 422 to junction U.S. Highway 322, and U.S. Highway 422, thence along U.S. Highway 322 and U.S. Highway 422 to the Susquehanna River, thence along the Susquehanna River to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to point of beginning to points in West Virginia on and south of a line beginning at the Virginia-

West Virginia State line and extending along West Virginia Highway 311 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 3, to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction West Virginia Highway 40, thence along West Virginia Highway 40 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E56), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (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, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line near New Hope, Pa., and extending along U.S. Highway 202 to Norristown, Pa., thence along U.S. Highway 422 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Susquehanna River, thence along the Susquehanna River to the Pennsylvania-Maryland State line to points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction Interstate Highway 64, thence along U.S. Highway 64 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E57), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (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, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to points in North Carolina on, south, and west of a line beginning at the Virginia-North Carolina State line and extending along

Interstate Highway 85 to junction U.S. Highway 1 Bypass, thence along U.S. Highway 1 Bypass to junction North Carolina Highway 39, thence along North Carolina Highway 39 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 581, thence along North Carolina Highway 581 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 58 South, thence along North Carolina Highway 58 South to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Neuse River, thence along the Neuse River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E58), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (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, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to points in West Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 39 to junction Virginia Highway 252, thence along Virginia Highway 252 to junction Virginia Highway 606, thence along Virginia Highway 606 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction Virginia Highway 655, thence along Virginia Highway 655 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 49, thence along Virginia Highway 49 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E59), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (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, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to points in West Virginia on and south of a line beginning at the Virginia-West

Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E60), filed May 13, 1974. Applicant: RAY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (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, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Maryland north of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 40 to Hagerstown to junction Alternate U.S. Highway 40, thence along Alternate U.S. Highway 40 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Maryland Highway 144, thence along Maryland Highway 144 to Baltimore, thence along the shores of Chesapeake Bay and Elk River to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 74321 (Sub-No. E13), filed April 10, 1975. Applicant: B. F. WALKER, INC., P.O. Box 17B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *iron and steel articles* as described in Appendix V to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when moving as earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Arkansas (except Newport, Ark.), and points in its commercial

zone), to points in Colorado, Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 78228 (Sub E97), filed June 4, 1974. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron and coke*, in dump vehicles, from points in West Virginia on and north of U.S. Highway 50 and on and east of U.S. Highway 19 to points in Michigan. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 83539 (Sub-No. E192), filed May 17, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with, the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells. (A) between points in Alaska, on the one hand, and, on the other, points in Georgia (points in Kansas)\*; (B) between points in Colorado, on the one hand, and, on the other, (a) points in North Carolina (points in Kansas)\*; and (b) points in Virginia (Coffeyville, Kans., and points in West Virginia)\*; (C) between points in Florida, on the one hand, and, on the other, points in New Mexico (points in Texas)\*; (D) between points in Indiana, on the one hand, and, on the other, points in Nevada (points in Oklahoma)\*; (E) between points in Mississippi, on the one hand, and, on the other, points in North Dakota and South Dakota (points in Oklahoma)\*; (F) between points in Montana, on the one hand, and, on the other, points in Oklahoma (points in Colorado or South Dakota)\*; (G) between points in New Mexico, on the one hand, and, on the other, points in North Dakota (points in Colorado)\*; (H) between points in New York, on the one hand, and, on the other, points in South Dakota (Braddock, Pa., and points in Kansas)\*; (I) between points in Utah, on the one hand, and,

on the other, points in Virginia (points in Colorado, Kansas, and Tennessee)\*; (J) between points in West Virginia, on the one hand, and, on the other, points in Wyoming (Coffeyville, Kans., and points in Colorado)\*; (K) between points in Nevada, on the one hand, and, on the other, points in Virginia (Tulsa, Okla., and points in Ohio)\*; (L) between points in Ohio, on the one hand, and, on the other, points in Wyoming (points in Kansas and Colorado)\*; (M) between points in Illinois on and south of a line beginning at the Illinois-Iowa State line, and extending along Interstate Highway 80 to junction U.S. Highway 66 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Nevada on and south of Interstate Highway 40 (points in Oklahoma)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 83539 (Sub-No. E193), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (2) *machinery, equipment, materials, and supplies* used in, or in connection with, construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (3) *earth drilling machinery, and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with, the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery, and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells. (A) between points in California in and north of Monterey, San Benito, Merced, Tuolumne, and Mono Counties, on the one hand, and, on the other, points in Louisiana; (B) between points in California in and north of Santa Cruz, San Benito, Merced, Tuolumne, and Mono Counties, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateways of points in Wyoming, Colorado, and Texas.

No. MC 95540 (Sub-No. E441) (CORRECTION), filed May 20, 1974, published in the FEDERAL REGISTER May 12, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in that part of Ohio on and east of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 20 to Ashtabula, thence along Ohio Highway 11 to junction Ohio Highway 82, thence along Ohio Highway \*82 to Warren, thence along U.S. Highway 422 to Youngstown, thence along Ohio Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to Salem, thence along Ohio Highway 45 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction Ohio Highway 124, thence along Ohio Highway 124 to Minersville at the Ohio-West Virginia State line, to points in that part of Louisiana on and north of a line beginning at the Mississippi-Louisiana State line, thence along Louisiana Highway 10 to Bogalusa, thence along Louisiana Highway 21 to junction Louisiana Highway 41, thence along Louisiana Highway 41 to junction Interstate Highway 10, thence along Interstate Highway 10 through New Orleans to junction U.S. Highway 61, thence along U.S. Highway 61 through Baton Rouge to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga. The purpose of this correction is to correct the commodity description.

No. MC 102567 (Sub E2), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., 2040 North Loopwest, Houston, Tex. 77018. Applicant's representative: Tom Wright (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas which are within 150 miles of Henderson, Tex., including Henderson, Tex., and which are south of a line beginning at Chilton, Tex., and extends along Texas Highway 7 to junction U.S. Highway 287, to the Texas-Louisiana State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of plant site American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub E3), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Such petroleum products as are *Liquid chemicals* (except liquefied petroleum products), in bulk, in tank vehicles, from Henderson, Tex., and points in Texas within 150 miles of Henderson, to those points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along Alabama Highway 56 to junction Interstate Highway 65, to junction Alabama Highway

10, to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of plant site of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub E4) (CORRECTION), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from Henderson, Tex., and points in Texas within 150 miles of Henderson, to points in Florida. The purpose of this filing is to eliminate the gateway of the plant-site of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the exception in the commodity description.

No. MC 102567 (Sub-No. E7) (Correction), filed June 3, 1974, republished in the FEDERAL REGISTER June 9, 1975. Applicant: McNAIR TRANSPORT, INC., 2040 North Loop West, Houston, Tex. 77018. Applicant's representative: Tom Wright (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from Henderson, Tex., and points in Texas within 150 miles of Henderson to those points in Georgia south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 26 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Co., at Avondale, La. The purpose of this correction is to correct the MC number, previously published as MC 102569.

No. MC 102567 (Sub E9) filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals* (petrochemicals) in bulk, in tank vehicles, from those points within 150 miles of Henderson, Tex., which are north, south, and west of a line beginning at the junction of U.S. Highway 80 and U.S. Highway 180 near Weatherford, Tex., and extending along U.S. Highway 80/180 to junction Interstate Highway 20, to junction Louisiana Highway 157, to junction Louisiana Highway 132, to junction U.S. Highway 82, to junction U.S. Highway 271, to the Pittsburg-Atoka County line in Oklahoma, to those points in Louisiana east of a line beginning at the Louisiana-Arkansas State line and extending along

U.S. Highway 167 to junction Louisiana Highway 146, to junction Louisiana Highway 34, to junction U.S. Highway 84, to junction U.S. Highway 165, to junction Louisiana Highway 107, to junction U.S. Highway 71, to junction Louisiana Highway 10, to junction U.S. Highway 167, to junction Louisiana Highway 31, to junction Louisiana Highway 83, to junction Louisiana Highway 319, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub-No. E20) (CORRECTION), filed June 3, 1974, published in the FEDERAL REGISTER May 23, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Denton, Tex., and extending along Interstate Highway 35E to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line to points in North Carolina. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the exception.

No. MC 102567 (Sub E40), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at a point within 150 miles of Henderson, Tex., near Decatur, Tex., and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 59/71, thence along U.S. Highway 59/71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 20, thence along Interstate Highway 20 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 junction Texas Highway 87, thence along Texas Highway 87 to Port Arthur, Tex. to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub E52), filed June 3, 1974. Applicant: McNAIR TRANSPORT, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., and west of a line beginning at Callon, and extending along Highway 167 to junction Louisiana Highway 9, to junction U.S. Highway 79, to junction U.S. Highway 71, to Alexandria, La., to those points in Florida south of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Henderson, Tex., and points in Texas within 150 miles of Henderson, and Baton Rouge, La.

No. MC 102567 (Sub E53), filed June 3, 1974. Applicant: McNAIR TRANSPORT, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, and west of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to junction Louisiana Highway 80, to junction U.S. Highway 59, to junction U.S. Highway 79, to points in Texas within 150 miles of Henderson, Tex., near Rockford, Tex., to points in Florida. The purpose of this filing is to eliminate the gateway of Henderson, Tex., and points in Texas within 150 miles of Henderson, and Baton Rouge, La.

No. MC 102567 (Sub E54), filed June 3, 1974. Applicant: McNAIR TRANSPORT, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., are west of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to junction U.S. Highway 171 to junction Louisiana Highway 6, to junction U.S. Highway 96 to junction Texas Highway 124, to the Gulf of Mexico, to those points in Mississippi on and east of a line beginning at the Gulf of Mexico and extending along U.S. Highway 90 to junction U.S. Highway 49, 49 to junction of Mississippi Highway 26, to junction U.S. Highway 98, to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the

gateway of Henderson, Tex., and points in Texas within 150 miles of Henderson, and Baton Rouge, La.

No. MC 102567 (Sub E55), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., and west of a line beginning at Mena, Ark., and extending along U.S. Highway 59 to junction U.S. Highway 96 to junction Louisiana Highway 327, to junction U.S. Highway 69, to the Gulf of Mexico, to those points in Mississippi on and east of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 27, to junction U.S. Highway 98 to junction U.S. Highway 59, to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Henderson, Tex., and points in Texas within 150 miles of Henderson, and Baton Rouge, La.

No. MC 102567 (Sub E56), filed June 3, 1974. Applicant: McNAIR TRANSPORT, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., and west of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to Alexandria, La., to those points in Georgia east of a line beginning at the Georgia-Florida and extending along Georgia to junction of Georgia Highway 35 to junction Georgia Highway 32, to junction U.S. Highway 1, to junction U.S. Highway 341, to junction U.S. Highway 82 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Henderson, Tex., and points in Texas within 150 miles of Henderson, and Baton Rouge, La.

No. MC 102567 (Sub E58), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at Greenwood, Ark., and extending along U.S. Highway 70 to junction Arkansas Highway 27, to junction Arkansas Highway 26, to junction Arkansas Highway 29, to

junction Arkansas Highway 19 to junction U.S. Highway 82 to junction U.S. Highway 79 to junction Louisiana Highway 9, to junction Louisiana Highway 147 to junction U.S. Highway 167, to Alexandria, La., to those points in Florida beginning at the Gulf of Mexico and extending along U.S. Highway 17 to junction Highway 70, to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Henderson, Tex., and points in Texas within 150 miles of Texas, and Baton Rouge, La.

No. MC 102567 (Sub E60), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *dry chemicals*, in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., which are south of a line beginning at a point on Texas Highway 21 near Caldwell, Tex., and extending along Texas Highway 21 to junction Texas Highway 158, thence along Texas Highway 158 to junction Texas Highway 30, thence along Texas Highway 30 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 102567 (Sub E67), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lake Charles, La., to those points in Missouri within 200 miles of Conway except those on and west of Missouri Highway 5. The purpose of this filing is to eliminate the gateways of points in that part of Louisiana north and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, and the site of the pipeline terminal of the Oklahoma-Mississippi River Products line, Inc., at or near Conway, Arkansas.

No. MC 102567 (Sub-E70), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank

vehicles, from those points in Louisiana bounded by a line beginning at the Louisiana-Texas State line and extending along the La.-Tex. State line to junction U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the point of beginning, to those points in Missouri within 200 miles of Conway, Mo., except points on and west of Missouri Highway 5. The purpose of this filing is to eliminate the gateway of the site of the pipeline terminal of the Oklahoma-Mississippi River Products line, Inc., at or near Conway, Ark.

No. MC 102567 (Sub-No. E86) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER June 2, 1975. 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 gases), from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at Gainesville, Tex., and extending along U.S. Highway 82 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 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 U.S. Highway 59, thence along U.S. Highway 59 to Houston, Tex., to those points in Alabama north of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 82 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateways of Cotton Valley, La., and points within ten miles thereof. The purpose of this correction is to correct the territorial description.

No. MC 102567 (Sub E121), 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: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of American Cyanamide Company at Avondale, La., to points in Oklahoma. The purpose of this filing is to eliminate the

gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub E122), 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: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of American Cyanamid Company at Avondale, La., to those points in Texas north of a line beginning at the Texas-Louisiana State line and extending along Interstate Highway 20 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 80, thence along U.S. Highway 80 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark.

No. MC 102567 (Sub E123), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemicals, Columbia County, Ark., to those points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along Alabama Highway 96 to junction U.S. Highway 43, thence along Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 10, thence along Alabama Highway 10 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub E124), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop West, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark., to those points in South Carolina east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 501 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate

the gateway of the plant site of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub E125), 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: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemicals, Columbia County, Ark., to those points in North Carolina east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 32 to junction U.S. Highway 17, to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction North Carolina Highway 141, thence along North Carolina Highway 141 to junction North Carolina Highway 211, thence along North Carolina Highway 211, to junction U.S. Highway 17, thence along U.S. Highway 17 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub E126), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop W., Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark., to points in Florida. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub E127), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop W., Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark., to those points in Georgia south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 25 to junction Georgia Highway 144, thence along Georgia Highway 144 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 221, thence along U.S. Highway 221, to Georgia Highway 32, thence along Georgia Highway 32 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 62, thence along Georgia Highway 62 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub E139), 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* (except liquefied petroleum gas), in bulk, in tank vehicles, from those points in Arkansas west of U.S. Highway 59, to those points in Louisiana beyond 150 miles of Henderson, Tex., which are south of U.S. Highway 84. The purpose of this filing is to eliminate the gateways of Henderson, Tex., and points in Texas within 150 miles of Henderson.

No. MC 102567 (Sub-No. E141), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER June 9, 1975. 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, and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at El Dorado, Ark., and extending along U.S. Highway 167 to junction U.S. Highway 79, thence along U.S. Highway 79 to a point near Rockdale, Tex., to those points in Florida south of Florida Highway 60. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex. The purpose of this correction is to clarify the territorial description.

No. MC 107002 (Sub E209), filed May 20, 1974. Applicant: Miller Transporters, Inc., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repellents, insecticides, and ingredients of repellents and insecticides*, in bulk, in tank vehicles, from Clarksdale, Cleveland, and Marks, Mississippi to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Blytheville, Ark.

No. MC 107002 (E-211), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphuric acid*, in bulk, in tank vehicles, (1) From LeMoyne, Ala., to points in Kentucky, Missouri, and Oklahoma (\*points in Jackson County, Miss.), (2) From LeMoyne, Ala., to points in Texas (\*points in Jackson County, Miss., or Hattiesburg, Miss.), (3) From LeMoyne, Ala., to points in

Ohio (\*points in Jackson County, Miss., and McIntosh, Ala.), and (4) From LeMoyne, Ala., to Elizabethton, Kingsport, Johnson City, Bristol, Morristown, Greenville, and Newport, Tenn. (\*points in Jackson County, Miss., and Mobile, Ala.). The purpose of this filing is to eliminate the gateways indicated by asterisks.

No. MC 107012 (Sub-No. E52), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Autauga, Bibb, Blount, Calhoun, Chilton, Chambers, Cherokee, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, Shelby, St. Clair, Tallapoosa, and Talladega Counties, Ala., to points in Hartford, Windham, Tolland, and Litchfield Counties, Conn. (Cleveland, Ohio)\*, Robertson, Rowan, Scott, Wolfe, Magoffin, Martin, Mason, Menifee, Owen, Nicholas, Pendleton, Montgomery, Morgan, Powell, Johnson, Kenton, Lawrence, Lewis, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Grant, Gallatin, Greenup, and Harrison Counties, Ky.; Passaic, Hudson, Essex, Bergen, Warren, Sussex, Morris, Somerset, Middlesex, Mercer, Hunterdon, and Union Counties, N.J.; points in New York: Butler, Beaver, Armstrong, Allegheny, Westmoreland, Washington, Somerset, Indiana, Lawrence, Fayette, Greene, Elk, Crawford, Clarion, Cameron, Warren, Venango, Potter, Mercer, Jefferson, McKean, Forest, Erie, Union, Cambria, Blair, Bedford, Adams, Perry, Tioga, Snyder, Numberland, Montour, Mifflin, Lycoming, Juniata, Huntingdon, Fulton, Franklin, Dauphin, Clinton, Cumberland, Centre, Clearfield, Lackawanna, Columbia, Carbon, Bradford, Susquehanna, Pike, Sullivan, Wyoming, Wayne, Luzerne, and Monroe Counties, Pa.; Ohio, Marshall, Hancock, Brooke, Mason, Jackson, Gilmer, Calhoun, Wood, Roane, Wirt, Pleasants, Ritchie, Wetzel, Grant, Doddridge, Berkeley, Barbour, Upshur, Tyler, Tucker, Randolph, Taylor, Preston, Pendleton, Morgan, Monongalia, Mineral, Marion, Lewis, Harrison, Jefferson, Hardy, and Hampshire Counties, W. Va. (Milan, Ind.)\*.

(2) From points in Colbert, Fayette, Franklin, Lamar, Lawrence, Lauderdale, Marion, Pickens, Tuscaloosa, Walker, and Winston Counties, Ala., to points in Connecticut (Cleveland, Ohio)\*; points in Delaware, points in Grant, Gallatin, Scott, Rowan, Robertson, Greenup, Harrison, Johnson, Wolfe, Franklin, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Powell, Nicholas, Owen, Pendleton, Fleming, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, and Elliott Counties, Ky.; points in Maryland, New Jersey, New York, Pennsylvania, and Braxton,

Clay, Fayette, Kanawha, Nicholas, Webster, Brooke, Hancock, Marshall, Ohio, Calhoun; Gilmer, Mason, Jackson, Pleasants, Ritchie, Roane, Wirt, Wood, Randolph, Taylor, Pendleton, Monongalia, Upshur, Preston, Tucker, Tyler, Wetzel, Morgan, Lewis, Barbour, Berkeley, Grant, Hampshire, Doddridge, Hardy, Harrison, Jefferson, Marion, and Mineral Counties, W. Va. (Milan, Ind.)\*; (3) from points in DeKalb, Jackson, Limestone, Marshall, Madison, and Morgan Counties, Ala., to points in Connecticut (Cleveland, Ohio)\*; New Castle County, Del.; Pendleton; Powell, Robertson, Rowan, Scott, Wolfe, Owen, Harrison, Carroll, Lewis, Nicholas, Lawrence, Morgan, Kenton, Carter, Clark, Elliott, Johnson, Fleming, Franklin, Gallatin, Grant, Magoffin, Greenup, Martin, Mason, Menifee, Montgomery, Campbell, Bracken, Boyd, Boone, Bourbon, and Bath Counties, Ky.; Howard, Kent, Hartford, Frederick, Cecil, Baltimore City, Carroll, Baltimore, Allegany, Garrett, and Washington Counties, Md.; points in New Jersey; New York, Pennsylvania; Brooke, Ohio, Marshall, Hancock, Wood, Wirt, Roane, Ritchie, Pleasants, Mason, Gilmer, Jackson, Calhoun, Mineral, Lewis, Monongalia, Morgan, Wetzel, Pendleton, Preston, Harrison, Jefferson, Randolph, Marion, Taylor, Tucker, Tyler, Upshur, Hardy, Hampshire, Grant, Doddridge, Berkeley, and Barbour Counties, W. Va. (Milan, Ind.)\*.

(4) From points in Barbour, Bullock, Covington, Coffee, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, and Russell Counties, Ala.; to points in Wolfe, Scott, Johnson, Kenton, Lawrence, Robertson, Owen, Morgan, Pendleton, Lewis, Powell, Magoffin, Rowan, Martin, Nicholas, Mason, Grant, Menifee, Greenup, Montgomery, Harrison, Gallatin, Franklin, Elliott, Fleming, Clark, Carter, Carroll, Campbell, Bracken, Boyd, Bourbon, Boone, and Bath Counties, Ky.; Clinton, Washington, Warren, Schenectady, Saratoga, Montgomery, Hamilton, Fulton, Franklin, Essex, Yates, Wayne, Tompkins, Tioga, Broome, Seneca, Schoharie, Schuyler, Otsego, Ontario, Onondaga, Madison, Delaware, Courtland, Chenango, Chemung, Cayuga, Herkimer, St. Lawrence, Oswego, Oneida, Lewis, Jefferson, Allegany, Wyoming, Steuben, Orleans, Niagara, Monroe, Livingston, Genesee, Erie, Chataqua, and Cataraugus Counties, N.Y.; Allegheny, Westmoreland, Washington, Somerset, Lawrence, Indiana, Greene, Fayette, Butler, Bear, Armstrong, Cameron, Warren, Venango, Potter, Mercer, McKean, Jefferson, Forest, Erie, Elk, Crawford, Clarion, Mifflin, Numberland, Lycoming, Montour, Snyder, Union, Tioga, Perry, Adams, Juniata, Fulton, Huntingdon, Franklin, Dauphin, Cumberland, Clinton, Clearfield, Centre, Cambria, Blair, Bedford, Bradford, Wyoming, Wayne, Susquehanna, Sullivan, Pike, Monroe, Luzerne, Lackawanna, Columbia, and Carbon Counties, Pa. and Brooke, Ohio, Marshall, Hancock, Calhoun, Wood, Wirt,

Roane, Ritchie, Pleasants, Mason, Jackson, Gilmer, Upshur, Pendleton, Wetzel, Preston, Randolph, Taylor, Tucker, Tyler, Barbour; Morgan, Mineral, Monongalia, Marion, Lewis, Jefferson, Harrison, Hardy, Hampshire, Grant, Doddridge, and Berkeley Counties, W. Va. (Milan, Ind.)\*.

(5) From points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lowndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington, and Wilcox Counties, Ala., to points in Connecticut, (Cleveland, Ohio)\*; New Castle County, Del., (Milan, Ind.)\*; Lewis, Magoffin, Martin, Wolfe, Mason, Menifee, Montgomery, Johnson, Carroll, Campbell, Bracken, Boyd, Bourbon, Boone, Bath, Harrison, Greenup, Grant, Franklin, Gallatin, Fleming, Elliott, Clark, Carter, Owen, Morgan, Pendleton, Powell, Robertson, Rowan, Scott, Nicholas, Kenton, and Lawrence Counties, Ky. (Evansville, Ind.)\*; Washington, Garrett, and Allegany Counties, Md.; points in New Jersey; New York; Pennsylvania; Webster, Nicholas, Kanawha, Fayette, Clay, Braxton, Marshall, Hancock, Brooke, Ohio, Wirt, Roane, Ritchie, Pleasants, Mason, Jackson, Gilmer, Calhoun, Wood, Wetzel, Upshur, Tyler, Tucker, Jefferson, Harrison, Hardy, Hampshire, Grant, Doddridge, Berkeley, Barbour, Taylor, Randolph, Preston, Morgan, Pendleton, Monongalia, Mineral, Marion, and Lewis Counties, W. Va. (Milan, Ind.)\*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 107012 (Sub-No. E53), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, and Union Counties, Ark., to points in Russell, Wayne, Taylor, Rockcastle, Mercer, Washington, Pulaski, Monroe, Marion, Metcalfe, Woodford, Jessamine, Lincoln, Madison, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Favette, Gerrard, Green, Nicholas, Owen, Pendleton, Powell, Robertson, Gallatin, Morgan, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Rowan, Lewis, Scott, Magoffin, Martin, Mason, Menifee, Montgomery, Wolfe, Clark, Elliott, Franklin, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, and Fleming Counties, Ky., (Evansville, Ind.)\*; points in Cook, Lake, St. Louis, Aitkin, Tazewell, Carlton, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Beltrami, Clearwater, Kittson, Koochichin, Lake Woods, and Mahanomen Counties, Minn. (Chicago, Ill.)\*; (2) from points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, and Yell Counties, Ark., to points in Wolfe, Scott, Rowan, Robertson,

Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Clark, Elliott, Fleming, Franklin, Gallatin, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, and Carter Counties, Ky. (Evansville, Ind.)\*.

(3) From points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark., to points in Russell, Rockcastle, Woodford, Taylor, Wayne, Washington, Garrard, Fayette, Cumberland, Clinton, Casey, Boyle, Anderson, Adair, Pulaski, Monroe, Metcalfe, Mercer, Marion, Madison, Lincoln, Jessamine, Green, Wolfe, Scott, Rowan, Robertson, Powell, Pendleton, Owen, Morgan, Nicholas, Montgomery, Kenton, Menifee, Lawrence, Lewis, Magoffin, Martin, Mason, Carter, Carroll, Campbell, Bracken, Boyd, Bourbon, Boone, Bath, Johnson, Harrison, Greenup, Grant, Gallatin, Franklin, Fleming, Elliott, and Clark Counties, Ky. (Evansville, Ind.)\*; points in Cook, Carlton, Tasca, Aitkin, St. Louis, Lake, Marshall, Mahanomen, Lake Woods, Koochichin, Kittson, Clearwater, Beltrami, Roseau, Red Lake, Polk, Pennington, and Norman Counties, Minn. (Chicago, Ill.)\*; (4) from points in Baxter, Clay, Cross, Craighead, Crittendon, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Sharp, St. Francis, Stone, and Woodruff Counties, Ark., to points in Washington, Wayne, Woodford, Taylor, Russell, Rockcastle, Pulaski, Marion, Monroe, Mercer, Madison, Metcalfe, Lincoln, Jessamine, Green, Gerard, Fayette, Cumberland, Clinton, Boyle, Casey, Anderson, Adair, Whitley, Pike, Letcher, McCreary, Perry, Leslie, Owsley, Lee, Laurel, Knox, Knott, Jackson, Harlan, Floyd, Clay, Breathitt, Estill, Bell, Wolfe, Scott, Robertson, Rowan, Powell, Pendleton, Owen, Lewis, Nicholas, Morgan, Montgomery, Menifee, Mason, Martin, Lawrence, Magoffin, Kenton, Johnson, Gallatin, Grant, Harrison, Franklin, Greenup, Fleming, Elliott, Clark, Carter, Carroll, Campbell, Bracken, Bourbon, Boyd, Boone, and Bath Counties, Ky. (Evansville, Ind.)\*; and points in Tasca, St. Louis, Cook, Carlton, Lake, Aitkin, Roseau, Red Lake, Polk, Pennington, Norman, Marshall, Mahanomen, Lake Woods, Kittson, Koochichin, Clearwater, and Beltrami Counties, Minn. (Chicago, Ill.)\*.

(5) From points in Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Marion, Madison, Newton, Pope, Sebastian, Searcy, Van Buren, and Washington Counties, Ark., to points in Russell, Taylor, Washington, Rockcastle, Wayne, Woodford, Pulaski, Monroe, Gerrard, Fayette, Cumberland, Metcalfe, Mercer, Marion, Madison, Jessamine, Lincoln, Green, Clinton, Boyle, Casey, Anderson, Adair, Perry, Pike, Whitley, Owsley, Breathitt, Bell, McCreary, Letcher, Leslie, Lee, Knox, Laurel, Knott, Jackson, Harlan, Floyd, Estill, Clay, Owen, Pendleton, Powell, Robertson,

Rowan, Scott, Wolfe, Montgomery, Morgan, Nicholas, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, and Greenup Counties, Ky. (Evansville, Ind.)\*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 107012 (Sub-No. E54), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P. O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, from points in Hartford, Tolland, Windham, and Litchfield Counties, Conn., to points in Logan, Lincoln, Cabell, Mingo, Putnam, Wayne, and Boone Counties, W. Va. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 107012 (Sub-No. E55), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P. O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Alachua, Baker, Bradford, Clay Duval, Flagler, Levy, Marion, Nassau, Putnam, St. Johns, and Union Counties, Fla., to points in Robertson, Rowan, Scott, Wolfe, Menifee, Montgomery, Morgan, Nicholas, Owen, Powell, Pendleton, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, and Franklin Counties, Ky. (Milan, Ind.)\*; Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, Webster, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, and Hopkins Counties, Ky. (Evansville, Ind.)\*; Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, and Washington Counties, N. Y. (Cleveland, Ohio)\*; Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Allegany, Cataraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, and Wyoming Counties, N. Y. (Milan, Ind.)\*; Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, and Warren Counties, Pa. (Milan, Ind.)\*; Brooke, Hancock, Marshall, and Ohio Counties, W. Va. (Milan, Ind.)\*.

(2) From points in Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla., to points in Montgomery, Menifee, Mason, Martin, Magoffin, Lewis, Wolfe, Scott, Morgan, Nicholas, Rowan, Robertson, Powell, Pendleton, Owen, Greenup, Harrison, Johnson, Kenton, Lawrence, Boyd, Bourbon, Boone, Bath,

Grant, Gallatin, Franklin, Fleming, Elliott, Clark, Carter, Carroll, Campbell, and Bracken Counties, Ky.; Fulton, Franklin, Essex, Clinton, Washington, Warren, Schenectady, Saratoga, Montgomery, Hamilton, Tompkins, Wayne, Yates, Chenango, Chemung, Cayuga, Broome, Tioga, Seneca, Schuyler, Schoharie, Otsego, Ontario, Onondaga, Madison, Delaware, Courtland, St. Lawrence, Oswego, Oneida, Lewis, Jefferson, Herkimer, Erie, Chataqua, Cataraugus, Allegany, Wyoming, Steuben, Orleans, Niagara, Monroe, Livingston, and Genesee Counties, N.Y.; Butler, Bearer, Armstrong, Allegheny, Westmoreland, Washington, Somerset, Lawrence, Indiana, Greene, Fayette, Elk, Crawford, Clarion, Cameron, Warren, Venango, Potter, Mercer, McKean, Jefferson, Forest, and Erie Counties, Pa.; Ohio and Marshall, Hancock, Brooke, Mason, Jackson, Gilmer, Calhoun, Wood, Wirt, Roane, Ritchie, and Pleasants Counties, W. Va. (Milan, Ind.)\*.

(3) From points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Washington, Walton Counties, Fla., to points in Connecticut; Scott, Wolfe, Rowan, Robertson, Powell, Pendleton, Owen, Nicholas, Morgan, Menifee, Magoffin, Martin, Fleming, Montgomery, Mason, Franklin, Gallatin, Grant, Greenup, Lewis, Harrison, Lawrence, Johnson, Kenton, Boyd, Bourbon, Boone, Bath, Elliott, Clark, Carter, Carroll, Bracken, Campbell Counties, Ky.; points in Massachusetts; Essex, Bergen, Passaic, Hudson, Warren, Sussex, Morris, Monmouth, Cape May, Burlington, Atlantic, Ocean, Somerset, Middlesex, Mercer, Hunterdon, and Union Counties, N.J.; points in New York; Pennsylvania; Rhode Island; and Kanawha, Fayette, Clay, Braxton, Webster, Nicholas, Ohio, Marshall, Hancock, Brooke, Wood, Wirt, Roane, Ritchie, Pleasants, Preston, Randolph, Upshur, Taylor, Tyler, Monongalia, Morgan, Tucker, Wetzel, Mineral, Pendleton, Grant, Doddridge, Berkeley, Barbour, Marion, Lewis, Jefferson, Harrison, Hampshire, and Hardy Counties, W. Va. (Milan, Ind.)\*.

(4) From points in Brevard, Citrus, Hernando, Hillsboro, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, and Volusia Counties, Fla., to points in Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Martin, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Boyd, Bourbon, Boone, Bath, Grant, Gallatin, Franklin, Fleming, Elliott, Clark, Carter, Carroll, Campbell, Bracken Counties, Ky. (Milan, Ind.)\*; McLean, McCracken, Trigg, Union, Webster, Marshall, Carlisle, Calloway, Caldwell, Ballard, Lyon, Livingston, Hopkins, Hickman, Henderson, Hancock, Graves, Fulton, Daviess, and Crittenden Counties, Ky. (Evansville, Ind.)\*; Fulton, Franklin, Essex, Clinton, Washington, Warren, Schenectady, Saratoga, Montgomery, Hamilton Counties, N.Y. (Milan, Ind.)\*; Yates, Wayne, Tompkins, Chenango, Chemung, Cayuga, Broome,

Tioga, Seneca, Schuyler, Schoharie, Otsego, Ontario, Onondaga, Madison, Delaware, Courtland Counties, N.Y. (Cleveland, Ohio)\*; Oneida, Lewis, Jefferson, Herkimer, St. Lawrence, Oswego, Erie, Chataqua, Cattaraugus, Allegany, Wyoming, Steuben, Orleans, Niagara, Monroe, Livingston, Genesee Counties, N.Y. (Milan, Ind.)\*; Butler, Bearer, Armstrong, Allegheny, Westmoreland, Washington, Somerset, Lawrence, Indiana, Greene, Fayette, Elk, Crawford, Clarion, Cameron, Warren, Venango, Potter, Mercer, McKean, Jefferson, Forest, Erie Counties, Pa. (Milan, Ind.)\*; Ohio, Marshall, Hancock, Brooke Counties, W. Va. (Milan, Ind.)\*.

(5) From points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, St. Lucie Counties, Fla., to points in Montgomery, Morgan, Nicholas, Carter, Owen, Pendleton, Powell, Clark, Elliott, Fleming, Robertson, Rowan, Scott, Wolfe, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Boyd, Bourbon, Boone, Bath, Carroll, Campbell, Bracken Counties, Ky. (Milan, Ind.)\*; Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, Webster, Carlisle, Calloway, Caldwell, Ballard, Fulton, Daviess, Crittenden, Hart, Ohio, Warren, Hardin, Trimble, Nelson, Muhlenberg, Jefferson, Grayson, Henry, Meade, Todd, Spencer, Logan, Simpson, La Rue, Sheleby, Oldham, Bullitt, Breckridge, Barren, Allen, Edmonson, Christian, Butler Counties, Ky. (Evansville, Ind.)\*; Warren, Schenectady, Washington, Fulton, Franklin, Essex, Clinton, Saratoga, Montgomery, Hamilton Counties, N.Y. (Milan, Ind.)\*; Tioga, Seneca, Ontario, Otsego, Onondaga, Schuyler, Yates, Wayne, Schoharie, Tompkins, Delaware, Courtland, Cayuga, Broome, Madison, Chenango, Chemung Counties, N.Y. (Cleveland, Ohio)\*; Oneida, Lewis, Jefferson, Herkimer, St. Lawrence, Oswego, Wyoming, Steuben, Orleans, Niagara, Erie, Chataqua, Cattaraugus, Allegany, Monroe, Livingston, Genesee Counties, N.Y. (Milan, Ind.)\*; Somerset, Westmoreland, Washington, Lawrence, Butler, Bearer, Armstrong, Allegheny, Indiana, Greene, Fayette, Mercer, McKean, Potter, Venango, Warren, Elk, Crawford, Clarion, Cameron, Jefferson, Forest, Erie Counties, Pa. (Milan, Ind.)\*; Ohio, Marshall, Hancock, Brooke, Wood, Wirt, Mason, Jackson, Gilmer, Calhoun, Roane, Ritchie, Pleasants Counties, W. Va. (Milan, Ind.)\*.

(6) From points in De Soto, Glades, Hardee, Hendry, Charlotte, Highlands Lee, Manatee, Okeechobee, Sarasota Counties, Fla., to points in Menifee, Mason, Morgan, Montgomery, Wolfe, Scott, Rowan, Fleming, Robertson, Franklin, Gallatin, Grant, Greenup, Powell, Harrison, Pendleton, Johnson, Owen, Nicholas, Kenton, Lawrence, Lewis, Magoffin, Martin, Carrroll, Carter, Clark, Elliott, Bath, Boone, Bourbon, Boyd, Bracken, Campbell Counties, Ky. (Milan, Ind.)\*; Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken,

McLean, Trigg, Union, Webster, Fulton, Graves, Hancock, Henderson, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Henry, Trimble, Jefferson, Warren, Todd, Spencer, Simpson, Sheleby, Oldman, Ohio, La Rue, Nelson, Muhlenberg, Meade, Logan, Edmonson, Grayson, Hardin, Hart, Allen, Barren, Breckridge, Bullitt, Butler, Christian Counties, Ky. (Evansville, Ind.)\*; Saratoga, Schenectady, Warren, Washington, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Tioga, Tompkins, Wayne, Yates, Schoharie, Seneca, Schuyler, Madison, Onondaga, Ontario, Otsego, Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, St. Lawrence, Herkimer, Jefferson, Lewis, Oneida, Oswego, Wyoming, Monroe, Niagara, Orleans, Steuben, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston Counties, N.Y. (Milan, Ind.)\*; Westmoreland, Allegheny, Lawrence, Somerset, Washington, Armstrong, Bearer, Butler, Fayette, Greene, Indiana, Warren, Venango, Erie, Forest, Jefferson, Potter, Cameron, Clarion, Crawford, Elk, McKean, Mercer Counties, Pa. (Milan, Ind.)\*; Brooke, Hancock, Marshall, Ohio, Roane, Wirt, Wood, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie Counties, W. Va. (Milan, Ind.)\*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 107012 (Sub-No. E56), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Bartow, Catoosa, Carroll, Chattooga, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield Counties, Ga., to points in Hartford, Windham, Tolland, New London, and Litchfield Counties, Conn.; points in Massachusetts, points in Warren, Montgomery, Saratoga, Schenectady, Hamilton, Fulton, Franklin, Essex, Clinton, Washington, Yates, Wayne, Ontario, Delaware, Madison, Onondaga, Courtland, Chenango, Chemung, Cayuga, Broome, Tompkins, Tioga, Seneca, Schuyler, Schoharie, Otsego, St. Lawrence, Oswego, Oneida, Lewis, Jefferson, Herkimer, Orleans, Monroe, Livingston, Niagara, Genesee, Erie, Chataqua, Cattaraugus, Allegany, Wyoming, Steuben Counties, N.Y.; Westmoreland, Greene, Indiana, Lawrence, Fayette, Butler, Beaver, Armstrong, Allegheny, Washington, Somerset, Mercer, Forest, Jefferson, McKean, Erie, Elk, Crawford, Clarion, Cameron, Warren, Venango, Potter, Montour, Tioga, Union, Perry, Numberland, Snyder, Dauphin, Clinton, Clearfield, Cumberland, Centre, Cambria, Blair, Bedford, Adams, Mifflin, Lycoming, Juniata, Huntingdon, Fulton, Franklin, Susquehanna, Pike, Monroe, Sullivan, Luzerne, Lackawanna, Columbia, Carbon, Bradford, Wyoming, Wayne Counties, Pa.; points in Rhode Island and points in Ohio, Marshall, Hancock,

Brooke, Wood, Ritchie, Roane, Wirt, Pleasants, Mason, Jackson, Gilmer, Calhoun, Counties, W. Va. (Milan, Ind.)\*; (2) from points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jasper, Jackson, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, and White Counties, Ga., to points in Yates, Wayne, Tompkins, Tioga, Seneca, Otsego, Schoharie, Schuyler, Ontario, Madison, Onondaga, Delaware, Courtland, Chenango, Chemung, Cayuga, Broome, Oswego, Oneida, Lewis, Jefferson, St. Lawrence, Herkimer, Steuben, Wyoming, Orleans, Monroe, Niagara, Livingston, Genesee, Erie, Chataqua, Cattaraugus, Allegany, Washington, Warren, Saratoga, Schenectady, Montgomery, Hamilton, Fulton, Franklin, Essex, and Clinton Counties, N.Y.; Washington, Westmoreland, Somerset, Lawrence, Indiana, Greene, Fayette, Butler, Beaver, Armstrong, Allegheny, Warren, Venango, Potter, Mercer, McKean, Jefferson, Forest, Erie, Elk, Crawford, Clarion, and Cameron Counties, Pa.; and points in Ohio, Marshall, Hancock, Brooke, Wood, Roane, Wirt, Ritchie, Pleasants, Mason, Jackson, Gilmer, and Calhoun Counties, W. Va. (Milan, Ind.)\*.

(3) From points in Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jenkins, Jefferson, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, and Wilkinson Counties, Ga., to points in Saratoga, Montgomery, Fulton, Hamilton, Franklin, Essex, Clinton, St. Lawrence, Oneida, Oswego, Lewis, Jefferson, Herkimer, Wyoming, Steuben, Orleans, Niagara, Monroe, Livingston, Genesee, Erie, Chataqua, Cattaraugus, and Allegany Counties, N.Y.; and Warren, Venango, Potter, Mercer, McKean, Jefferson, Forest, Erie, Elk, Crawford, Clarion, and Cameron Counties, Pa. (Milan, Ind.)\*; (4) from points in Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, and Screven Counties, Ga., to points in Owen, Nicholas, Pendleton, Powell, Wolfe, Clark, Elliott, Scott, Rowan, Robertson, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Minefee, Montgomery, Morgan, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, and Carter Counties, Ky. (Milan, Ind.)\*; Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, Webster, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, and Graves Counties, Ky. (Evansville, Ind.)\*; Washington, Warren, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Steuben, Wyoming, Orleans, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara Counties, N.Y.

(Cleveland, Ohio)\*; Warren, Potter, Venango, Mercer, Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, and McKean Counties, Pa. (Milan, Ind.)\*.

(5) From points in Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toware, Toombs, Wayne, Ware, Wheeler Counties, Ga., to points in Menifee, Mason, Wolfe, Scott, Rowan, Robertson, Morgan, Powell, Pendleton, Montgomery, Owen, Nicholas, Kenton, Lawrence, Lewis, Magoffin, Martin, Fleming, Carroll, Campbell, Bracken, Boyd, Bourbon, Boone, Bath, Johnson, Harrison, Greenup, Grant, Franklin, Gallatin, Clark, Elliott, Carter Counties, Ky. (Milan, Ind.)\*; Union, Webster, Trigg, Graves, Fulton, Daviess, Crittenden, Carlisle, Calloway, Caldwell, Ballard, McLean, McCracken, Marshall, Lyon, Hopkins, Livingston, Henderson, Hickman, Hancock Counties, Ky. (Evansville, Ind.)\*; Schenectady, Saratoga, Montgomery, Hamilton, Fulton, Franklin, Essex, Clinton, Washington, Warren, St. Lawrence, Oswego, Oneida, Lewis, Jefferson, and Herkimer Counties, N.Y. (Cleveland, Ohio)\*; Niagara, Monroe, Livingston, Genesee, Erie, Chatauga, Cataaugus, Allegany, Steuben, Wyoming, and Orleans Counties, N.Y. (Milan, Ind.)\*; McKean, Jefferson, Forest, Erie, Elk, Crawford, Clarion, Cameron, Warren, Venango, Potter, and Mercer Counties, Pa. (Milan, Ind.)\*; (6) from points in Atkinson, Baker, Berrien, Ben Hill, Bibb, Bleckley, Brooks, Calhoun, Chatahoochee, Clinch, Clay, Cook, Colquitt, Coffee, Crisp, Crawford, Decatur, Dougherty, Dooly, Dodge, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lanier, Lamar, Lee, Lowndes, Marion, Macon, Meriwether, Mitchell, Miller, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, and Worth Counties, Ga., to points in Menifee, Mason, Magoffin, Martin, Lewis, Lawrence, Kenton, Johnson, Harrison, Grant, Greenup, Fleming, Franklin, Gallatin, Clark, Elliott, Carter, Bracken, Campbell, Carroll, Boyd, Bourbon, Boone, Bath, Wolfe, Scott, Rowan, Robertson, Powell, Pendleton, Owen, Nicholas, Morgan, and Montgomery Counties, Ky.; Warren, Schenectady, Montgomery, Saratoga, Washington, Fulton, Franklin, Essex, Clinton, Yates, Wayne, Tioga, Tompkins, Schoharie, Schuyler, Seneca, Otsego, Ontario, Onondaga, Courtland, Delaware, Madison, Chenango, Chemung, Cayuga, Broome, Oneida, Lewis, St. Lawrence, Oswego, Jefferson, Herkimer, Wyoming, Orleans, Steuben, Niagara, Genesee, Monroe, Livingston, Erie, Chatauga, Cataaugus, and Allegany Counties, N.Y.; Somerset, Lawrence, Westmoreland, Washington, Indiana, Fayette, Greene, Butler, Bear, Armstrong, Allegheny, Crawford, Elk, Clarion, Forest, Erie, Jefferson, McKean, Potter, Mercer, Venango, Warren Counties, Pa.; and Hancock, Marshall, Ohio, Brooke, Cal-

houn, Gilmer, Jackson, Pleasants, Mason, Ritchie, Roane, Wood, and Wirt Counties, W. Va. (Milan, Ind.)\*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 107012 (Sub-No. E57), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Appanoose, Boone, Clarke, Dallas, Decatur, Grundy, Greene, Hamilton, Hardin, Jasper, Lucas, Marion, Mahaska, Madison, Marshall, Monroe, Poweshiek, Polk, Story, Tama, Warren, Wayne, Webster, Buena Vista, Carroll, Calhoun, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Woodbury, Adams, Adair, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawatta, Ringgold, Shelby, Taylor, and Union Counties, Iowa, to points in Kentucky; (2) from points in Black Hawk, Bremer, Butler, Allamakee, Buchanan, Cerro, Ford, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshie, Worth, and Wright Counties, Iowa, to points in Wayne, Woodford, Washington, Taylor, Monroe, Metcalfe, Mercer, Jessamine, Marion, Green, Fayette, Cumberland, Clinton, Boyle, Anderson, Adair, Russell, Rockcastle, Pulaski, Madison, Lincoln, Gerrard, Casey, Jackson, Perry, Owsley, Letcher, McCreary, Leslie, Lee, Laurel, Knox, Knott, Harlan, Floyd, Estill, Clay, Breathitt, Bell, Whitley, Pike, Webster, Crittenden, Carlisle, Calloway, Ballard, Caldwell, Union, Trigg, McLean, McCracken, Marshall, Lyon, Livingston, Hopkins, Hickman, Henderson, Graves, Hancock, Fulton, Daviess, Trimble, Simpson, Warren, Todd, Shelby, Spencer, Jefferson, Henry, Grayson, Edmonson, Christian, Butler, Breckridge, Barren, Allen, Oldham, Ohio, Nelson, Muhlenberg, Meade, Logan, Hart, La Rue, Hardin, Bullitt Counties, Ky.

(3) From points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Jones, Johnson, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Washington, Wapello Counties, Iowa, to points in Wayne, Woodford, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Metcalfe, Mercer, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Adair, Boyle, Anderson, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Owsley, McCreary, Perry, Pike, Whitley, Bell, Breathitt, Clay, Todd, Trimble, Warren, Spencer, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson,

Allen, Barren, Breckridge Counties, Ky. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 107012 (Sub-No. E58), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Atchison, Brown, Douglas, Doniphan, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatom, Shawnee, Wabaunsee, Wyandotte Counties, Kans., to points in Wayne, Washington, Taylor, Russell, Rockcastle, Woodford, Gerrard, Fayette, Clinton, Cumberland, Casey, Boyle, Anderson, Adair, Pulaski, Monroe, Metcalfe, Mercer, Marion, Madison, Lincoln, Jessamine, Green, Whitley, Knox, Knott, Harlan, Jackson, Floyd, Estill, Clay, Breathitt, Pike, Perry, Owsley, McCreary, Letcher, Leslie, Lee, Laurel, Bell, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Bath, Harrison, Franklin, Gallatin, Fleming, Campbell, Boyd, Bourbon, Boone, Johnson, Greenup, Grant, Elliott, Clark, Carter, Carroll, Bracken, Warren, Trimble, Todd, Oldham, Spencer, Simpson, Ohio, Shelby, Harlan, Grayson, Nelson, Muhlenberg, Meade, Logan, Edmonson, Christian, Bullitt, Allen, La Rue, Jefferson, Henry, Hart, Butler, Breckridge, Barren Counties, Ky.; (2) from points in Allen, Anderson, Bourbon, Butler, Chatauga, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson Counties, Kans., to points in Wayne, Washington, Woodford, Taylor, Russell, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marton, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Scott, Rowan, Robertson, Wolfe, Powell, Pendleton, Lawrence, Lewis, Owen, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Warren, Trimble, Todd, Shelby, Oldham, Simpson, Spencer, Allen, Barren, Breckridge, Bullitt, Butler, Christian, Grayson, Edmonson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio Counties, Ky.

(3) From points in Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner, Washington, Cheyenne, Decatur, Ellis, Gove, Greeley, Graham, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks,

Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, Kans., to points in Kentucky; (4) from points in Clark, Comanche, Edwards, Finney, Ford, Gray, Grant, Haskell, Hamilton, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stevens, Stanton Counties, Kans., to points in Wayne, Washington, Taylor, Russell, Woodford, Adair, Anderson, Boyle, Casey, Clinton, Fayette, Cumberland, Green, Gerrard, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Rockcastle, Pulaski, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Scott, Wolfe, Rowan, Robertson, Owen, Pendleton, Powell, Nicholas, Montgomery, Morgan, Martin, Mason, Menifee, Lewis, Magoffin, Lawrence, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Kenton, Johnson, Sheleby, Simpson, Spencer, Todd, Oldham, Warren, Trimble, Allen, Barren, Breckridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio Counties, Ky. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 107012 (Sub-No. E59), filed May 16, 1974. Applicant: NORTH

AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knox, Knott, Laurel, Lee, Letcher, Leslie, McCreary, Owsley, Perry, Pike, Whitley Counties, Ky., to points in Iowa (Evansville, Ind.)\*; (2) from points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Greenup, Grant, Harrison, Johnson, Kenton, Lawrence, Lewis, Mason, Martin, Magoffin, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe Counties, Ky., to points in Iowa (Milan, Ind.)\*; (3) from points in Calloway, Caldwell, Ballard, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McLean, McCracken, Trigg, Union, Webster, Counties, Ky., to points in Warren, Wayne, Webster, Monroe, Clarke, Dallas, Marshall, Tama,

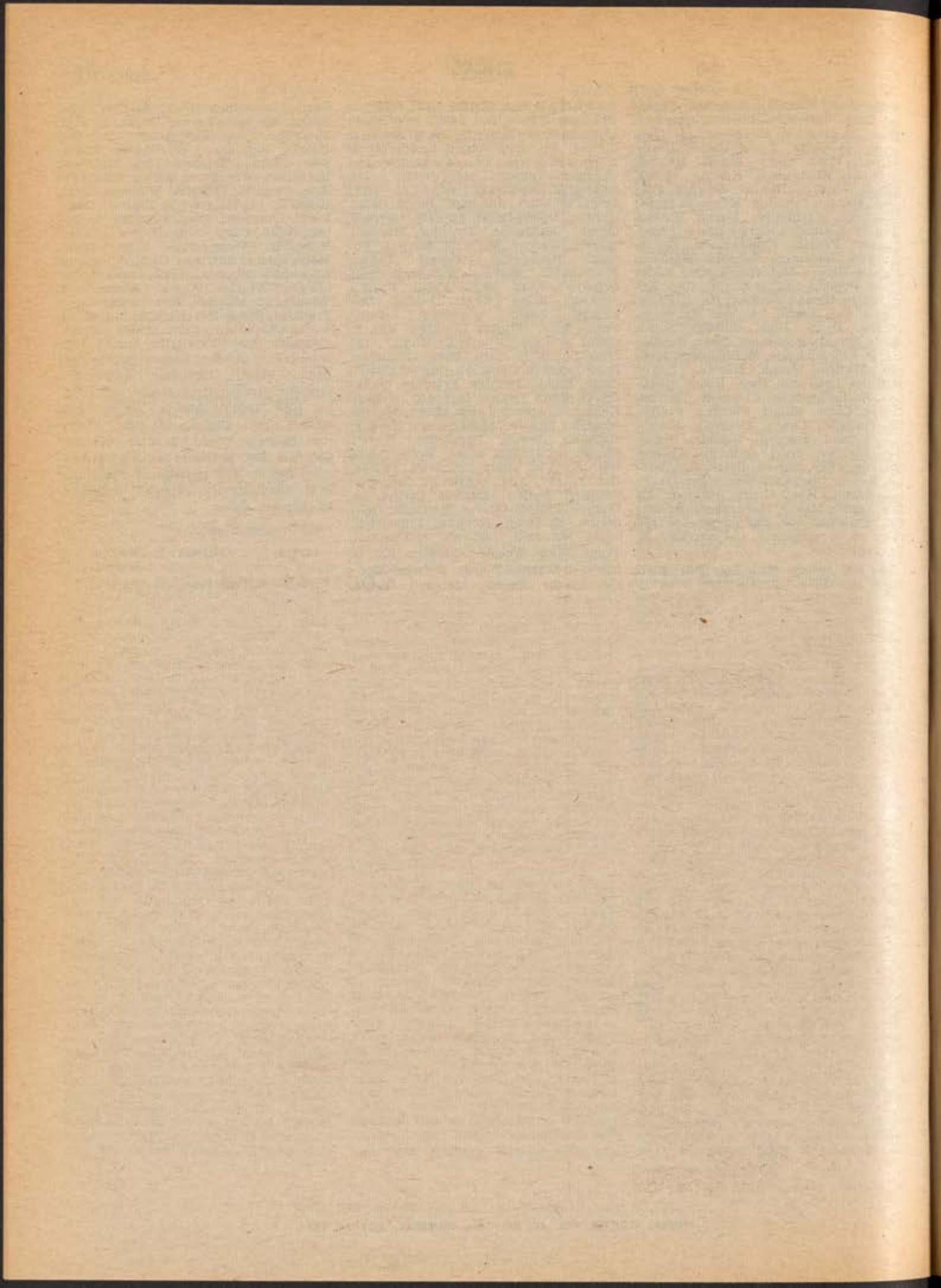
Story, Poweshiek, Polk, Marion, Mahaska, Madison, Lucas, Jasper, Hardin, Hamilton, Green, Grundy, Decatur, Boone, Appanoose, Woodbury, Cherokee, Carroll, Buena Vista, Calhoun, Sioux, Sac, Pocahontas, Plymouth, Palo Alto, Osceola, O'Brien, Monona, Lyon, Kossuth, Ida, Humboldt, Emmet, Dickinson, Crawford, Clay, Fremont, Audubon, Adair, Cass, Union, Taylor, Shelby, Ringgold, Pottawatta, Page, Mills, Montgomery, Harrison, Guthrie, Adams, Buchanan, Bremer, Black Hawk, Allamakee, Wright, Worth, Winneshiek, Winnebago, Mitchell, Howard, Hancock, Franklin, Floyd, Fayette, Clayton, Delaware, Chickasaw, Cerno Gord, Butler Counties, Iowa (Evansville, Ind.)\*; (4) from points in Allen, Barren, Breckridge, Butler, Bullitt, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren Counties, Ky., to points in Iowa (Evansville, Ind.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-19284 Filed 7-23-75; 8:45 am]



# federal register

THURSDAY, JULY 24, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 143

PART II



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## DEPARTMENT OF TRANSPORTATION

Coast Guard



### MARINE SANITATION DEVICES

Certification Granted

**DEPARTMENT OF  
TRANSPORTATION****Coast Guard  
[CGD 75-136]****MARINE SANITATION DEVICES****Certification Granted; Correction**

In FR Document 75-16519 appearing at page 26727 in the FEDERAL REGISTER of Wednesday, June 25, 1975, the list of certified marine sanitation devices was omitted. This document republishes the notice with the list to which the notice refers.

The purpose of this document is to notify interested persons that the Commandant, U.S. Coast Guard, has certified the design of certain marine sanitation devices in accordance with 33 CFR 159.12.

Equipment that is certified under 33 CFR 159.12 cannot be labelled under 33 CFR 159.16 as being certified. Because of this fact, purchasers of these devices are urged to request a copy of the Coast Guard letter granting certification of the device from the manufacturer or dealer. The "verification" column in the list below shows the data of the Coast Guard letter granting certification. A copy of the certification letter or this Notice should be retained by the owner as evidence that the device has been certified by the Coast Guard.

(33 U.S.C. 1322; 49 CFR 1.46 (l) and (m)).

Dated: July 15, 1975.

**W. M. BENKERT,**  
*Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.*



MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PUSQUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) E.P. 11/1/75	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Crouse Corp (O) (continued)	Creative Stack Injection System	None assigned	No-discharge	M/V Rachel	No	None assigned	USCG ltr of 14 APR 75
				M/V Sue Chappell	No	None assigned	USCG ltr of 14 APR 75
				M/V Donna Keeling	No	None assigned	USCG ltr of 14 APR 75
				M/V Louise	No	None assigned	USCG ltr of 14 APR 75
				M/V Barbara	No	None assigned	USCG ltr of 14 APR 75
				M/V Jincy	No	None assigned	USCG ltr of 14 APR 75
				M/V Patricia	No	None assigned	USCG ltr of 14 APR 75
				M/V Hazel	No	None assigned	USCG ltr of 14 APR 75
				M/V Ellen Stone	No	None assigned	USCG ltr of 14 APR 75
				M/V Kay Templeton	No	None assigned	USCG ltr of 14 APR 75
				M/V Sara Page	No	None assigned	USCG ltr of 14 APR 75
				M/V Annabel	No	None assigned	USCG ltr of 14 APR 75
				M/V Nancy B	No	None assigned	USCG ltr of 14 APR 75
				M/V Nell	No	None assigned	USCG ltr of 14 APR 75
				M/V Nadine Baker	No	None assigned	USCG ltr of 14 APR 75
				M/V Alice	No	None assigned	USCG ltr of 14 APR 75
				M/V Mary Alice Baker	No	None assigned	USCG ltr of 14 APR 75
				M/V Zaida Humphrey	No	None assigned	USCG ltr of 14 APR 75
				M/V Genevieve	No	None assigned	USCG ltr of 14 APR 75
				Demco Inc. (M) 829-845 S.E. 29th St. P. O. Box 94700 Oklahoma City, Oklahoma 73109	Packaged Sewage Plant	WT-325	Discharge
WT-625	No	None assigned	USCG ltr of 15 MAY 75				
WT-1000	No	None assigned	USCG ltr of 15 MAY 75				
WT-1250	No	None assigned	USCG ltr of 15 MAY 75				
WT-1565	No	None assigned	USCG ltr of 15 MAY 75				
WT-1875	No	None assigned	USCG ltr of 15 MAY 75				
WT-2200	No	None assigned	USCG ltr of 15 MAY 75				
WT-2500	No	None assigned	USCG ltr of 15 MAY 75				
WT-2815	No	None assigned	USCG ltr of 15 MAY 75				
WT-3125	No	None assigned	USCG ltr of 15 MAY 75				
WT-3750	No	None assigned	USCG ltr of 15 MAY 75				
WT-5000	No	None assigned	USCG ltr of 15 MAY 75				
WT-6000	No	None assigned	USCG ltr of 15 MAY 75				
WT-7000	No	None assigned	USCG ltr of 15 MAY 75				



MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Drew Chemical (continued)	Bio-Pure	6E, 12E, 20E, 30E, 50E, and 75E	Discharge	and additional units of these model numbers manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No	None assigned	USOC ltr of 22 MAY 75
Electrode Corp. (M) P. O. Box 229 Chardon, Ohio 44024 (Baritan)	Lectra/San	None assigned	Discharge	All mfg. before 1/30/76	No	None assigned	USOC ltr of 8 APR 75
Firestone Coated Fabrics Co. (M) Box 887 U. S. Highway 828 West Magnolia, AR 71753	Flexible Holding Tank	Model No. 15 Model No. 30 Model No. 40	No-discharge No-discharge No-discharge	All mfg. before 1/30/76 All mfg. before 1/30/76 All mfg. before 1/30/76	No No No	N/A N/A N/A	USOC ltr of 14 MAR 75 USOC ltr of 14 MAR 75 USOC ltr of 14 MAR 75
Bone Linss, Inc. (O) 1 World Trade Center Suite 3569 New York, New York 10048	Holding System	None assigned	No-discharge	System installed aboard SS Doric	No	None assigned	USOC ltr of 2 MAY 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Hyde Products, Inc. (M) 810 Sharon Drive Westlake, Ohio 44145	Physical/Chemical Waste Treatment System	None assigned	Discharge	Systems aboard: Str. T. W. Robinson	No	None assigned	USOC ltr of 12 FEB 75
				Str. Consumers Fowet	No	None assigned	USOC ltr of 12 FEB 75
				Str. John Sherwin	No	None assigned	USOC ltr of 12 FEB 75
				M/V Venus	* No	None assigned	USOC ltr of 12 FEB 75
				Str. Elton Hoyt	No	None assigned	USOC ltr of 12 FEB 75
				Str. Charles M. Beeghley	No	None assigned	USOC ltr of 12 FEB 75
				M/V Charles Wilson	No	None assigned	USOC ltr of 12 FEB 75
				Str. J. L. Mauthe	No	None assigned	USOC ltr of 12 FEB 75
				M/V H. Lee White	No	None assigned	USOC ltr of 12 FEB 75
				M/V Sam Laud	No	None assigned	USOC ltr of 12 FEB 75
Incorator Systems, Inc. 510 East 72nd St. (D) New York, NY 10021	Envirohead Marine Head Ejectajet MSTS System Primary Treat- ment Sewage Disposal System	CS-3 SE-4 SE-1 MSTS/1 PS-5	No-discharge No-discharge No-discharge No-discharge Discharge	Bay Shipbuilding Bull 714	No	None assigned	USOC ltr of 12 FEB 75
				American Shipbuilding Bull 905	No	None assigned	USOC ltr of 12 FEB 75
				American Shipbuilding Bull 906	No	None assigned	USOC ltr of 12 FEB 75
				and other systems manufactured before 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No	None assigned	USOC ltr of 12 FEB 75
				All mfg. before 30 JAN 1976	No	None assigned	USOC ltr of 22 MAY 75
				All mfg. before 30 JAN 1976	No	None assigned	USOC ltr of 22 MAY 75
				Units manufactured prior to 30 JAN 76 upon application to the Coast Guard by the distributor.	No	None assigned	USOC ltr of 22 MAY 75
				Units manufactured prior to 30 JAN 76 upon application to the Coast Guard by the distributor.	No	None assigned	USOC ltr of 22 MAY 75
				Units manufactured prior to 30 JAN 76 upon application to the Coast Guard by the distributor.	No	None assigned	USOC ltr of 22 MAY 75
				Units manufactured prior to 30 JAN 76 upon application to the Coast Guard by the distributor.	No	None assigned	USOC ltr of 22 MAY 75
Ibrell, Jim, Jr. (O) Route 1, Box 592 Leander, Texas 78641	Attwood Marine Head with 5- gallon holding tank	9880-9885	No-discharge	System <sup>a</sup> aboard vessel "Eglantine"	No	None assigned	USOC ltr of 22 MAY 75
					No	None assigned	

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) or Manufacturer (M)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Jered Industries (M) 1300 S. Coolidge Rd. Birmingham, MI 48008	Vacuum Flush Sewage Treatment System	None assigned	No-discharge	Systems aboard: Avondale Hull 2266 Avondale Hull 2267 Avondale Hull 2268 Newport News Hull 608 Newport News Hull 609 Newport News Hull 610 and other systems manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No No No *No No	None assigned None assigned None assigned None assigned None assigned None assigned	USCG ltr of 19 FEB 75 USCG ltr of 19 FEB 75
Kedas Kampers, Inc. (M) 1724 Leskin Road Virginia Beach, VA 23454	Ecolet	None assigned	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 26 FEB 75
Koehler-Dayton, Inc. (M) P. O. Box 309 New Britain, CT 06030	Konvert-A-Head Comidore MSTS System EnviroJet EnviroJet	13-701595 1-110445 702765-1 1-143555 1-143555	No-discharge No-discharge No-discharge No-discharge No-discharge	All mfg. before 1/30/76 All mfg. before 1/30/76 Systems aboard: M/V John F. Kennedy M/V Vincent D. Tibbets M/V Texaco Explorer and other systems manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No No No No No	None assigned None assigned None assigned None assigned None assigned	USCG ltr of 18 MAR 75 USCG ltr of 8 APR 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Koehler-Dayton, Inc. (M) P. O. Box 309 New Britain, Connecticut 06050 (continued)	EnviroMac	None assigned	Discharge	Systems aboard:	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Magnolia	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Lemmerhirt	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V No. 25	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Alabama Belle	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Robin	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Alamo	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V John Henry	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Pacific Seahorse	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Atlantic Seahorse	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Valda	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Billy Harbison	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Thatcher	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V D. H. LeMay	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Billy Houser	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Lynda Anne	No	None assigned	USCG ltr of 8 APR 75
			Discharge	M/V Victor II	No	None assigned	USCG ltr of 8 APR 75
Labere Industries, Inc. (M) Walworth, Wisconsin 53184	Destrollet	57 P5C 57 M5C 57 P9C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
			No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
			No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PURSUANT TO PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
LeMere Industries (continued)	Destrollet	57 B9C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 B9C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 F2C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 H2C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
Manitfield Sanitary Inc. (M) 150 First Street Ferryville, OH 44864	Vacu-Flush System	Beads 205 208 218 306 308 318 406E 408M 418E 418M Vacuum Pumps 6112 6061 612L 6100 6132 6062 SB 1-1/2-A 1-1/2B-F1/2 IP S115A S32D S12D	No-discharge	All Vacu-Flush Systems manufactured prior to 30 JAN 76 which are made up of the components listed herein, and their associated controls.	No	None assigned	USCG ltr of 28 MAR 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS-OF 6 JUNE 1975  
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification		
Manafield Sanitary Inc. (M) 150 First Street Ferryville, OH 44864 (continued)	Vacu-Flush System	Vacuum Tanks 5914151 5914201 580012 580020 580030 7291 Holding Tanks 590012 590020 590030 890042 5915131 5915201 and no others	No-discharge	All Vacu-Flush Systems manufactured prior to 30 JAN 76 which are made up of the components listed herein, and their associated controls.	No	None assigned	USCG ltr of 28 MAR 75		
		Toilet with holding tank	911-M28	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 28 MAR 75	
			912-M28	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 28 MAR 75	
		Microphor, Inc. (M) P. O. Box 490 Willits, CA 95490	Marine Waste Treatment System	M-8	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
				M-10	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
				M-12	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
				TA-200	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
				M-14	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
				Monogram Industries (M) 1165 East 230th Street Carson, CA 90745	Monomatic Monomatic Monomatic Monomatic II Sandhead Sandhead II	1-SE	No-discharge	All mfg. before 1/30/76	No
		3-SE	No-discharge			All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
3-SEFS	No-discharge	All mfg. before 1/30/76	No			None assigned	USCG ltr of 18 MAR 75		
641	No-discharge	All mfg. before 1/30/76	No			None assigned	USCG ltr of 18 MAR 75		
4050	No-discharge	All mfg. before 1/30/76	No			None assigned	USCG ltr of 18 MAR 75		
154	No-discharge	All mfg. before 1/30/76	No			None assigned	USCG ltr of 18 MAR 75		

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification	
Monogram Industries (continued)	Super Monomatic	S-100	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75	
	Monotank	469	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75	
	Extendo Tank	768	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75	
	Jet-O-Matic	600 (160M)	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75	
	Jet-O-Matic	601-P (160M-P)	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75	
	Jet-O-Matic	602 (160M-PA)	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75	
	Jet-O-Matic	15010-001	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75	
	Handihead	158	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75	
	Moran Towing & Transportation (O) One World Trade Ctr. Suite 5335 New York, New York 10048	Recirc/Holding system	None assigned	No-discharge	Systems aboard: McDermott Hull 210 McDermott Hull 211 McDermott Hull 212 McDermott Hull 213	No No No No	None assigned None assigned None assigned None assigned	USCG ltr of 20 MAR 75 USCG ltr of 20 MAR 75 USCG ltr of 20 MAR 75 USCG ltr of 20 MAR 75
		Baritan Engineering Co. (D) 1015 North High St. Millville, New Jersey 08332	Flexible Holding Tank	RHT 15	No-discharge	All mfg. before 1/30/76	No	None assigned
Flexible Holding Tank			RHT 30	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 3 JUNE 75
Compact Head with holding tank			CHTP	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 3 JUNE 75
	Lectra/San	None assigned	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75	

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Red Fox Industries (M) P. O. Drawer 640 New Iberia, Louisiana 70560	Marine Sewage Treatment Unit	RF-350-C	Discharge	Units of these model numbers manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No	None assigned	USCG ltr of 30 APR 75
		RF-500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-1000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-1500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-2000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-2500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-3000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-3500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-4000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-4500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-1000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-1800-M			No	None assigned	USCG ltr of 30 APR 75
		RF-2500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-3000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-3500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-4500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-5000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-6000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-7500-M			No	None assigned	USCG ltr of 30 APR 75
RF-9000-M	No	None assigned	USCG ltr of 30 APR 75				
RF-5000-SM	No	None assigned	USCG ltr of 30 APR 75				
Southern Towing Co. (O) 1814 First Nat'l Bank Building P. O. Box 411 Memphis, TN 38101	"Crouse" Type System	None assigned	No-discharge	Systems aboard: M/V Laura Elizabeth M/V James L. Williams M/V Dorothy I. Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Katy Riley	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V John M. Warner	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Jim Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Charles Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V C. B. Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Robert Ingle	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Clark Frame	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	Mainstream Shipyard Hull No. 7560	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge		No	None assigned	USCG ltr of 28 MAR 75
			No-discharge		No	None assigned	USCG ltr of 28 MAR 75
			No-discharge		No	None assigned	USCG ltr of 28 MAR 75
			No-discharge		No	None assigned	USCG ltr of 28 MAR 75
			No-discharge		No	None assigned	USCG ltr of 28 MAR 75
St. Louis Ship Division (M) Pott Industries, Inc. 611 East Maroon St. St. Louis, Missouri 63111	FAST No-Discharge System	10N	No-discharge	Systems manufactured prior to 30 JAN 76 upon application to the Coast Guard by the manufacturer.	No	None assigned	USCG ltr of 6 JUNE 75
		15N	No-discharge		No	None assigned	USCG ltr of 6 JUNE 75
		20N	No-discharge		No	None assigned	USCG ltr of 6 JUNE 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 6 JUNE 1975  
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Theford Corp. (M) P. O. Box 1285 Ann Arbor, Michigan 48106	Sea Farer with docksides discharge kit	08428	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
	Safari with docksides discharge kit	08428	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
	Electra-Majic	80	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
	Penta Potti with docksides discharge kit	08907	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
Wasatch Division (M) Thokol Corporation P. O. Box 524 Brigham City, Utah 84302	"AFT Waste Treatment System"	None assigned	Discharge	System installed aboard: SS Cliffs Victory	No	None assigned	USCG ltr of 12 MAY 75
Wilcox-Crittenden (M) P. O. Box 1111 Middletown, Conn. 06457	Recirculating Tank	6015	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Recirculating Tank	6016	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Recirculating Tank	6017	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Recirculating Tank	6018	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Holding Tank	6012	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Holding Tank	6013	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Holding Tank	6014	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75

[FR Doc. 75-18903 Filed 7-23-75; 8:45 am]

# federa! register

THURSDAY, JULY 24, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 143

PART III



## DEPARTMENT OF AGRICULTURE

Forest Service



## ENVIRONMENTAL STATEMENTS

Quarterly Report

## DEPARTMENT OF AGRICULTURE

## Forest Service

## ENVIRONMENTAL STATEMENTS

## List of Statements Under Preparation

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of June 15, 1975. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

R. MAX PETERSON,  
*Deputy Chief, Forest Service.*

JULY 15, 1975.

## FOREST SERVICE

Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

## REGION 1, NORTHERN REGION

(Montana, NE Washington, N. Idaho, North Dakota and NW South Dakota).

Regional Forester, Northern Region, U.S. Forest Service, Federal Building, Missoula, Montana 59801.

## REGION 2, ROCKY MOUNTAIN REGION

(Colorado, Kansas, Nebraska, South Dakota, and Wyoming).

Regional Forester, Rocky Mountain Region, U.S. Forest Service, Denver Federal Center, Bldg. 85, Denver, Colorado 80225.

## REGION 3, SOUTHWESTERN REGION

(Arizona and New Mexico).  
Regional Forester, Southwestern Region, U.S. Forest Service, Federal Building, 517 Gold Ave., SW., Albuquerque, New Mexico 87101.

## REGION 4, INTERMOUNTAIN REGION

(Utah, S. Idaho, W. Wyoming, and Nevada).  
Regional Forester, Intermountain Region, U.S. Forest Service, Federal Building, 324 25th Street, Ogden, Utah 84401.

## REGION 5, CALIFORNIA REGION

(California and Hawaii).  
Regional Forester, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

## REGION 6, PACIFIC NORTHWEST REGION

(Washington and Oregon).  
Regional Forester, Pacific Northwest Region, U.S. Forest Service, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208.

## REGION 8, SOUTHERN REGION

(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia).  
Regional Forester, Southern Region, U.S. Forest Service, 1720 Peachtree Road, NW., Atlanta, Georgia 30309.

## REGION 9, EASTERN REGION

(Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin).  
Regional Forester, Eastern Region, U.S. Forest Service, 633 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203.

## REGION 10, ALASKA REGION

(Alaska).  
Regional Forester, Alaska Region, U.S. Forest Service, Federal Office Building, Box 1628, Juneau, Alaska 99801.

## STATE AND PRIVATE FORESTRY AREAS

Note: State and Private Forestry offices are located in the Regional Headquarters with the exception of the following Areas:

## NORTHEASTERN AREA STATE AND PRIVATE FORESTRY

(Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin).

Director, Northeastern Area, S&PF, U.S. Forest Service, 6816 Market Street, Upper Darby, Pennsylvania 19082.

## SOUTHEASTERN AREA STATE AND PRIVATE FORESTRY

(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia).

Director, Southeastern Area, S&PF, U.S. Forest Service, 1720 Peachtree Road, NW., Atlanta, Georgia 30309.

## RESEARCH HEADQUARTERS

## FOREST AND RANGE EXPERIMENT STATIONS

Director, Pacific Northwest Experiment Station, U.S. Forest Service, 809 NE Sixth Avenue, P.O. Box 3141, Portland, Oregon 97208.

Director, Pacific Southwest Experiment Station, U.S. Forest Service, 1960 Addison Street, P.O. Box 245, Berkeley, California 94701.

Director, Intermountain Experiment Station, U.S. Forest Service, 507 25th Street, Ogden, Utah 84401.

Director, Rocky Mountain Experiment Station, U.S. Forest Service, 240 West Prospect Street, Fort Collins, Colorado 80521.

Director, North Central Experiment Station, U.S. Forest Service, Folwell Avenue, St. Paul, Minnesota 55101.

Director, Northeastern Experiment Station, U.S. Forest Service, 6816 Market Street, Upper Darby, Pennsylvania 19082.

Director, Southern Experiment Station, U.S. Forest Service, Federal Building, T-10210, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Director, Southeastern Experiment Station, U.S. Forest Service, Post Office Building, P.O. Box 2570, Asheville, North Carolina 28802.

## INSTITUTE OF TROPICAL FORESTRY

(and Caribbean National Forest)

Director, Institute of Tropical Forestry, U.S. Forest Service, P.O. Box AQ, Rio Piedras, Puerto Rico 00928.

## FOREST PRODUCTS LABORATORY

Director, Forest Products Laboratory, U.S. Forest Service, North Walnut Street, P.O. Box 5130, Madison, Wisconsin 53705.

FOREST SERVICE ENVIRONMENTAL STATEMENTS  
UNDER PREPARATION AS OF 6/15/75

Washington Office

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Washington Office USDA, Forest Service 12th St. & Independence Ave., SW Washington, D.C. 20250					
*Flathead River, Wild and Scenic River Proposal	Flathead NF, Montana	Legislative	Chief	9/73	
*North Fork American River Wild & Scenic	Tahoe NF, California	Legislative	Chief		
*Land Acquisition from Southern Pacific Land Company	Shasta-Trinity California	Land Acquisition	"		
ALP Co. 1976081 5-year Cutting Plan, Chatham Area	Tongass NF, Alaska	Timber Sale	"	12/75	3/76
Pacific Northern Timber Company, Stikine Area	"	5-year reappraisal long-term timber sale contract	"	9/75	1/76

## WASHINGTON OFFICE CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Oregon Dunes NRA	Siuslaw NF, Oregon	Wilderness Study	Chief	10/74	7/75
*Illinois River Study	Siskiyou NF,	Legislative	"	10/75	4/76
Skagit Wild and Scenic River Study	Mt. Baker-Snoqualmie NF, Washington	Legislative	"	6/75	1/76
*Naches-Tieton-White River	"	Legislative	"	6/75	12/75
Lower Minam	Wallowa-Whitman NF, Oregon	Wilderness Study	"	4/76	6/77
Flaming Gorge NRA General Mgt. Plan	Ashley NF, Utah	Land Use Plan	"	7/75	12/75
Salmon River Wild & Scenic Proposal	Idaho	Legislative	"	6/75	12/75
*Teton Corridor Wilderness Classification	Bridger-Teton NF, Wyoming	Legislative	"	10/75	4/76
*Lone Peak	Wasatch & Uinta NFs, Utah	New Wilderness Study Area	"	7/75	10/75

WASHINGTON OFFICE CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Pere Marquette National Scenic River	Manistee NF, Michigan	Legislative	Chief	2/74	6/75
Open Pit Copper and Nickel Mining	Superior NF, Minnesota	Land Use Plan	"	1/74	1/74

1/ Tentative date for completion of the draft environmental statement was July 1, 1976. However, this will need to be redetermined as it was premised on receipt of an operating plan from INCO. As soon as a site-specific proposals is received from INCO, a new revised schedule for completion of the environmental statement will be developed.

REGIONAL OFFICE  
Missoula, Montana

Region 1

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Northern Region USDA Forest Service Federal Building Missoula, Montana 59801					
*Bitterroot South	Bitterroot NF, Montana	Land Use Plan	Forest Supervisor	6/75	9/75
Sapphires	"	Land Use Plan	"	9/75	1/76
*Lower West Fork	"	Land Use Plan	"	7/75	10/75
*Warm Springs-Medicine Tree	"	Land Use Plan	"	9/75	1/76
Little Sleeping Child-Rye	"	Land Use Plan	"	2/76	5/76
Timber Management Plan Bitterroot NF	"	Resource Plan	Regional Forester	11/75	4/76
Emerald Creek	St. Joe NF, Idaho	Land Use Plan	Forest Supervisor	7/75	
Siwash	"	Land Use Plan	"	9/75	
Lakeview	Kaniksu NF, Idaho	Land Use Plan	"	7/75	9/75

## NOTICES

## REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Smith Creek	Kaniksu NF, Idaho	Land Use Plan	Forest Supervisor	7/75	
Blacktail	"	Land Use Plan	"	8/75	
Lamb Upper West Branch	"	Land Use Plan	"	8/75	
Elk River Unit Plan	Clearwater NF, Idaho	Land Use Plan	"	8/75	12/75
Interim Timber Management Plan	"	Timber Management	Regional Forester	8/74	6/75
Pryor Mountains	Custer NF, Montana	Land Use Plan	Forest Supervisor	7/75	
Rolling Prairie	"	Land Use Plan	"	12/74	7/75
Beartooth Plateau	"	Land Use Plan	"	6/75	12/75
Sioux District	"	Land Use Plan	"	1/76	7/76
Ashland	"	Land Use Plan	"	1/76	6/76
Beartooth Face	"	Land Use Plan	"	4/76	11/76
Shenenne District	"	Land Use Plan	"	12/76	6/77
Grand River District	"	Land Use Plan	"	6/77	12/77

## REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Cross Mountain	Kootenai NF, Montana	Land Use Plan	Forest Supervisor	7/75	11/75
*O'Brien	"	Land Use Plan	"	7/75	11/75
*Seventeenmile	"	Land Use Plan	"	7/75	11/75
*Dickey-Sunday	"	Land Use Plan	"	6/75	12/75
Big Swede	"	Land Use Plan	"	8/75	1/76
*Pipe	"	Land Use Plan	"	8/75	1/76
*Keeler	"	Land Use Plan	"	10/75	4/76
Smith River	Lewis & Clark NF, Montana	Land Use Plan	"	9/75	1/76
Rocky Mountain Front	"	Land Use Plan	"	8/75	1/76
Little Snowy	"	Land Use Plan	"	7/75	12/75
Logging-Pilgrim Creek	"	Land Use Plan	"	9/75	3/76
Castle Mountain	"	Land Use Plan	"	12/75	4/76
Eagle-Smokey Mountain	"	Land Use Plan	"	2/76	6/76
Yogo-Bear Park	"	Land Use Plan	"	8/75	3/76
Prospect Creek	Lolo NF, Montana	Land Use Plan	"	12/75	7/76

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
North End	Deerlodge NF, Montana	Land Use Plan	Forest Supervisor	6/75	1/76
Basin	"	Land Use Plan	"	7/75	1/76
Skalkaho-East Fork	"	Land Use Plan	"	3/76	12/76
Fleecer	"	Land Use Plan	"	1/76	6/76
Little Boulder-Whitetail	"	Land Use Plan	"	6/76	12/76
*Lake Five	Flathead NF, Montana	Land Use Plan	"	7/74	7/75
Big Mountain Master Plan	"	Winter Sports Site	"	5/75	9/75
Oil & Gas Lease Applications	"	Gas & Oil Exploration & Development	"	6/75	12/75
Island	"	Land Use Plan	"	8/75	11/75
Hebgen Lake	Gallatin NF, Montana	Land Use Plan	"	12/74	9/75
Ski Yellowstone	"	Winter Sports	"	10/75	5/76
Cedar Bassett	"	Land Use Plan	"	8/73	10/75
W 1/2 Yellowstone	"	Land Use Plan	"	5/76	4/77

REGION 1 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Gallatin River	Gallatin NF, Montana	Land Use Plan	Forest Supervisor	8/77	3/78
*West Kootenai	Kootenai NF, Montana	Land Use Plan	"	7/75	11/75
*Callahan	"	Land Use Plan	"	7/74	8/75
Big Tepee	Gallatin NF, Montana	Timber Sale	"	2/74	8/75
S. Fork Swan Creek	"	Timber Sale	"	2/74	8/75
Elkhorn	Helena NF, Montana	Land Use Plan	"	4/74	10/75
Colorado-Unionville Travis	"	Land Use Plan	"	2/76	11/76
East Belts	"	Land Use Plan	"	5/76	2/77
Mike Horse	"	Land Use Plan	"	1/76	10/76
Magpie-Confederate	"	Land Use Plan	"	5/76	3/77
Ophir Dog-MacDonald Pass	"	Land Use Plan	"	11/75	8/76
Nevada-Stemple-Little	"	Land Use Plan	"	10/77	9/78

## REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Placid-Blanchard	Lolo NF, Montana	Land Use Plan	Forest Supervisor	7/75	1/76
*Ward-Eagle	"	Land Use Plan	"	8/74	6/75
*North Cutoff-Kennedy	"	Land Use Plan	"	8/75	2/76
*Ninemile	"	Land Use Plan	"	7/75	1/76
*Petty Mountain	"	Land Use Plan	"	6/75	12/75
Kelly-Bullion	Nezperce NF, Idaho	Land Use Plan	"	6/74	7/75
Rainy Day	"	Land Use Plan	"	3/75	8/75
Stillman Point	"	Land Use Plan	"	5/75	10/75
Horse Creek Administrative-Research Project	"	Research Project	"	6/75	9/75
Red River	"	Land Use Plan	"	7/75	11/75
Mill Creek	"	Land Use Plan	"	8/75	11/75
Hot Point	"	Land Use Plan	"	9/75	4/76
Blue Ridge	"	Land Use Plan	"	4/76	11/76
Slate Creek	"	Land Use Plan	"	10/75	3/76
Crooked Creek-Orogrande	"	Land Use Plan	"	5/76	12/76
Timber Management Plan	"	Timber Sales and Roads	Regional Forester	10/75	3/76

NOTICES

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REGIONAL OFFICE  
Denver, Colorado

Region 2

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date of Final
Rocky Mountain Region USDA Forest Service 11177 W. Eighth Avenue P.O.B. 25127 Denver, Colorado 80225					
Snake River Unit	White River NF, Colorado	Land Use Plan	Forest Supervisor	11/75	4/76
Timber Management	Black Hills NF, South Dakota & Wyoming	Resource Plan	Regional Forester	2/76	6/76
*East River	Gunnison & Whit River NFs, Colorado	Land Use Plan	Forest Supervisors	Deferred - pending USDI decision growing out of Sierra Club, et. al., vs. Rogers C. B. Morton et.al., C.A. #1182-73 C.A.D.C.	
*Grand Mesa-Muddy Creek	Gunnison & Grand Mesa NFs, Colorado	Land Use Plan	"	"	"
*Savage Run	Medicine Bow NF, Wyoming	Land Use Plan	"	"	"

## REGION 2 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date
Ryan Park	Medicine Bow NF, Wyoming	Winter Sports Site	Forest Supervisor	11/75	2/76
*Southern San Juan Mtns.	Rio Grande & San Juan NFs,	Land Use Plan	"	Deferred pending coordination with P.L. 93-621 Report	
*South Fork	Rio Grande NF, Colorado	Land Use Plan	"	12/75	4/76
*Bears Ears Unit	Routt NF, Colorado	Land Use Plan	"	2/76	6/76
*Blacktail	"	Land Use Plan	"	2/76	6/76
*Mt. Welba	"	Land Use Plan	"	11/75	2/76
*Storm Peak	San Juan NF, Colorado	Land Use Plan	"	Deferred pending coordination with P.L. 93-621 Report	
*First Fork	"	Land Use Plan	"	"	"
Timber Management	"	Resource Plan	Regional Forester	5/75	10/75

## REGION 2 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date
Beartooth Plateau Unit w/Region 1	Shoshone, Gallatin & Custer NFs, Montana & Wyoming	Land Use Plan	Forest Supervisors	10/75	2/76
Timber Management	Shoshone NF, Wyoming	Resource Plan	Regional Forester	6/75	10/75
*Thompson Creek Unit	White Riv. NF, Colorado	Land Use Plan	Forest Supervisor	Deferred pending USBI decision growing out of Sierra Club, et.al., vs. Rogers C. B. Morton et.al., C.A. #1182-73 C.A.D.C	
*Upper Eagle Unit	"	Land Use Plan	"	Deferred pending resolution of the Appral	
Marble Winter Sports	"	Winter Sport Site	"	Deferred pending receipt of State Land Use Commission & Gunnison County decisions & information regarding private land use	
Timber Management	"	Resource Plan	Regional Forester	10/75	2/76

REGIONAL OFFICE  
Albuquerque, New Mexico

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Region 3

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Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date
Southwestern Region USDA Forest Service 517 Gold Avenue, SW <u>Albuquerque, New Mexico 87102</u>					
Black River	Apache-Sitgreaves NF, Arizona	Land Use Plan	Forest Supervisor	12/75	6/76
Timber Management	"	Resource Plan	Regional Forester	9/75	3/76
Off-Road Vehicle	Carson NF, New Mexico	Land Use Plan	Forest Supervisor	3/76	12/76
Red River Ski Area	"	Winter Sports	Regional Forester	2/76	7/76
Taos Ski Valley Exp.	"	Winter Sports	"	4/74	9/75
Manzano Mountain	Cibola NF, New Mexico	Land Use Plan	Forest Supervisor	8/75	12/75
Oak Creek	Coconino NF, Arizona	Land Use Plan	"	9/75	1/76
Woods Canyon	"	Land Use Plan	"	7/75	10/75

## REGION 3 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date
Anamax Land Exchg	Coronado NF, Arizona	Land Exchange	Regional Forester	7/75	12/75
Off-Road Vehicle	"	Land Use Plan	Forest Supervisor	2/76	6/76
Santa Catalina	"	Land Use Plan	"	3/75	8/75
Huachuca	"	Land Use Plan	"	3/76	9/76
Gilita Unit Plan	Gila NF, New Mexico	Land Use Plan	"	8/75	10/75
Timber Management	"	Resource Plan	Regional Forester	7/75	10/75
So. Kaibab	Kaibab NF, Arizona	Resource Plan	"	6/75	10/75
Williams Land Use	"	Land Use Plan	Forester Supervisor	9/75	3/76
Eagle Crk Dam & Resvr.	Lincoln NF, New Mexico	Land Use Plan	"	10/75	3/76
Ruidoso Land Use	"	Land Use Plan	"	6/76	10/76
So. Guadalupe	"	Land Use Plan	"	7/75	1/76
Phelps Dodge	Prescott NF, Arizona	Land Exchange	Regional Forester	6/75	10/75

REGION 3 CONTINUED

NOTICES

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filled w/CEQ (or est. date) of Final	Estimated Date of Final
Clarkdale-Williams Hwy. #279 Suppl.	Prescott NF, Road	Road	Regional Forester	6/75	9/75
Timber Management	"	Resource Plan	"	6/75	9/75
Gallina Unit Plan	Santa Fe NF, New Mexico	Land Use Plan	Forest Supervisor	7/75	1/76
Pecos Land Use	"	Land Use Plan	"	1/76	6/76
Reclassification of Dome Roadless Area	"	Land Use Plan	"	7/75	1/76
Off-Road Vehicle	"	Land Use Plan	"	7/76	12/76
Mogollon Rim	Tonto, Apache-Sitgreaves, Coconino NFs, Arizona	Land Use Plan	Regional Forester	1/74	7/75
Vegetation Control by Mechanical, Chemical, and Fire Treatment in Arizona and New Mexico	Apache-Sitgreaves, Carson, Gila, Coconino, Tonto, Coronado, Lincoln NFs, Arizona & New Mexico	Land Treatment	"	6/74	6/75

REGIONAL OFFICE  
Ogden, Utah

Region 4

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed v/CEQ (or est. date)	Estimated Date of Final
Intermountain Region USDA, Forest Service 324-25th Street Ogden, Utah 84401					
Timber Management Plan	Ashley NF, Utah	Resource Plan	Regional Forester	11/75	6/76
Long Park Reservoir	"	Reservoir Construction	Forest Supervisor	6/75	12/75
*Bear Valley Planning Unit	Boise NF, Idaho	Land Use Plan	"	12/74	6/75
*Idaho City Planning Unit	"	Land Use Plan	"	3/75	6/75
*Landmark Planning Unit	"	Land Use Plan	"	3/75	6/75
*Middle Fork Boise Planning Unit	"	Land Use Plan	"	6/75	8/75
Shafer Planning Unit	"	Land Use Plan	"	3/75	6/75
*South Fork Payette Planning Unit	"	Land Use Plan	"	1/75	5/75

REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*South Fork Salmon Planning Unit	Boise and Payette NF's, Idaho	Land Use Plan	Forest Supervisors	1/75	6/75
*Garden Valley Planning Unit	Boise NF, Idaho	Land Use Plan	Forest Supervisor	5/75	7/75
*Squaw Creek Planning Unit	"	Land Use Plan	"	5/75	7/75
*Cascade Planning Unit	"	Land Use Plan	"	5/75	7/75
*Big Piney Planning Unit	Bridger-Teton NF, Wyoming	Land Use Plan	"	5/75	8/75
*West Slope of Wind River Mountains Planning Unit	"	Land Use Plan	"	12/75	4/76
*Union Pass Planning Unit	"	Land Use Plan	"	6/75	9/75
*Greys-Salt River Planning Unit	"	Land Use Plan	"	7/75	10/75
*Timber Management Plan	"	Resource Plan	Regional Forester	3/76	6/76
*Diamond Creek Planning Unit	Caribou NF, Idaho	Land Use Plan	Forest Supervisor	12/75	7/76

REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Pioneer Mountains Planning Unit	Challis NF & Sawtooth NF, Idaho	Land Use Plan	Forest Supervisors	5/75	9/75
*Merkagunt Plateau Planning Unit	Dixie NF, Utah	Land Use Plan	Forest Supervisor	7/75	9/75
*Paunsaugunt-Sevier Planning Unit	Dixie NF, Utah	Land Use Plan	"	9/75	3/76
*Timber Management Plan	"	Resource Use Plan	Regional Forester	6/75	9/75
*Salina Planning Unit	Fishlake NF, Utah	Land Use Plan	Forest Supervisor	8/75	1/76
*Mt. Moriah	Humboldt NF, Nevada	Land Use Plan	"	7/75	12/75
*Ruby Mountains	"	Land Use Plan	"	12/74	6/75
*Santa Rosa Planning Unit	"	Land Use Plan	"	3/76	6/76
*Monticello Planning Unit	Manti-LaSal NF, Utah	Land Use Plan	"	7/75	11/75
*Moab Planning Unit	Manti-LaSal NF, Colorado-Utah	Land Use Plan	"	2/76	6/76

## REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Council Planning Unit	Payette NF, Idaho	Land Use Plan	Forest Supervisor	7/75	12/75
*McCall Planning Unit	"	Land Use Plan	"	12/75	3/76
*New Meadows Planning Unit	"	Land Use Plan	"	8/75	11/75
Payette Timber Management Plan	"	Resource Plan	Regional Forester	8/75	10/75
Boulder Planning Unit	"	Land Use Plan	Forest Supervisor	12/75	4/76
*Beartrap-Dutchler Planning Unit	Salmon NF, Idaho	Land Use Plan	"	9/75	1/76
*Twelvemile Planning Unit	"	Land Use Plan	"	10/75	3/76
*Moose Creek Basin Planning Unit	"	Land Use Plan	"	4/75	7/75
Bigwood Ski Area	Sawtooth NF, Idaho	Winter Sport Site	"	9/74	10/75
*Black Pine Planning Unit	"	Land Use Plan	"	5/75	9/75
*Albion Planning Unit	"	Land Use Plan	"	12/75	4/76
*West Slope Tetons Planning Unit	Targhee NF, Idaho	Land Use Plan	"	7/75	12/75

## NOTICES

REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Island Park Planning Unit	Targhee NF, Idaho	Land Use Plan	Forest Supervisor	10/75	2/76
*Palisades Planning Unit	"	Land Use Plan	"	6/76	10/76
*Central Nevada	Toiyabe NF, Nevada	Land Use Plan	"	3/75	8/75
*Four Seasons Ski Area	Uinta NF, Utah	Winter Sport Site	"	9/75	3/76
Strawberry Planning Unit	Uinta NF, Utah	Land Use Plan	"	7/75	2/76
*North Slope of the High Uintas Land Use Plan	Wasatch NF, Utah	Land Use Plan	"	7/75	10/75

REGIONAL OFFICE  
San Francisco, California

Region 5

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date
California Region USDA, Forest Service 630 Sansome Street San Francisco, CA 94111					
*San Gabriel Planning Unit	Angeles N.F., California	Land Use Plan	Forest Supervisor	1/76	6/76
*Valencia Planning Unit	Angeles N.F., California	Land Use Plan	Forest Supervisor	6/77	12/77
*Siskiyou Unit	Six Rivers NF, California	Land Use Plan	"	6/76	10/76
*Horse Linto	"	Land Use Plan	"	1/76	6/76
Timber Mgt Plan	Eldorado NF, California	Resource Plan	Regional Forester	9/75	12/75
Volcanoville	"	Land Use Plan	Forest Supervisor	7/75	10/75
*King Planning Unit	Klamath NF, California	Land Use Plan	"	9/75	1/76
*Grider Planning Unit	"	Land Use Plan	"	10/75	4/76

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REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filled w/CEQ (or est. date)	Estimated Date of Final
* Mammoth Planning Unit	Inyo N.F. California	Land Use Plan	Forest Supervisor	8/75	1/76
June Lake Planning Unit	Inyo N.F. California	Land Use Plan	Forest Supervisor	8/75	1/76
Mono Basin Planning Unit	Inyo N.F. California	Land Use Plan	Forest Supervisor	11/76	3/77
Bishop Creek Planning Unit	Inyo N.F. California	Land Use Plan	Forest Supervisor	8/75	1/76
Mt. Whitney Planning Unit	Inyo N.F. California	Land Use Plan	Forest Supervisor	11/75	4/76
Inyo National Forest Timber Management Plan	Inyo N.F. California	Resource Plan	Regional Forester	6/76	10/76

## REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Sierra National Forest Timber Management Plan	Sierra N.F., California	Resource Plan	Regional Forester	12/75	6/76
Rancheria	Sierra N.F., California	Land Use Plan	Forest Supervisor	8/75	12/75
*Kings River Planning Unit	Sierra N.F., California	Land Use Plan	Forest Supervisor	5/76	11/76
*Upper San Joaquin Planning Unit	Sierra N.F., California	Land Use Plan	Forest Supervisor	5/76	11/76
*Pineridge-Kaiser Planning Unit	Sierra N.F., California	Land Use Plan	Forest Supervisor	5/76	11/76
Chiquito-Bass Lake Planning Unit	Sierra N.F., California	Land Use Plan	Forest Supervisor	5/76	11/76
*Mariposa Planning Unit	Sierra N.F., California	Land Use Plan	Forest Supervisor	5/76	11/76

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REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Mature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Big Sur Coastal Planning Unit	Los Padres N.F., California	Land Use Plan	Forest Supervisor	10/75	1/76
*Mt. Pinos Planning Unit	Los Padres N.F., California	Land Use Plan	Forest Supervisor	6/76	12/76
Lassen Timber Mgt.	Lassen NF, California	Resource Plan	Regional Forester	9/74	7/75
*Almanor Planning Unit	"	Land Use Plan	Forest Supervisor	7/75	4/75
*Mohawk Planning Unit	Plumas NF, California	Land Use Plan	"	7/75	2/76
Timber Management	"	Resource Plan	Regional Forester	2/75	8/75
Feather River	"	Land Use Plan	Forest Supervisor	6/76	3/77

## REGION 5 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date of Final
*Lake Tahoe Basin	Lake Tahoe Basin Unit, California & Nevada	Land Use Plan	Lake Tahoe Basin Admin.	8/73	12/75
*Sierra-Pacific Powerline, Buckeye to Round Hill	Lake Tahoe Basin Unit & Toiyabe NF, Nevada	Transmission Line	Regional Foresters (R4 & R5)	9/75	1/76
Mineral King	Sequoia NF, California	Recreation	Regional Forester	12/74	11/75
Little Kern	"	Land Use Plan	Forest Supervisor	7/75	12/75
Timber Management	"	Resource Plan	Regional Forester	9/76	2/77
Timber Management	Angeles, Cleveland, Los Padres & San Bernardino NFs, California	Resource Plan	"	10/75	3/76
Big Bear Basin	San Bernardino NF, California	Land Use Plan	Forest	8/75	11/75

## NOTICES

REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Truckee-Little Truckee River Planning Unit	Tahoe N.F., California, & Toiyabe N.F., Nevada	Land Use Plan	Forest Supervisor	10/75	2/76
Tahoe N.F. Timber Management Plan	Tahoe N.F., California	Resource Plan	Regional Forester	1/76	5/76
*Foresthill-Hell Hole Planning Unit	Tahoe and Eldorado N.F.'s, California	Land Use Plan	Forest Supervisor	6/76	12/76
*Nevada City Planning Unit	Tahoe N.F., California	Land Use Plan	Forest Supervisor	6/77	12/77
Downieville Planning Unit	Tahoe and Plumas N.F.'s, California	Land Use Plan	Forest Supervisor	6/78	12/78

REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Palomar Mountain	Cleveland N.F. California	Land Use Plan	Forest Supervisor	2/75	9/75
Trabuco District	Cleveland N.F. California	Land Use Plan	Forest Supervisor	1/76	9/76
Laguna-Morena	Cleveland N.F. California	Land Use Plan	Forest Supervisor	1/77	6/77
El Capitan	Cleveland N.F. California	Land Use Plan	Forest Supervisor	6/78	1/79
Japatul	Cleveland N.F. California	Land Use Plan	Forest Supervisor	6/79	1/80
Shotgun-Black Mountain	Cleveland N.F. California	Land Use Plan	Forest Supervisor	6/80	12/80

## REGION 5 CONTINUED

## NOTICES

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land use, Herbicide, etc.)	Responsible Official	Date draft Filed w/CEQ (or est. date)	Estimated Date of Final
Middle Eel Planning Unit	Mendocino N.F. California	Land Use Plan	Forest Supervisor	10/75	3/76
Mendocino N.F. Timber Mgt. Plan	Mendocino N.F. California	Resource Plan	Regional Forester	12/75	8/76
Hayden Hill Planning Unit	Modoc N.F. California	Land Use Plan	Forest Supervisor	12/74	7/75
Modoc National Forest Timber Management Plan	Modoc N.F. California	Resource Plan	Regional Forester	12/74	5/75
Medicine Lake Planning Unit	Modoc N.F. California	Land Use Plan	Forest Supervisor	3/77	9/77

## REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Mature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
* Upper Trinity Planning Unit	Shasta-Trinity N.F. California	Land Use Plan	Forest Supervisor	11/74	9/75
* Mt. Shasta Planning Unit	Shasta-Trinity N.F. California	Land Use Plan	Forest Supervisor	12/76	6/77
* NRA Planning Unit	Shasta-Trinity N.F. California	Land Use Plan	Forest Supervisor	7/75	12/75
* Girard-McCloud Planning Unit	Shasta-Trinity N.F. California	Land Use Plan	Forest Supervisor	7/76	12/76
* South Fork Mtn. Planning Unit	Shasta-Trinity N.F. California	Land Use Plan	Forest Supervisor	2/76	7/76

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REGIONAL OFFICE  
Portland, Oregon

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Region 6

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Pacific Northwest Region USDA Forest Service 319 SW Pine Street Portland, Oregon 97208					
*Deschutes Land Use	Deschutes NF, Oregon	Land Use Plan	Forest Supervisor	1/77	7/77
*Oregon Butte	Umatilla NF, Washington	Land Use Plan	"	7/75	11/75
*Elgin	"	Land Use Plan	"	11/75	3/76
*Chelan Planning Unit	Wenatchee & Mt. Baker-Snoqualmie NFs, Washington	Land Use Plan	Regional Forester	7/75	10/75
*Naches Pass Road	"	Road Construction	"	7/75	10/75
*Wallowa Valley	Wallowa-Whitman NF, Oregon	Land Use Plan	Forest Supervisor	6/75	10/75
*Grande Ronde	"	Land Use Plan	"	3/76	8/76
*Twisp, Winthrop, Condonully	Okanogan NF, Washington	Land Use Plan	"	7/75	12/75

## REGION 6 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date of Final
Fremont 10 Year Timber Plan	Fremont NF, Oregon	Resource Plan	Regional Forester	12/75	6/76
*Lakeview	"	Land Use Plan	Forest Supervisor	10/75	2/76
Coffeeport Resvr.	"	Dam Construction	"	10/75	1/76
Oregon Dunes NRA	Siuslaw NF, Oregon	Management Plan	"	9/74	7/75
*Clear Creek	Gifford Pinchot NF, Washington	Land Use Plan	"	1/75	10/75
*Upper Lewis Unit	"	Land Use Plan	"	9/75	11/75
*Bear Creek Unit	"	Land Use Plan	"	8/75	12/75
*John Day Unit	Malheur NF, Oregon	Land Use Plan	"	8/75	4/76
*South Fork	"	Land Use Plan	"	12/75	7/76
*Silvies-Malheur	"	Land Use Plan	"	7/75	11/76

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## REGION 6 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Mt. Butler-Dry Creek	Siskiyou NF, Oregon	Land Use Plan	Forest Supervisor	3/75	12/75
*Rogue-Illinois	"	Land Use Plan	"	12/75	7/76
East Deer Creek	Colville NF,	Land Use Plan	"	1/75	7/75
Harvey Creek	"	Land Use Plan	"	3/75	9/75
*Huckleberry	Mt. Hood NF,	Land Use Plan	"	5/74	7/75
*Bull Run	"	Land Use Plan	"	9/75	1/76
*Mt. Hood Planning Unit	"	Land Use Plan	"	11/75	5/76
Timberline Lodge	"	Management Direction	"	9/74	8/75
Timber Management	"	Resource Plan	Regional Forester	3/75	11/75
Bren Mac Mines	Mt. Baker-Snoqualmie NF, Washington	Access Road & Mining	Forest Supervisor	9/76	3/77
*Mt. Baker Planning Unit	"	Land Use Plan	"	1/76	7/76

REGION 6 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date
Ochoco 10 Year Timber Mgt. Plan	Ochoco NF, Oregon	Resource Plan	Regional Forester	1/76	7/76
Ochoco ORV Plan	"	Access Plan	Forest Supervisor	3/76	12/76
*Ochoco Planning Unit	"	Land Use Plan	"	7/76	11/76
*Willamette Plan	Willamette NF, Oregon	Land Use Plan & Resource Plan	Regional Forester	7/75	12/75
Breitenbush Geothermal Development	"	Resource Plan	Forest Supervisor	7/75	12/75
*Quinalt Unit	Olympic NF, Washington	Land Use Plan	"	9/75	2/76
*Chemult Unit	Winema NF, Oregon	Land Use Plan	"	8/75	11/75
*Dumont, Quartz,	Umpqua NF, Oregon	Roadless Area	"	1/75	1/76
*Fairview, Puddin Rock, Canton-Steelhead	"	Roadless Area	"	2/75	1/76

REGIONAL OFFICE  
Atlanta, Georgia

Region 8

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date draft Filed w/CEQ (or est. date)	Est. date of Final
Southern Region USDA, Forest Service 1720 Peachtree Rd., NW Atlanta, Georgia 30309					
Bankhead Timber Management Plan	Bankhead NF Alabama	Resource Plan	Regional Forester	10/75	5/76
Conecuh Unit	Conecuh NF Alabama	Land Use Plan	Forest Supervisor	7/75	2/76
Dugger Mountain Unit	Talladega NF Alabama	"	"	9/75	4/76
Talladega Timber Management Plan	"	Resource Plan	Regional Forester	7/75	2/76
Chattooga River Unit	Chattahoochee NF, Georgia	Land Use Plan	Forest Supervisor	2/75	9/75
Lake Russell	"	"	"	9/75	4/76
South Slope	"	"	"	3/76	10/76

## Region 8 Continued

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date draft Filed w/CEQ (or est. date)	Est. date of Final
Hiwassee Unit	Cherokee NF Tennessee	Land Use Plan	Forest Supervisor	6/72	6/75
Upper Hiwassee Unit	"	"	"	7/74	7/75
Unaka Unit	"	"	"	9/75	2/76
Timber Management Plan	"	Resource Plan	Regional Forester	8/75	1/76
Mgmt. of Beaver Creek Unit	Daniel Boone NF, Kentucky	Land Use Plan	Forest Supervisor	7/74	7/75
Management of Laurel River Unit	"	"	"	10/75	7/76
Management of Licking River Unit	"	"	"	4/76	11/76
Timber Management Plan Osceola Nat'l Forest	Osceola NF Florida	Resource Plan	Regional Forester	3/75	10/75
Timber Management Plan Apalachicola NF	Apalachicola NF Florida	"	"	3/75	10/75
Big Scrub	Ocala NF Florida	Land Use Plan	Forest Supervisor	7/75	11/75

## Region 8 Continued

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date draft Filed w/CEQ (or est. date)	Est. date of Final
Longleaf Unit	Ocala NF Florida		Forest Supervisor	12/74	7/75
Chauga Unit	Francis Marion & Sumter NF So. Carolina	"	"	8/74	9/75
Laurel Fork Unit	Geo. Washington NF, Virginia	"	"	2/74	6/76
Piney River Unit	"	"	"	10/74	10/75
Massanutten Unit	"	"	"	11/75	6/76
Lower Jackson Unit	"	"	"	6/76	12/76
*Cave Mountain Lake Unit Plan	Jefferson NF Virginia	"	"	2/74	8/75
Mt. Rogers National Recreation Area	"	"	"	7/75	7/76
High Knob Unit	"	"	"	9/75	9/76
North Evangeline Planning Unit	Kisatchie NF Louisiana	"	"	3/75	10/75

## Region 8 Continued

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date draft Filed w/CEQ (or est. date)	Est. date of Final
North Catahoula/ South Winn Unit	Kisatchie NF Louisiana	Land Use Plan	Forest Supervisor	9/75	4/76
Vernon Unit	"	"	"	12/75	7/76
Tchoutacabouffa Unit	DeSoto NF Mississippi	"	"	3/75	10/75
Delta Unit	Delta NF Mississippi	"	"	8/75	3/76
Porter Creek Unit	Homochitto NF Mississippi	"	"	9/75	4/76
North Fork Catawba River and Buck Creek Units	Pisgah NF No. Carolina	"	"	3/75	10/75
Management of Nantahala Unit	"	"	"	8/75	3/76
Timber Management Plan, NFs in N. C.	"	Resource Plan	Regional Forester	8/75	3/76
Petit Jean Unit	Ouachita NF Arkansas	Land Use Plan	Forest Supervisor	10/74	7/75

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Region 8 Continued

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date draft Filed w/CEQ (or est. date)	Est. date of Final
Cossatot-Little Missouri Unit	Ouachita NF Arkansas	Land Use Plan	Forest Supervisor	10/75	5/76
South Fourche Unit	"	"	"	11/75	6/76
Ouachita NF Off-Road Vehicle Interim Plan	"	Recreation	"	8/75	3/76
Maumelle-Saline Unit	"	Land Use Plan	"	12/75	7/76
Timber Management Plan	Ozark NF Arkansas	Timber Management	Regional Forester	7/75	2/76
Ozone Unit	"	Land Use Plan	Forest Supervisor	7/75	11/75
St. Francis Unit	St. Francis Arkansas	"	"	8/75	2/76
Vegetative Management with Herbicides	Ozark-St. Francis NF Arkansas	Herbicide	"	4/75	12/75
Off-Road Vehicle Use	"	Recreation	"	9/75	4/76

Region 8 Continued

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date draft Filed w/CEQ (or est. date)	Est. date of Final
Caddo-Lyndon B. Johnson Unit	NFs in Texas	Land Use Plan	Forest Supervisor	10/74	10/75
Conroe Unit	"	"	"	7/75	2/76

REGIONAL OFFICE  
Milwaukee, Wisconsin

Region 9

Title of Environmental	Location of	Nature of Proposal (i.e., Land Use Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Eastern Region USDA, Forest Service 633 West Wisconsin Avenue Milwaukee, Wisconsin 53203					
Timber Management Plan	Allegheny NF Pennsylvania	Resource Plan	Regional Forester	10/75	2/76
Land Use Plan for Deerfield River Area	Green Mtn. NF Vermont	Land Use Plan	Regional Forester	8/75	2/76
Willow Spring Unit Plan	Nat'l Forests in MO, Missouri	Land Use Plan	Forest Supervisor	2/76	9/76
Eagle Lake and Associated Recreation Developments	Monongahela NF, West Vir.	Land Use Plan	Regional Forester	2/74	3/75
Timber Management Plan	Ottawa NF Michigan	Resource Plan	Regional Forester	10/75	4/76
Off-Road Vehicle Policy	Shawnee NF Illinois	Land Use Plan	Forest	6/76	12/76

## NOTICES

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Timber Management Plan	Superior NF Minnesota	Resource Plan	Regional Forester	9/75	3/76
Kancamagus Unit Plan	White Mtn. NF New Hampshire	Land Use Plan	Forest Supervisor	6/75	10/75
Kilkenny Unit Plan	White Mtn. NF New Hampshire	Land Use Plan	Forest Supervisor	3/75	6/75
Timber Management Plan	White Mtn. NF New Hampshire	Resource Plan	Regional Forester	10/74	4/75
Evans Notch Unit Plan	White Mtn. NF New Hampshire	Land Use Plan	Forest Supervisor	1/76	4/76
Waterville Unit Plan	White Mtn. NF New Hampshire	Land Use Plan	Forest Supervisor	8/76	11/76

REGIONAL OFFICE  
Juneau, Alaska

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Region 10

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date) of Final	Estimated Date of Final
Alaska Region USDA Forest Service Federal Office Building P.O.B. 1628 Juneau, Alaska 99502					
Passage Canal Salvage	Chugach NF, Alaska	Timber Sale	Forest Supervisor	7/75	10/75
Phase II-Upper Prince William Sound	"	Land Use Plan	"	10/75	2/76
1976-86 Timber Plan	"	Resource Plan	"	3/76	7/76
Siwash Bay Sale	"	Resource Plan	"	12/75	3/76
Shelter Bay Sale	"	Resource Plan	"	2/76	5/76
West Chichagof Yakobi Island	Tongass NF, Alaska	Land Use Plan	Regional Forester	6/75	
Addendum to Land Use Plan	Chugach NF, Alaska	Land Use Plan	Forest Supervisor		7/75
So. Chilkat	Tongass NF, Alaska	Land Use Plan	"	4/75	8/75
Basket Bay	"	Resource Plan	"	4/75	6/75

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REGION 10 CONTINUED

Title of Environmental Statement	Location Of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Freshwater Bay Blowdown	Tongass NF, Alaska	Resource Plan	Forest Supervisor	6/75	8/75
Honker Divide	"	Land Use Plan	"	5/75	11/75
Long Island	"	Land Use Plan	"	7/75	12/75
Karta	"	Land Use Plan	"	1/76	6/76
S. Lindenberg Peninsula	"	Land Use Plan	"	8/75	11/75
Kadashan	"	Resource Plan	Regional Forester	10/75	3/76
Seal Creek	"	Resource Plan	Forest Supervisor	12/75	
Dangerous River	"	Resource Plan	"	1/76	

[FR Doc. 75-18933 Filed 7-23-75; 8:45 am]

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THURSDAY, JULY 24, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 143

PART IV



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## ENVIRONMENTAL PROTECTION AGENCY

■

### PAVING AND ROOFING MATERIALS (TARS AND ASPHALT) POINT SOURCE CATEGORY

Effluent Limitations Guidelines for  
Existing Sources

Title 40—Protection of the Environment  
CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES  
AND STANDARDS

[FRL 404-1]

PART 443—EFFLUENT LIMITATIONS  
GUIDELINES FOR EXISTING SOURCES  
AND STANDARDS OF PERFORMANCE  
AND PRETREATMENT STANDARDS FOR  
NEW SOURCES FOR THE PAVING AND  
ROOFING MATERIALS (TARS AND AS-  
PHALT) POINT SOURCE CATEGORY

On January 10, 1975, notice was published in the FEDERAL REGISTER (40 FR 2352), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asphalt emulsion subcategory, asphalt concrete subcategory, linoleum and printed asphalt felt subcategory and paving and roofing materials (tars and asphalt) subcategory of the paving and roofing materials (tars and asphalt) category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the paving and roofing materials (tars and asphalt) category of point sources by amending 40 CFR Chapter I, Subchapter N, by adding thereto Part 443 which includes the asphalt and emulsion subcategory (Subpart A), the asphalt concrete subcategory (Subpart B), the linoleum and printed asphalt felt subcategory (Subpart C), and paving and roofing materials (tars and asphalt) (Subpart D). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the paving and roofing materials (tars and asphalt) subcategory. In addition, the regulation as proposed was supported by two other documents: (1) The document entitled

"Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category" (December, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Paving and Roofing Materials (Tars and Asphalt) (September, 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the requests for written comments contained in the preamble to the proposed regulation: Effluent Standards and Water Quality Information Advisory Committee, U.S. Department of Health, Education, and Welfare, U.S. Department of the Interior and Bird and Son.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) One commenter indicated that the January 10, 1975 proposed total suspended solids (TSS) limitations for the asphalt roofing subcategory are more stringent than those TSS limits presented in the April 1974 draft Development Document.

Technical review of the TSS limitations for the asphalt roofing subcategory as presented in the April 1974 draft Development Document has revealed that these limits were higher than the limits that are reasonably achievable by settling basins treating inert solid materials. Accordingly, these limitations were based on achievable concentrations of TSS which have been demonstrated in this and other similar industries.

(2) The same commenter stated that the unit of production for determining effluent limitations for asphalt roofing plants should be the throughput of material from equipment and include recycle or rework material as well as product for sale.

The production basis of effluent limitations for asphalt roofing plants is the production capacity which is defined as throughput of material from equipment. Therefore, the production capacity basis for effluent limitations does take into account rework material as well as product for sale.

(3) It was suggested by one commenter that a limit of zero discharge of pollutants be imposed on all segments of the paving and roofing category due to

the potentially harmful nature of the wastewaters which result from contact with asphalt, tars and other materials.

It is noted that the authority for establishing effluent limits on toxic substances is specifically granted under section 307 (a) of the Water Pollution Control Act (Pub. L. 92-500). Effluent limits for this industry are imposed under authority of sections 301, 304(b), 306 and 307(c) of the Act which require that such limits be based primarily on technology related considerations. Moreover, the data base for technology based limitations is not specifically applicable for the consideration of toxicity or health effects.

(4) One commenter noted that on page 71 of the Development Document, solid wastes from linoleum and printed asphalt felt plants were said to be generally disposed of in sealed containers due to the potentially harmful nature of these solids. It was suggested that appropriate criteria be presented for the disposal of harmful solids.

The Agency's present policy regarding the disposal of solid wastes has been included in Section VIII of the Development Document. Proper care must always be taken when disposing of solid wastes which are toxic and/or hazardous. State and local authorities should be consulted to insure that the disposal of toxic and hazardous solid wastes is in compliance with regulations governing the disposal of such wastes.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, it was determined that no changes in the proposed regulations were warranted.

(c) *Economic impact.* Generally, the costs of compliance are low and are not expected to significantly affect prices, profitability, industry production or growth. The investment costs range from \$3.5-\$4.2 million for BPT by 1977 with an additional \$1.4-\$2.3 million for BAT by 1983. In most cases, it is expected that these costs can be passed on to the consumer through price increases. However, in the asphalt concrete segment, some producers, especially the smaller ones in urban areas, may be forced to absorb part of these costs in their profit margins. As a result, it is expected that ten to fifteen small plants in this segment may close. These plants represent only 0.2 percent of the industry capacity, and would, thus, result in an insignificant impact on production since the industry normally operates at only 35-40 percent of capacity. Approximately fifty employees would be affected by these closures. However, there would be no significant impact on local communities, balance of trade or industry growth for these segments.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflation-

ary impact of the proposal has been evaluated.

OMB Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding \$100 million or annualized costs in excess of \$50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are estimated to be considerably less than these amounts. Nevertheless, the Agency has reviewed and identified the projected effect on prices and estimates that the increase will range between 0.02 and 1.4 percent for BPT and between zero and an additional 0.52 percent for BAT.

The detrimental effects of the constituents of waste waters now discharged by point sources within the paving and roofing materials (tars and asphalt) point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category" (June, 1975). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Paving and Roofing Materials (Tars and Asphalt) Industry" (September, 1974). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the Paving and Roofing Materials Industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(d) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from linoleum and printed asphalt felt plants may contain toxic or potentially hazardous substances in various forms as a part of the suspended solids pollutant. Best practicable control technology, and best available control technology as they are known today, require that pollutants be removed from wastewaters in these plants in the form of solid wastes and liquid concentrates. In some cases, these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All land fill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be employed to ensure long term protection to the environment from hazardous materials. Where appropriate, the locations of hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the sites are located.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield VA 22151.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, is hereby amended by adding Part 443—Subparts A, B, C and D for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category. This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cy. No. 1609-73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective on July 24, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective on or before August 25, 1975.

Dated: July 16, 1975.

JOHN QUARLES,  
Acting Administrator.

#### Subpart A—Asphalt Emulsion Subcategory

- Sec.
- 443.10 Applicability; description of the asphalt emulsion subcategory.
- 443.11 Specialized definitions.
- 443.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 443.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 443.14 [Reserved]
- 443.15 Standards of performance for new sources.
- 443.16 Pretreatment standards for new sources.

#### Subpart B—Asphalt Concrete Subcategory

- 443.20 Applicability; description of the asphalt concrete subcategory.
- 443.21 Specialized definitions.
- 443.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 443.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 443.24 [Reserved]
- 443.25 Standards of performance for new sources.
- 443.26 Pretreatment standards for new sources.

#### Subpart C—Asphalt Roofing Subcategory

- 443.30 Applicability; description of the asphalt roofing subcategory.
- 443.31 Specialized definitions.
- 443.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 443.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 443.34 [Reserved]
- 443.35 Standards of performance for new sources.
- 443.36 Pretreatment standards for new sources.

#### Subpart D—Linoleum and Printed Asphalt Felt Subcategory

- 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.
- 443.41 Specialized definitions.
- 443.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

- Sec.  
443.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 443.44 [Reserved]
- 443.45 Standards of performance for new sources.
- 443.46 Pretreatment standards for new sources.

**AUTHORITY:** Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c), 86 Stat. 816 et seq.; Pub. L. 92-500.

#### Subpart A—Asphalt Emulsion Subcategory

##### § 443.10 Applicability; description of the asphalt emulsion subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of asphalt paving and roofing emulsions.

##### § 443.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "production area size" shall mean that area in which the oxidation towers, loading facilities, and all buildings that house product processes are located.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewaters and rainwater runoff.

##### § 443.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such

fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/cu m of runoff)		
Oil and grease.....	0.020.....	0.015
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 gal of runoff)		
Oil and grease.....	0.167.....	0.125
pH.....	Within the range 6.0 to 9.0.	

##### § 443.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/cu m of runoff)		
TSS.....	0.023.....	0.015
Oil and grease.....	0.015.....	0.010
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 gal of runoff)		
TSS.....	0.188.....	0.125
Oil and grease.....	0.125.....	0.083
pH.....	Within the range 6.0 to 9.0.	

##### § 443.14 [Reserved]

##### § 443.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/cu m of runoff)		
TSS.....	0.023.....	0.015
Oil and grease.....	0.015.....	0.010
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 gal of runoff)		
TSS.....	0.188.....	0.125
Oil and grease.....	0.125.....	0.083
pH.....	Within the range 6.0 to 9.0.	

##### § 443.16 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the asphalt emulsion subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5.....	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	100 mg/l.

#### Subpart B—Asphalt Concrete Subcategory

##### § 443.20 Applicability; description of the asphalt concrete subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of Asphalt Concrete.

##### § 443.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "process wastewater" shall mean any water which, during the

manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of paving asphalt concrete.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

**§ 443.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

**§ 443.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after applica-

tion of the best available technology economically achievable: There shall be no discharge of process wastewater pollutants to navigable waters.

**§ 443.24 [Reserved]**

**§ 443.25 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

**§ 443.26 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the asphalt concrete subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

**Subpart C—Asphalt Roofing Subcategory**

**§ 443.30 Applicability; description of the asphalt roofing subcategory.**

The provisions of this subpart are applicable to discharges resulting from the production of Asphalt Roofing materials.

**§ 443.31 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "process wastewater" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of asphalt roofing materials.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

**§ 443.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to

collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS	0.056	0.038
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lbs of product)		
TSS	0.056	0.038
pH	Within the range 6.0 to 9.0.	

**§ 443.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the

best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.028.....	0.019.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.028.....	0.019.....
pH.....	Within the range 6.0 to 9.0.	

#### § 443.34 [Reserved]

#### § 443.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.028.....	0.019.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.028.....	0.019.....
pH.....	Within the range 6.0 to 9.0.	

#### § 443.36 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the asphalt roofing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5.....	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	100 mg/l.

#### Subpart D—Linoleum and Printed Asphalt Felt Subcategory

##### § 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of Linoleum and Printed Asphalt Felt floor coverings.

##### § 443.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "process wastewater" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of linoleum and printed asphalt felt floor coverings.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

##### § 443.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger efflu-

ent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.038.....	0.025.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.038.....	0.025.....
pH.....	Within the range 6.0 to 9.0.	

##### § 443.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.019.....	0.013.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.019.....	0.013.....
pH.....	Within the range 6.0 to 9.0.	

#### § 443.44 [Reserved]

#### § 443.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.019.....	0.013
pH.....	Within the range 6.0 to 9.0.....	
English units (lb/1000 lb of product)		
TSS.....	0.019.....	0.013
pH.....	Within the range 6.0 to 9.0.....	

**§ 443.46 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source

within the linoleum and printed asphalt felt subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5.....	No limitation.
TSS.....	Do.
PH.....	Do.
Oil and grease.....	100 mg/l.

[FR Doc.75-19308 Filed 7-23-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 443]

[FRL 404-2]

### PAVING AND ROOFING MATERIALS (TARS AND ASPHALT) POINT SOURCE CATE- GORY

#### Proposed Pretreatment Standards for Existing Sources

Notice is hereby given pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251 1317(b); 86 Stat. Act); 33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will amend 40 CFR Part 443, Paving and Roofing Materials (Tars and Asphalt) Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asphalt emulsion, asphalt concrete, asphalt roofing materials, and linoleum and printed asphalt felt subcategories of the paving and roofing materials (tars and asphalt) point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards (40 CFR Part 443) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available. This is accomplished by setting aside certain sections of 40 CFR Part 128 and establishing specific limitations in each subpart which detail the application of the intent of 40 CFR Part 128 to the specific subpart.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 443.15, 443.25, 443.35 and 443.45 of the proposed regulation for point sources within the asphalt emulsion, asphalt concrete, asphalt roofing materials and linoleum and printed asphalt felt subcategories (January 10, 1975, 40 FR 2352), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 443.16, 443.26, 443.36 and 443.46 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Paving and Roofing Materials (Tars and Asphalt)", (September, 1974) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic

analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of paving and roofing materials, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of paving and roofing materials. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the paving and roofing materials (tars and asphalt) point source category (40 FR 2352; January 10, 1975). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 443) which currently is being published in the FEDERAL REGISTER as part of the Part IV.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the asphalt emulsion, asphalt concrete, asphalt roofing materials and linoleum and asphalt printed felt subcategories, the Agency has, essentially three options. The first is to allow unrestricted discharge to publicly owned treatment works of materials known to be adequately treated in such works (commonly classed as compatible pollutants). The second is to require the application of BPT based (1977) limitations to those pollutants which interfere with, pass through or otherwise are incompatible with such works. The third is to establish a different discharge

limitation for those pollutants which are treated, to a known degree in publicly owned treatment works but such treatment is relatively inadequate.

**ECONOMIC IMPACT**

Based upon the fued survey data compiled in the development of effluent guidelines for this industry, no treatment will be required to meet the proposed limits for oil and grease. Thus, there will be no incremental cost or economic impact for existing plants discharging to a publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 443 be amended to add §§ 443.14, 443.24, 443.34 and 443.44 as set forth below. All comments received on or before August 25, 1975, will be considered.

Dated: July 16, 1975.

JOHN QUARLES,  
Acting Administrator.

Part 443 is proposed to be amended as follows:

Subpart 443 is amended by adding §§ 443.14, 443.24, 443.34, and 443.44 as follows:

**§ 443.14 Pretreatment standard for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the asphalt emulsion subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

<i>Pollutant or pollutant property</i>	<i>Pretreatment standard</i>
BOD5 .....	No limitation.
TSS .....	Do.
pH .....	Do.
Oil and grease .....	100 mg/l.

**§ 443.24 Pretreatment standard for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the asphalt concrete subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

<i>Pollutant or pollutant property</i>	<i>Pretreatment standard</i>
BOD5 .....	No limitation.
TSS .....	Do.
pH .....	Do.
Oil and grease .....	100 mg/l.

**§ 443.34 Pretreatment standard for existing sources.**

The pretreatment standard under section 307(b) of the Act of a source within the asphalt roofing materials subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

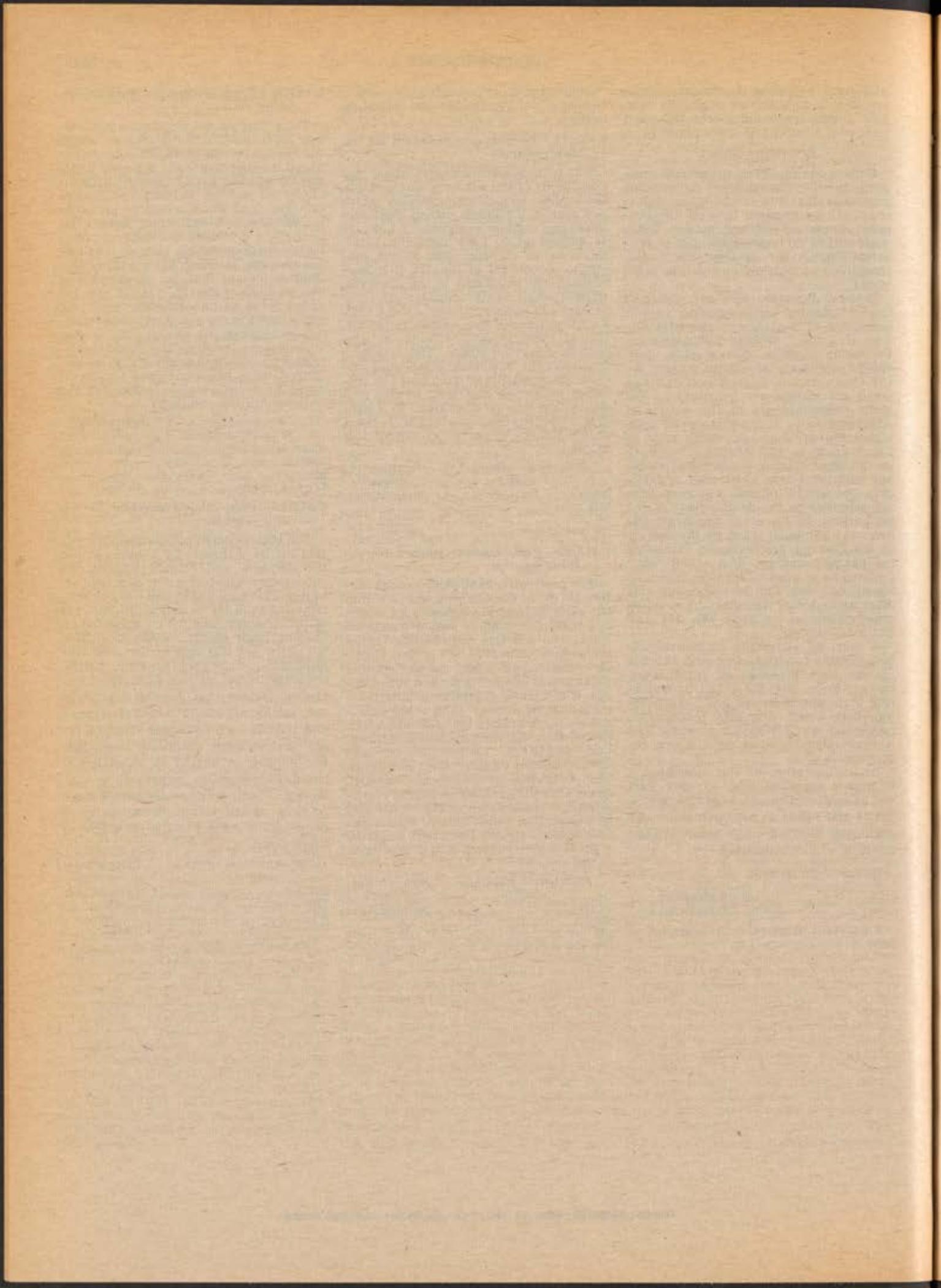
<i>Pollutant or pollutant property</i>	<i>Pretreatment standard</i>
BOD5 .....	No limitation.
TSS .....	Do.
pH .....	Do.
Oil and grease .....	100 mg/l.

**§ 443.44 Pretreatment standard for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the linoleum and printed asphalt felt subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

<i>Pollutant or pollutant property</i>	<i>Pretreatment Standard</i>
BOD5 .....	No limitation.
TSS .....	Do.
pH .....	Do.
Oil and grease .....	100 mg/l.

[FR Doc.75-19309 Filed 7-23-75; 8:45 am]





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