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PAGES
37027–37203

federal register

MONDAY, AUGUST 25, 1975

highlights

PART I:

NOTICE TO AGENCIES REGARDING PUBLICATION DEADLINE FOR THE PRIVACY ACT

Due to the large volume of Privacy Act material submitted for publication within the past several days, it may not be possible for the Office of the Federal Register and the Government Printing Office to process and publish all this material by the deadline date of August 27th.

However, in order to assist agencies in complying with the intent of the Act, material received by the Office of the Federal Register before August 27, if delayed in publication, will be made available for public inspection as soon as practicable after receipt at the Federal Register Office, 1100 L St., NW., Room 8401. An announcement of the availability of the document for public inspection and the scheduled date of publication will be published in an early issue following receipt.

LEGAL FEES AND OTHER EXPENSES

NRC proposes to amend policy concerning requests for financial assistance to participants in Commission proceedings; comments by 10–9–75 37056

PRIVACY ACT

Pension Benefit Guaranty Corporation proposes rules for disclosure and amendment of records; comments by 9–15–75 37057

CSC proposes pledges of confidentiality for certain investigations; comments by 9–24–75 37051

EQUAL OPPORTUNITY

HEW/Civil Rights issues format for development of affirmative action plans by institutions of higher learning 37064

Labor/OFCC requests information and announces hearing on affirmative action employment at institutions of higher education; comments by and hearing on 9–30–75 37129

REGULATION OF NUCLEAR POWER PLANTS

NRC issues memorandum of understanding with Army Corps of Engineers 37110

MUSIC

National Endowment for the Arts issues guidelines for jazz/folk/ethnic music and opera grants (2 documents); applications by 10–1–75 ..... 37101, 37104

CONTINUED INSIDE

PART II:

ENVIRONMENT

CAB implements the National Environmental Policy Act and regulates policies and procedures for preparation of impact statements (7 documents); effective 9–24–75 37181

reminders

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

Rules Going Into Effect Today

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

Daily List of Public Laws

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

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5282. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

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ENERGY CONSERVATION AND PLANNING
Commerce invites participation in development of specifications for refrigerators, combination refrigerator-freezers, and freezers; comments by 9–24–75 37063
FPC modifies reporting of electric utility projected generation and fuel planning 37032
FPC sets up comprehensive reporting system for information on national proved reserves of natural gas 37056

INTERNATIONAL TRAFFIC IN ARMS
State proposal requiring certification of contingent fees disclosure regarding munitions sales to foreign governments; comments by 9–24–75 37043

SCHOOL LUNCH, BREAKFAST AND FOOD SERVICE PROGRAMS
USDA/FNS permits State or local authorities to use alternative labeling requirements for alternate foods; effective 8–25–75 37027

ADMINISTRATIVE LAW JUDGES
CSC amends regulations on disability retirement on application of an agency 37027

TV TRANSLATOR STATIONS
FCC proposes rules on power limitation; comments by 9–29–75; reply comments by 10–9–75 37054

VETERANS
VA increases allowance for and entitlement to automobiles and adaptive equipment; effective 2–1–75 37037
VA proposes prohibition against discriminatory practices in federally-assisted programs; comments by 9–24–75 37059
VA proposes change relating to marriage date of widows and widowers of Vietnam veterans; comments by 9–24–75 37059
VA environmental quality procedures applicable to subdivision processing of Loan Guaranty Program; effective 8–15–75 37126

AIR TRAVEL
CAB reexamines domestic load-factor standard; comments by 9–4–75 37048
CAB announces agreement to amend certain proportional fares 37183

TANKER ENVIRONMENTAL IMPACT
Commerce/MA adopts procedure for considering change to principal characteristics of a vessel 37063

PROCUREMENT
GSA amends definitions and revises procedures for protesting erroneous awards; effective 8–4–75 37038

GRAIN MILLS POINT SOURCE CATEGORY
EPA proposes to amend pretreatment standards for new sources; comments by 9–15–75 37052
EPA announces availability of supplemental documents and requests comments by 9–15–75 37038

SMALL BUSINESS LOANS
SBA adopts formal reconsideration procedure; effective 8–25–75 37029

MOTOR VEHICLE SAFETY
DOT/NHTSA proposes exemption from notification and recall requirements for inconsequential defect or noncompliance; comments by 10–9–75 37047
DOT/FHA proposes to allow use of coiled nylon tubing as brake hose on trailers; comments by 9–30–75 37045

COTTON TEXTILES
CITA announces revision of visa format for products from Mexico 37081

MEETINGS—
CSC: Federal Employees Pay Council (3 documents), 9–10, 9–17 and 9–24–75 37080–37081
DOD: Defense Science Board (2 documents), 9–15 thru 9–17–75 37060
FCC: Radio Technical Commission for Aeronautics (3 documents) 9–17, 9–18, 9–23, 9–24, and 9–25–75 37082
HEW/NIH: National Council on Educational Research, 9–18–75 37071
National Endowment for the Humanities: Education Panel, 9–24–75 37101
NRC: Reactor Safeguards Advisory Committee, 9–9 and 9–10–75 37108

contents

CONTENTS

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR

213 (2 documents) 37027
831 37027

PROPOSED RULES:

736 37051

7 CFR

210 37027
220 37027
225 37027
908 37028
924 37028
1099 37028

PROPOSED RULES:

926 37044
927 37044
945 37045

10 CFR

PROPOSED RULES:

2 37056

13 CFR

116 37029
122 37029

14 CFR

39 37030
71 37030
73 37030
93 37031
201 37182
211 37182
221 37182
261 37183
302 37183
312 37184
399 37184

PROPOSED RULES:

71 (2 documents) 37045
399 37048

18 CFR

3 37032
141 37032
260 37034

PROPOSED RULES:

2 37056
154 37056
157 37056
201 37056
260 37056

19 CFR

PROPOSED RULES:

1 37043

21 CFR

510 37036

22 CFR

PROPOSED RULES:

123 37043
124 37043
125 37043
127 37043

29 CFR

PROPOSED RULES:

2607 37057

33 CFR

127 (2 documents) 37036, 37037

38 CFR

3 37037

PROPOSED RULES:

3 37059
18 37059

40 CFR

406 37038

PROPOSED RULES:

406 37052

41 CFR

5A-1 37038
5A-2 37038
5A-73 37039
5A-76 37039
101-32 37039

47 CFR

73 37040

PROPOSED RULES:

73 37054
74 37054
81 37055
83 37055
87 37055
91 37055
93 37055

49 CFR

571 37042

PROPOSED RULES:

230 37046
393 37045
556 37047

50 CFR

17 37042
32 37042

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

1 CFR

Ch. I 32305
3 36295
7 36295

PROPOSED RULES:

410 33177

3 CFR

PROCLAMATIONS:

4335 (Revoked in Part by Proc. 4382) 33425
4369 (Effective date) 34651
4382 33425

EXECUTIVE ORDERS:

11875 33961

4 CFR

10 36295
91 36099
92 36099
351 ..... 32747, 33819
403 ..... 32747, 33819
411 32823

5 CFR

213 ..... 32727, 32823, 33963, 34583, 36759, 37027
511 36298
752 36298
754 36298
771 36298
831 37027
1303 32727

PROPOSED RULES:

736 37051
1302 34165

7 CFR

2 ..... 33023, 36570
26 ..... 32942, 33427, 34349
50 36100
68 33649
271 ..... 33195, 36759
210 37027
220 37027
225 37027
301 33026
722 34349
798 34583
908 ..... 33195, 34113, 34584, 36570, 37028
910 ..... 32305, 33430, 34349, 36759
915 ..... 32306, 32823, 33963, 36299
917 33196
921 32730
922 32730
923 33028
924 37028
926 33964
927 36299
931 34350
944 ..... 32824, 36300
947 ..... 32730, 36300
948 ..... 33964, 34113–34114
958 ..... 32307, 33649
967 33196
980 ..... 32308, 33964
1098 36105
1099 37028
1421 36301–36302
1434 32732

7 CFR—Continued

1446 34584
1804 32309
1808 33197

PROPOSED RULES:

1 32756
21 36134
52 33043
919 32338
926 37044
927 37044
945 37045
946 33458
981 34605
993 33047
1098 32338
1099 ..... 32751, 33458
1139 36127
1251 33982
1822 ..... 33222, 34404
1842 34368

8 CFR

211 34106
212 33431
214 32312

9 CFR

11 36553
78 32732
92 ..... 33649, 36106
151 36106

PROPOSED RULES:

101 32753
113 ..... 32753, 32754, 36572

10 CFR

20 33029
50 33029
70 33651
205 ..... 32734, 36555, 36760
206 36558
213 ..... 36302, 36558
710 36302

PROPOSED RULES:

2 37056
9 33833
20 33838
50 33838
211 ..... 33832, 34162
212 ..... 32348, 33832, 34161, 34163, 36389
213 33474

11 CFR

Ch. I 32950, 33817

PROPOSED RULES:

1 36872
106 33169
113 ..... 32951, 36869

12 CFR

11 32735
22 36107
217 32736
225 36309
265 32737
304 36559
329 33198
523 33029

12 CFR—Continued

545 36309
546 36310
555 32313
564 33030
584 34585
612 33030

PROPOSED RULES:

207 36578
220 ..... 36390, 36578
221 36578
226 32350
541 33054
545 ..... 33054, 34162
546 33054
563 34614
570 34614
581 33055
582 33055
582a 33055
582b 33055
584 34615
603 33831
615 33832
720 33410

13 CFR

116 37029
121 ..... 32824, 36310
122 37029
123 33474
305 32738

PROPOSED RULES:

121 36148
500 36135
510 36135
520 36135
530 36135
540 36135
550 36135
560 36135
580 36135

14 CFR

39 ..... 32314–32318, 32738–32740, 32827–32829, 33007–33010, 33198, 33432, 33653, 33654, 33819, 34333, 34585, 36107, 36108, 36310, 36559–36560, 36762, 37030
63 32829
71 ..... 32318, 32319, 32740–32742, 33010, 33199, 33435, 33654, 33655, 33819, 33965, 34087, 34333, 34334, 36108, 36311, 36560, 36763, 37030
73 ..... 33655, 34334, 37030
75 34087
93 37031
97 ..... 32320, 33199, 34335, 36763
171 36109
201 37182
207 34088
208 34088
211 37182
212 34088
214 34088
217 33435
221 37182
261 37183
302 37183
312 37184

47 CFR—Continued

PROPOSED RULES—Continued

83 37055
87 37055
89 ..... 33471, 34155, 34161, 34613, 36778
91 ..... 33471, 34155, 34613, 37055
93 37055

49 CFR

1 33976
173 33036
231 34347
391 32335
393 ..... 32336, 36125
395 32336
571 ..... 32336, 33036, 33825, 33977, 34347, 37042
Ch. X 34348
1033 ..... 32337, 33037, 33977, 36346
1036 33220
1056 34119
1300 ..... 32832, 36351

49 CFR—Continued

1303 36353
1304 36355
1305 32834
1306 36356
1307 ..... 32834, 36357
1308 ..... 32836, 36361
1309 36363

PROPOSED RULES:

10 34142
107 32758
170 32758
220 ..... 33682, 36575
230 37046
393 ..... 36777, 37045
556 37047
571 33828
572 33462
1001 36149
1002 36149
1048 33840
1049 33840

49 CFR—Continued

PROPOSED RULES—Continued

1207 33244
1245 36779
1246 36779
1300 32350
1305 32350
1307 32350
1309 32350

50 CFR

17 ..... 33978, 37042
20 ..... 33016, 34599, 36121, 36345
32 ..... 33220, 33221, 33978, 34119-34121, 34348, 34599, 36120, 36346, 36567, 36568, 37042
33 ..... 33221, 34121, 34122, 36567
285 33978

PROPOSED RULES:

20 ..... 34361, 36572
32 36377

FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*	*Pages*	*Date*
32305–32725	1	33961–34085	13
32727–32822	4	34087–34331	14
32823–33006	5	34333–34582	15
33007–33193	6	34583–36098	18
33195–33423	7	36099–36293	19
33425–33647	8	36295–36552	20
33649–33817	11	36553–36758	21
33819–33959	12	36759–37025	22
		37027–37203	25

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that two positions of Special Assistant to the Secretary are excepted under Schedule C.

Effective August 25, 1975 § 213.3384(a) (12) is amended as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

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

(12) Three Special Assistants to the Secretary.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-22118 Filed 8-22-75;8:45 am]

PART 213—EXCEPTED SERVICE

United States International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant to a Commissioner is excepted under Schedule C.

Effective August 25, 1975, § 213.3339(1) is added as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(1) One Staff Assistant to a Commissioner.

(5 U.S.C. 3301, 3302, EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-22633 Filed 8-22-75;10:32 am]

PART 831—RETIREMENT

Disability Retirement on Application of an Agency

The retirement regulations are hereby amended to (1) except Administrative Law Judges from the normal procedures governing agency-filed disability retirement applications and (2) require agencies which file applications for disability retirement of Administrative Law Judges to follow the procedures specified in 5 CFR 930.221–234.

The amended regulations will read as follows:

§ 831.1201 Scope.

This subpart prescribes the procedures to be followed by:

(a) An agency in filing an application for the disability retirement of an employee (exception an employee appointed under 5 U.S.C. 3105), and

(b) The Commission in approving or disapproving an application for the disability retirement of an employee filed by an employee or (except for an employee appointed under section 3105 of title 5, United States Code) an agency.

An agency filing an application for the disability retirement of an employee appointed under section 3105 of title 5, United States Code, will follow the procedures outlined in §§ 930.221–234 of this Chapter.

(5 U.S.C. 8347)

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

[FR Doc.75-22419 Filed 8-22-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

ALTERNATE MEAL COMPONENTS IN CHILD NUTRITION PROGRAMS

Alternative Labeling Requirements

The regulations for the National School Lunch Program (7 CFR Part 210), the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses (7 CFR Part 220), and the Special Food Service Program for Children (7 CFR Part 225) have appendices which authorize the use of various types of products as alternate components in meeting the meal requirements of the child nutrition programs. Each of the appendices contains the specifications for the alternate meal components permitted in that program. The specifications include labeling requirements which, in at least one instance, have been found to conflict with a State's trade laws. The purpose of these amendments to the appendices is to permit State or local authorities to work out alternative labeling requirements with the Department in such cases.

These amendments do not alter the specifications for ingredients, physical and functional characteristics, or nutritional properties of the alternate foods. Since these amendments require no change in the alternate foods themselves, and since it is important to work out alternative labeling requirements with State and local authorities before the next school year begins, notice and opportunity for public participation are impracticable and unnecessary.

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix A of this part is amended by adding the following sentence at the end of section 1(b) of Enriched Macaroni Products with Fortified Protein and after the first sentence of section 1(f) of Cheese Alternate Products: "In those States where State or local law prohibits the wording specified, a legend acceptable to both the State or local authorities and FNS shall be substituted."

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

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

Appendix A of this part is amended by adding the following sentence after the first sentence of section 1(b) of Formulated Grain-Fruit Product: "In those States where State or local law prohibits the wording specified, a legend acceptable to both the State or local authorities and FNS shall be substituted."

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

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix A of this part is amended by adding the following sentence at the

end of section 1(b) of Enriched Macaroni Products with Fortified Protein, after the first sentence of section 1(b) of Formulated Grain-Fruit Product and after the first sentence of section 1(f) of Cheese Alternate Products: "In those States where State or local law prohibits the wording specified, a legend acceptable to both the State or local authorities and FNS shall be substituted."

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services.)

Effective date: This amendment becomes effective August 25, 1975.

JOHN DAMGARD,
Deputy Assistant Secretary.

AUGUST 19, 1975.

[FR Doc.75-22352 Filed 8-22-75;8:45 am]

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

[Valencia Orange Reg. 511, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 15–21, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(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 recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 511 (40 FR 34113). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

§ 908.811 [Amended]

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.811 (Valencia Orange Regulation 511 (40 FR 34113)) are hereby amended to read as follows:

"(i) District 1: 200,000 cartons;
"(ii) District 2: 425,000 cartons."

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

Dated: August 20, 1975.

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

[FR Doc.75-22393 Filed 8-22-75;8:45 am]

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

Expenses, Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of the Washington-Oregon Fresh Prune Marketing Committee, under Marketing Order No. 924, as amended, for the 1975–76 fiscal period at $17,105 and prescribes that each handler pay $0.80 per ton of prunes handled as his prorata share of such expenses. Unexpended assessment income from 1974–75 will be carried over as a committee reserve.

Notice was published in the July 22, 1975, issue of the FEDERAL REGISTER (40 FR 30662) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1976, and carryover of unexpended funds pursuant to the marketing agreement and Order No. 924, as amended (7 CFR Part 924, 39 FR 33305; 34644) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons until August 12, 1975, to submit written data, views, or arguments in connection with said proposals. None were received.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 924.215 **Expenses, rate of assessment, and carryover of unexpended assessment funds.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1975, through March 31, 1976, will amount to $17,105.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $0.80 per ton of fresh prunes.

(c) *Carryover of unexpended funds.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended March 31, 1975, will be carried over as a reserve in accordance with § 924.42 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes during the aforesaid period; and (3) such period began on April 1, 1975, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: August 19, 1975.

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

[FR Doc.75-22392 Filed 8-22-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 99; Docket No. AO-183-A32]

PART 1099—MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

Order Amending Order; Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order

and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

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

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

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

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

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1099.13, paragraph (c)(4) is revised as follows:

§ 1099.13 Producer milk.

* * * * *

(c) * * *

(4) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant to which diverted.

§ 1099.52 [Amended]

2. In § 1099.52, amend paragraph (a) by deleting the word "pool".

3. In § 1099.75, paragraph (a) is revised as follows:

§ 1099.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk shall be reduced according to the location of the plant at which the milk was physically received, at the rate set forth in § 1099.52; and

* * * * *

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

Effective date: October 1, 1975.

Signed at Washington, D.C., on: August 19, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-22395 Filed 8-22-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER 1—SMALL BUSINESS ADMINISTRATION

[Amdt. 1]

PART 116—FLOOD INSURANCE REQUIREMENTS—SBA FINANCIAL ASSISTANCE

Flood Insurance Protection; Correction

The policy printed in 40 FR 26259 on Monday, June 23, 1975, is corrected by changing the year 1753 to 1973 in the first sentence.

Dated: August 13, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-22468 Filed 8-22-75;8:45 am]

[Rev. 3, Amdt. 6]

PART 122—BUSINESS LOANS

Declined Loan or Loan Modification Requests

On May 1, 1975, SBA published proposed rules for reconsideration of declined loan or loan modification requests in the FEDERAL REGISTER (40 FR 19021). The proposed amendment adding § 122.26 would standardize procedures to be used by applicants for loans or borrowers who have had their requests declined by SBA. All comments submitted with respect to the proposed amendment were given due consideration.

As a result of comments received, the following changes are made: 1. The numbering of this amendment was changed from § 122.26 to §§ 122.15-1, 122.15-2, and 122.15-3, to make it clear that these procedures do not apply to cases involving the liquidation of loans and security, and to emphasize certain aspects of the rules.

2. The scope of the amendment was reworded to clarify that declines due to matters relating to size must be appealed as set forth in Part 121 of these regulations; and to limit reconsideration of a modification request to loans which are current in all respects. Any loan which is past due, delinquent, or classified by SBA as "in liquidation" would be excluded.

3. The wording of the amendment was changed to emphasize that all significant new information, or revisions of the original request, which the applicant relies on to overcome the reason or reasons for decline must accompany each request for reconsideration, and that all financial statements presented with the original application must be brought current.

4. A new paragraph (c) was added to § 122.5-1 whereby SBA reserves its right to decline a reconsideration for reasons not specified in the original decline action.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

§ 122.15-1 Reconsideration.

Reconsideration. Any applicant whose request for a loan is declined and any borrower whose request for a modification of a current loan is denied has the right to present information to overcome the decline reason(s) and to request a reconsideration. However, any decline due to size can only be appealed in accordance with the procedures set forth in Part 121 of the regulations. The right to a reconsideration of a declined modification request exists only for loans that are current in all respects; any loan which is past due, delinquent, or classified "in liquidation" is excluded from these procedures.

(a) A request for reconsideration must be in writing and received by the office that processed and declined the original request, whether a District or Branch Office or Post of Duty Station, within six months of the initial decline. After six months a new application is required.

(b) The written request for reconsideration must contain all significant new information, or such modifications to the original request, that the applicant/borrower relies on to overcome the reason(s) for decline. The request for reconsideration must also be accompanied by current business financial statements.

(c) The specification by SBA of any reason for denial of a loan request or a loan modification request shall not constitute a waiver of SBA's right to deny such requests for any other reason.

§ 122.15-2 Declined reconsiderations.

An applicant/borrower whose request is declined upon reconsideration has the right to request a further reconsidera-

tion at the next higher office. The "next higher office" in the case of a Branch Office or Post of Duty Station is a District Office; in the case of a District Office it is the Regional Office.

(a) All requests for a reconsideration at the next higher office must be in writing and received by the office that processed and declined the prior reconsideration, within 30 days of the decline action.

(b) Such request for further reconsideration must contain the applicant/borrower's written justification for believing that the decline action should be reversed.

(c) Such requests for further reconsideration must state that the applicant/borrower is seeking action at the next higher office.

§ 122.15–3 Finality of review.

The decision of the Regional Office shall be final unless (a) the Regional Office does not have authority to approve the requested loan or action, or (b) the Regional Director refers the matter to the Associate Administrator for Finance and Investment, or (c) the Associate Administrator for Finance and Investment, upon a showing of special circumstances, requests the Regional Office to forward the matter to the Central Office for final consideration. "Special circumstances" as used herein may include, but are not limited to, policy reconsideration or reevaluation by elements of the Agency, alleged improper acts by SBA personnel or others, conflicting policy interpretations between two regional offices, or other such considerations.

(Section 5 and 7, Stat 385, 387, as amended; USC 634, 636.)

Effective: August 25, 1975.

Dated: August 13, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-22465 Filed 8-22-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–1–AD; Amdt. 39–2352]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC–8 Series Airplanes

Amendment 39–1784, (39 FR 4757), AD 74–4–2, as amended by Amendment 39–1994 (39 FR 37190) requires the installation of a spoiler handle lockout, accomplishment of certain spoiler system rigging checks and spoiler rigging instructions, incorporation of an addition to the Limitation section of the FAA Approved Airplane Flight Manual, and certain reports be made on McDonnell Douglas DC–8 series airplanes. After issuing Amendment 39–1784, due to the knowledge gained from the required reports, the agency determined that there is no significant indication of a trend of spoiler rigging change as related to the time in service. Therefore, the AD is being amended to provide relief from the reporting requirements.

Since this amendment relieves a requirement, 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 39–1784, (39 FR 4757), AD 74–4–2, as amended by Amendment 39–1994 (39 FR 37190) is further amended as follows:

1. Delete paragraphs (5), (6), and (7).
2. Renumber paragraphs (8) and (9) as paragraphs (5) and (6), respectively.

This amendment becomes effective September 2, 1975.

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

Issued in Los Angeles, California on August 15, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-22357 Filed 8-22-75;8:45 am]

[Airspace Docket No. 75–SO–23]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas and Continental Control Area

On May 13, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 20825) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Areas R–2914, R–2915A, R–2915B, R–2918 and R–2919 and would include R–2918 and R–2919 in the continental control area. The Notice stated that the amendments would provide additional special use airspace for hazardous missile test activities in the vicinity of Eglin AFB, Fla. It also noted that the FAA is considering a related action, separately but concurrently, that would amend Part 93 of the Federal Aviation Regulations to expand the size of the Valparaiso, Fla., Terminal Area and authorize more extensive military use of the airspace within the Terminal Area for missile test activities.

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

Subsequent to publication of the NPRM, it was noted that the south boundary for R–2914 was described as extending directly from Lat. 30°11'00" N., Long. 85°56'00" W., to Lat. 30°15'00" N., Long. 86°06'15" W. This may extend the restricted area beyond territorial waters. Therefore, the boundary should have been described as being via a line 3 nautical miles from and parallel to the shoreline between the aforementioned positions.

Since the south boundary of R–2914 is presently defined by the 3 nautical mile limit line and since restricted areas are confined to national airspace, the FAA has concluded that correcting the error will not impose any additional burden upon the public.

Also following publication of the NPRM, the Department of the Air Force requested that Restricted Areas R–2914, R–2915B and R–2919 each be divided into two separate restricted areas, and it asked that the boundary subdividing R–2915B be defined by the shoreline rather than by direct lines from one position to another between Lat. 30°23'00" N., Long. 86°51'30" W., and Lat. 30°23'45" N., Long. 86°38'15" W.

The FAA has reviewed the changes requested by the Air Force and it has concluded that they should be incorporated in the rule. Subdividing the restricted areas will allow more operational flexibility in routing traffic through the restricted airspace, and use of the shoreline in the boundary descriptions will help the flying public to locate the areas involved.

As all of the changes are minor matters upon which the public would not particularly desire to comment and will not increase the restriction of national airspace as proposed in the NPRM, the FAA has determined that they may be effected by publication in this rule without recourse to additional public notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

1. In § 71.151 (40 FR 343):

a. The following restricted area is deleted.

R–2914 Valparaiso, Fla.

b. The following restricted areas are added.

R–2914A Valparaiso, Fla.
R–2914B Valparaiso, Fla.
R–2915C Eglin AFB, Fla.
R–2918 Valparaiso, Fla.
R–2919A Valparaiso, Fla.
R–2919B Valparaiso, Fla.

2. In § 73.29 (40 FR 665):

a. The description of Restricted Area R–2914 Valparaiso, Fla., is deleted and the following is substituted therefor:

R–2914A Valparaiso, Fla.

Boundaries: Beginning at Lat. 30°43'15" N., Long. 86°25'00" W.; to Lat. 30°43'45" N., Long. 86°10'30" W., to Lat. 30°41'00" N., Long. 86°05'10" W.; to Lat. 30°24'00" N., Long. 85°56'00" W.; to Lat. 30°19'15" N., Long. 85°56'00" W.; to Lat. 30°22'00" N., Long. 86°08'00" W.; to Lat. 30°23'20" N., Long. 86°08'10" W.; to Lat. 30°30'45" N., Long. 86°25'00" W.; thence to point of beginning.

Designated altitudes. Surface to unlimited, excluding that airspace within R-2917.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville, ARTC Center.

Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2914B Valparaiso, Fla.

Boundaries. Beginning at Lat. 30°22'00" N., Long. 86°08'00" W.; to Lat. 30°19'15" N., Long. 85°56'00" W.; to Lat. 30°11'00" N., Long. 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°15'00" N., Long. 86°06'15" W.; to point of beginning.

Designated altitudes. 8,500 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

b. The designated altitudes for Restricted Area R-2915A Eglin AFB, Fla., are changed to read as follows:

Designated altitudes. Surface to unlimited.

c. The description of Restricted Area R-2915B Eglin AFB, Fla., is deleted and the following is substituted therefor:

R-2915B Eglin AFB, Fla.

Boundaries. Beginning at Lat. 30°26'30" N., Long. 86°51'30" W.; to Lat. 30°29'01" N., Long. 86°38'02" W.; to Lat. 30°23'45" N., Long. 86°38'15" W.; thence along the shoreline to Lat. 30°23'00" N., Long. 86°51'30" W.; to Lat. 30°24'20" N., Long. 86°48'00" W.; to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2915C Eglin AFB, Fla.

Boundaries. Beginning at Lat. 30°23'00" N., Long. 86°51'30" W.; thence along the shoreline to Lat. 30°23'45" N., Long. 86°38'15" W.; to Lat. 30°20'50" N., Long. 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°19'30" N., Long. 86°51'30" W.; to point of beginning.

Designated altitudes. 8,500 feet MSL to unlimited.

Time of designation. Continuous.

Controlling Agency. Federal Aviation Administration Jacksonville ARTC Center.

Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

d. The designated altitudes for Restricted Area R-2918 Valparaiso, Fla., are changed to read as follows:

Designated altitudes. Surface to unlimited.

e. The description of Restricted Area R-2919 Valparaiso, Fla., is deleted and the following is substituted therefor:

R-2919A Valparaiso, Fla.

Boundaries. Beginning at Lat. 30°30'45" N., Long. 86°25'00" W.; to Lat. 30°23'20" N., Long. 86°08'10" W.; to Lat. 30°22'00" N., Long. 86°08'00" W.; to Lat. 30°25'00" N., Long. 86°22'26" W.; to Lat. 30°25'00" N., Long. 86°25'00" W.; to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration Jacksonville ARTC Center.

Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2919B Valparaiso, Fla.

Boundaries. Beginning at Lat. 30°25'00" N., Long. 86°22'26" W.; to Lat. 30°22'00" N., Long. 86°08'00" W.; to Lat. 30°15'00" N., Long. 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°19'45" N., Long. 86°23'45" W.; to point of beginning.

Designated altitudes. 8,500 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration Jacksonville ARTC Center.

Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

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

Issued in Washington, D.C., on August 19, 1975.

WILLIAM E. BROADWATER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-22390 Filed 8-22-75;8:45 am]

[Docket No. 14604; Amdt. No. 93-31]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Valparaiso, Florida Terminal Area

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to amend §§ 93.81 and 93.83 to alter the special air traffic rules applicable to the Valparaiso, Florida Terminal Area [1] and to alter the description of that area.

This amendment is based upon a notice of proposed rule making (Notice 75-18) issued on May 9, 1975, and published in the FEDERAL REGISTER on May 13, 1975 (40 FR 20826). Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Airspace Docket No. 75-SO-23 was issued concurrently with Notice No. 75-18 proposing airspace actions that would alter Restricted Areas R-2914, R-2915A, R-2915B, R-2918, R-2919, and would include the latter two restricted areas in the continental control area. Those proposals, with minor changes, are adopted in a concurrent airspace action.

Four public comments were received in response to the notice. One was favorable without further comment. A second comment concurred, with the recommendation that the corridors be depicted on all appropriate aeronautical charts, and in the Airman's Information Manual. Both actions will be done as a matter of course. A third comment concurred, with the recommendation that, in addition to depiction of the corridors on all areonautical charts, a Victor airway be designated in the East-West Corridor to separate enroute traffic from the Naval acrobatic aircraft in the Pensacola area. This recommendation will be considered for future rulemaking action as it is outside the scope of this Notice. However, the benefits, as well as the overall impact of such an airway on the Pensacola area flight activity will require a careful evaluation since the Eglin Radar Control Facility would, in any event, utilize direct vectors to move traffic through the area as efficiently as possible.

One comment objected to the proposal, expressing concern that where the Eglin Radar Control Facility would have complete control over the area, civil aviation may be restricted in the imagined interest of traffic separation rather than the safety requirements coincident with the testing operations. In response thereto, the United States Air Force has agreed not to impose any restriction to flight through the corridors except when the testing of long-range air delivered guided weapons and missiles is actually being conducted. Another part of the objection was addressed to the radio communication requirements in paragraphs (a)(2) and (b)(2) of § 93.83, stating that a number of locally based aircraft are not radio equipped, but that safety could be adequately served by obtaining a clearance by prior personal or telephonic communication with a flight service station. Elimination of the radio communication requirements is not considered feasible because radio communication is deemed to be essential to safe flight through the corridors at any time because of the need to issue traffic advisories regarding the high volume of military flight activity regularly occurring within the corridors in addition to separation of the weapons testing operations from civil aircraft. However, each of those subparagraphs provides for the possibility of other authorization by ATC. Therefore, although a two-way radio communication capability is considered justified, as a general rule, in the interest of safety, the Eglin Radar Control Facility is prepared to use alternative procedures by prior arrangement with individuals on a case-by-case basis.

A minor change is made in the description of the western portion of the northern boundary of the East-West Corridor in the interest of easing the navigational burden upon the pilot by substituting the shoreline for geographical coordinates, resulting in a negligible change in the actual boundary of the corridor.

(Sec. 307 and 313(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348 and 1354(a); and sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing, Subpart F of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) is amended, effective October 9, 1975, to read as follows:

Subpart F—Valparaiso, Florida Terminal Area

§ 93.81 Applicability and description of area.

(a) This subpart prescribes the Valparaiso, Florida, Terminal Area, and the special air traffic rules for operating aircraft within that Area.

(b) The Valparaiso, Florida Terminal Area is designated as follows:

(1) *North-South Corridor.* The North-South Corridor includes the airspace ex-

[1] The environmental statement was filed as a part of the original document.

tending upward from the surface to unlimited, bounded by a line beginning at:

Lat. 30°42'50" N., Long. 86°38'02" W.; to Lat. 30°43'10 N., Long 86°27'37" W.; to Lat. 30°37'00" N., Long. 86°27'37" W.; to Lat. 30°37'00" N., Long. 86°25'30" W.; to Lat. 30°33'00" N., Long. 86°25'30" W.; to Lat. 30°33'00" N., Long. 86°25'00" W.; to Lat. 30°25'00" N., Long. 86°25'00" W.; to Lat. 30°25'00" N., Long. 86°22'26" W.; to Lat. 30°19'45" N., Long. 86°23'45" W.; thence 3 NM from and parallel to the shoreline to Lat. 30°20'50" N., Long. 86°38'50" W.; to Lat. 30°29'01" N., Long. 86°38'02" W.; thence to point of beginning; excluding that airspace below 8,500 feet MSL south of an east/west line from Lat. 30°29'01" N., Long. 86°-38'02" W.; to Lat. 30°32'00" N., Long. 86°-31'00" W.; to Lat. 30°32'00" N., Long. 86°-25'00" W.

(2) *East-West Corridor.* The East-West Corridor includes the airspace extending upward from the surface to 8,500 feet MSL, bounded by a line beginning at:

Lat. 30°23'00" N., Long. 86°51'30" W.; thence along the shoreline to Lat. 30°23'45" N., Long. 86°38'15" W.; to Lat. 30°29'01" N., Long. 86°38'02" W.; to Lat. 30°32'00" N., Long. 86°31'00" W.; to Lat. 30°32'00" N., Long. 86°25'00" W.; to Lat. 30°25'00" N., Long. 86°25'00" W.; to Lat. 30°25'00" N., Long. 86°22'26" W.; to Lat. 30°19'15" N., Long. 85°56'00" W.; to Lat. 30°11'00" N., Long. 85°56'00" W.; thence 3 NM from and parallel to the shoreline to Lat. 30°19'30" N., Long. 86°51'30" W.; thence to point of beginning.

§ 93.83 Aircraft operations.

(a) *North-South Corridor.* Unless otherwise authorized by ATC (including the Eglin Radar Control Facility), no person may operate an aircraft in flight within the North-South Corridor designated in § 93.81(b) (1) unless—

(1) Before operating within the corridor, that person obtains a clearance from the Eglin Radar Control Facility or an appropriate FAA ATC facility; and

(2) That person maintains two-way radio communication with the Eglin Radar Control Facility or an appropriate FAA ATC facility while within the corridor.

(b) *East-West Corridor.* Unless otherwise authorized by ATC (including the Eglin Radar Control Facility), no person may operate an aircraft in flight within the East-West Corridor designated in § 93.81(b) (2) unless—

(1) Before operating within the corridor, that person establishes two-way radio communications with Eglin Radar Control Facility or an appropriate FAA ATC facility and receives an ATC advisory concerning operations being conducted therein; and

(2) That person maintains two-way radio communications with the Eglin Radar Control Facility or an appropriate FAA ATC facility while within the corridor.

Issued in Washington, D.C., on August 19, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-22397 Filed 8-22-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-7; Order No. 533]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Electric Utilities Reporting

AUGUST 13, 1975.

Revision to FPC regulations under the Federal Power Act of electric utilities reporting of projected generation and fuel planning FPC Forms 23 and 23A; and proposed FPC Form 23B.[1]

By notice issued in Docket No. RM74-7 on May 6, 1975, the Commission proposed to revise its regulations to modify the reporting of electric utility projected generation and fuel planning, now accomplished by the monthly FPC Form No. 23 and the quarterly FPC Form No. 23A. The changed reporting is intended to reduce the work requirements for both the responding utilities and the government agencies concerned, while continuing to provide an adequate information base for the allocation of fuel oil to electric utilities by the Federal Energy Administration, under the conditions expected to prevail over the foreseeable future.

The proposed rulemaking discontinues the monthly Form No. 23 and consolidates other data from the present monthly Form No. 23, and from the present quarterly Form No. 23A into a revised quarterly report designated as Form No. 23B, Quarterly Electric Utility Generation and Fuel Planning Report. Collection of certain data no longer needed is eliminated. Form 23B meets the current data requirements of both the Federal Energy Administration and the Federal Power Commission relating to projected electric utility generation and fuel requirements.

Form 23 was originally adopted by the Commission on December 7, 1973 and promulgated by Order 497, 38 FR 34138, which prescribed emergency actions for the reporting of data relative to electric utility fuel requirements and Federal allocation procedures. On April 5, 1974, the Commission revised Form 23 and adopted Form 23A to more effectively accomplish the reporting objectives sought by Order 497 and enable the Commission to more efficiently discharge its statutory duties and responsibilities, particularly those relating to electric utility information used in on-going programs of the Federal Energy Administration. Form 23 is next-month projection of fuel consumption and energy requirements and sources, whereas, Form 23A provides a 12-month projection of loads, generation plans, and fuel requirements, up-dated quarterly.

Experience with the Form 23 and 23A data shows that under current conditions of petroleum supply, utility fuel oil requirements and allocations can be adequately determined from the quarterly projections and that the additional benefits of monthly reporting are not commensurate with the costs. Consequently, the proposed order would concentrate the reporting on a single Form 23B to be filed quarterly and organized to simplify the evaluation of utility petroleum fuel requirements.

The new Form 23B reflects editorial rearrangement, clarification of schedules, expanded schedules and the addition of new schedules. Several data items covering actual generation, energy for load and fuel consumption are also reported on FPC Form Nos. 4 and 12E-1 but are included in Form 23B for immediate reference in the analysis of future fuel requirements. The data on the new Form 23B are in more detail than provided on FPC Form No. 4 or Form No. 12E-1.

Eighteen utilities submitted responses to the notice of proposed rulemaking. Six of these utilities returned the notice stating they were non-generating utilities, and, therefore, were not required to file the new FPC Form No. 23B. Ten utilities either support the consolidation of the present monthly Form No. 23 and quarterly Form No. 23A into the revised quarterly Form No. 23B with noted comments, encourage the adoption of the proposed rulemaking, or are in full accord with the proposed change.

One response stated that there was an overlap of certain data to be reported in this new form with those to be reported in the new Form 12E-2, as now being proposed under Docket RM75-23. The respondent requested a consolidated conference be held pertaining to Dockets RM74-7 and RM75-23 because of the duplication. The Form 23B requests data on both projected future and actual past generation by various energy sources and on total system generation, whereas Form 12E-2 lists only actual total system generation. The listing of previous month actual data on Form 23B by energy sources provides a convenient reference for analysis of fuel allocations, and, because of the requirement that the totals check, is a useful guard against errors in data entry. The redundancy between Forms 23B and 12E-2 relative to system net generation, energy received from others, energy delivered for resale, and net energy for load is an insignificant requirement because it is readily available and should not be a burden to the respondent utilities. There was one reference to a duplication of data gathering between FPC Form 23B and 4. Data solicited on Form 4 is on a plant basis whereas Form 23B requests data on a system basis, which is required for fuel allocation. The FPC and the FEA feel that the total information presently requested on the new Form 23B is required

[1] Form 23B filed as part of the original document.

and necessary to serve the fuel allocation and national energy analysis purposes. The respondent also stated that Schedule 3 of the new Form 23B would result in confusing and misleading data being reported. This schedule is the same schedule as Schedule 3 of the present Form 23A, and it has not provided confusing or misleading information this far. Schedule 3 shows where there has been a shift in energy source and quantity of fuel consumed to explain differences between projections and past experience.

Another response does not, in general, oppose a report on Projected Generation and Fuel Planning; however, it does oppose one item as requiring information on aspects of the Company's business which are not included within the Commission's authority, to wit, the Company's district steam service. In most cases, the steam service is closely associated with electric production, and fuel for it is not purchased or stored separately. Consequently the FEA needs the requested data for the proper allocation of fuel oil. It was further noted that the sulphur content percentage data required on schedules 5A, 5B, and 5C are already provided by FPC Form 423. However, the Form 423 data are plant data, while the Form 23B data are for the complete utility system, to meet FEA requirements for fuel allocation. Also, it was stated that proper recognition has not been given to the diversity of practices among the various utilities, and that space should be provided on the forms for footnotes and explanations of the responses given. However, it is desired that any necessary clarification of data be made on a separate sheet, rather than on the form that is processed for computer use.

Generally, there were comments pertaining to problems in supplying data for Schedule 2 relative to the quantities of fuels that are consumed in electric generating equipment for start-up, shutdown and testing, and also flame stabilization. In most cases, the utilities do not provide for individual metering of such supplementary fuel uses, and, because the data are necessary for FEA purposes, it is intended that the utilities submit their best current estimates based on the latest estimates of fuels available. To make this clear there have been adjustments made to the footnotes at the bottom of certain schedules. A suggested change in the filing date from 20th to the 25th of the month was made and accepted by the FPC and FEA staffs to accommodate utility internal data flow schedules.

After consideration of all comments received in response to the Notice, the Commission has determined that the proposed Form 23B should be adopted as revised (see attached Appendix A[1]). All generating electric utilities are required to file the new Form 23B. Appendix B is a current listing of such utilities compiled from the Commission's records.

[1] Form 23B filed as part of the original document.

The Commission feels the new Form 23B meets the current data requirements of both the Federal Energy Administration and the Federal Power Commission relating to projected electric utility generation and fuel requirements.

The Commission finds. (1) The notice and opportunity to participate in this rulemaking proceeding with respect to matters presently before this Commission, through submission, in writing, of data, views, comments and suggestions, in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) It is necessary and appropriate and in the public interest in the administration of the Federal Power Act, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 thereof, that monthly FPC Form No. 23 and quarterly FPC Form No. 23A be discontinued henceforth, to be replaced by revised quarterly report FPC Form No. 23B, Quarterly Electric Utility Generation and Fuel Planning Report.

The Commission, acting pursuant to the provisions of 5 U.S.C. 553 and the Federal Power Act, as amended, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, and 309, and 311 thereof (41 Stat. 1068–1070, 1073, 1074; 49 Stat. 842–844, 848, 849, 851–853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat. 617; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c, 825h, 825j), orders:

(A) Part 3 of the Commission's general rules designated organization; operation; information and requests; A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations is hereby revised to delete § 3.142(a)(48) and to amend § 3.142(a)(42) to provide for a new Form designated Form No. 23B, Quarterly Electric Utility Generation and Fuel Planning Report, in the form set out in Attachment A hereto. § 3.142 reads as follows.

§ 3.142 Approval forms, etc.

(a) • • •

• • • • •

(42) Form No. 23B, Quarterly Electric Utility Generation and Fuel Planning Report (Section 141.300 of this chapter).

• • • • •

(48) [Deleted]

• • • • •

(B) Part 141–Statements and Reports (Schedules), in Subchapter D–Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, to amend § 141.300 to read as follows:

§ 141.300 Form 23B, Quarterly Electric Utility Generation and Fuel Planning Report.

(a) This Form, comprised of nine schedules, as identified hereinafter, is designed to secure information from electric utilities on a quarterly basis covering projected energy requirements and production, fuel requirements and consumption, and fuel inventories and deliveries. The report covers four quarters: January–March, April–June, July–September, October–December. Each submittal revised previously reported data for the next three quarters and extends the projections thru the succeeding quarterly period. It is designed to serve analytical, fuel allocation and other regulatory purposes.

(b) The Form, properly completed, shall be mailed in quadruplicate to the Federal Power Commission, commencing with the report for October 1975–September 1976, which report shall be mailed by August 20, 1975, by all electric generating utilities which are required to file Federal Power Commission Form No. 4, Monthly Power Plant Report, except for consolidated reporting of some Federal power projects (by Bonneville Power Administration, Southeastern Power Administration, and Southwestern Power Administration), all such reporting entities being identified specifically in the List of Electric Utility Systems (Appendix A) attached to Federal Power Commission Order 497–B.

(c) An additional conformed copy of the Quarterly Electric Utility Generation and Fuel Planning Report Form is to be mailed on the same date to: Data Collection—Federal Energy Administration—Electric Utilities Reports—Code 47—Washington, D.C. 20461.

(d) Each reporting electric utility shall file one conformed copy of the Quarterly Electric Utility Generation and Fuel Planning Report Form with each of the respective state public service commissions (or Governors in states where there is no established state public service commission with public utility regulatory jurisdiction over the reporting utility) of the state or states which are partly or wholly within the geographic boundaries of the electric reliability council or councils in which the reporting utility participates or is located.

(e) The Quarterly Electric Utility Generation and Fuel Planning Report is comprised of:

Schedule 1, Projected Energy Requirements and Sources
Schedule 2, Project Fuel Requirements for Generation
Schedule 1A, Actual Energy Projection and Sources
Schedule 2A, Actual Fuel Consumption for Generation
Schedule 3, Effects on System Requirements Due to Scheduled Changes
Schedule 4, Useable Fuel Inventories
Schedules 5A, B, & C, Oil Deliveries

§ 141.301 [Reserved]

C. Section 141.301, Form 23A • • • is deleted.

The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-22348 Filed 8-23-75;8:45 am]

[Docket No. RM74-16; Order No. 526-A]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Companies Annual Report of Proved Domestic Gas Reserves: FPC Form No. 40 [1]

AUGUST 18, 1975.

On February 25, 1975, (40 FR 8946, Mar. 4, 1975) the Commission issued Order No. 526, which promulgated new § 260.13 of the Commission regulations. In that order we set up a comprehensive reporting system to give the Commission information on the national proved reserves of natural gas. This information will be used in our ratemaking proceedings, especially each biennial review of the nationwide rate. Ordering Paragraph (D) of Order No. 526 made that order effective on April 28, 1975.

Prior to the scheduled effective date, and within thirty days of February 25, 1975, several parties [2] filed petitions for rehearing of Order No. 526. These petitions, along with all other similar petitions filed on or before May 28, 1975, were granted for purposes of further consideration by order issued April 15, 1975. In the same order the Commission stayed the effective date of new § 260.13 until such time as the Commission set, by further order, a new effective date. On May 15, 1975, those petitions for rehearing filed after the April 15, 1975 order were granted for purposes of further consideration based on the reasons expressed in the April 15, 1975 order.[3] Additional petitions for rehearing have been filed by Amerada Hess Corporation, Burmah Oil and Gas Company and Burmah Oil Development, Cabot Corporation, The California Company, a Division of Chevron Oil Company, and Chevron Oil Company, Western Division, Jerry Chambers-Oil Producer, Cities Service Oil Company, HNG Oil Company, Ladd Petroleum Corporation, Pioneer Production Corporation, Sabine Royalty Corporation and Dalco Oil Company, Shell Oil Company, Skelly Oil Company, Sohio Petroleum Company, Sun Oil Company, Texas Pacific Oil Company, Inc., and Webb Resources, Inc. In addition, Exxon Corporation filed supplemental comments and Texaco Inc. filed a supplemental application for rehearing.

By this order we set the effective date of new § 260.13 as the date of issuance of this order. Consequently, the sections of our regulations that were amended and the new section added by Order No. 526 are effective as of that date, except that reserve information for the Federal Offshore domain under Schedule B will be filed for this year only on or before September 17, 1975, and reserve information for the onshore areas and the state controlled offshore will be filed on or before October 2, 1975. These filing dates for Form No. 40 in no way affect or alter any provisions in Form No. 40 that define which natural gas companies must file the required information. In all future years the filing date for all those required to submit the requested information, regardless of the location of the reserves, will be April 1, as provided in Order No. 526.

Several respondents have raised questions concerning the interpretation to be given to certain parts of Order No. 526, and Form No. 40 and the accompanying instructions. We will clarify the instructions herein, but in so doing no substantive changes or modifications to the rulemaking will be made.

On Page A-2 of Appendix B to Order No. 526, labeled "Notice," it was pointed out that for those companies with 20 billion cubic feet [4] or less of proved dry gas reserves since they do not have to file Schedule B to Form No. 40, the location of these reserves is not reported the first report year. Accordingly, the "Notice" provisions are amended to read:

Schedules A, C, and D of this report ARE REQUIRED of a natural gas company which has year-end company-owned proved dry gas reserves of 20 billion cubic feet or less at 14.73 Psia and 60° Fahrenheit (except for the first reporting year when Schedule C is not required). For the first reporting year these companies must, however, provide the volumes of reserves by state(s), sub-division(s) and district(s) which comprise the total volume of reserves (Item 24) reported on Schedule A. This information must be provided on a separate Footnote Schedule D which may be retained in an administratively confidential status by the Commission, if so requested in writing by the respondent. Special reporting instructions to report reserves data on this basis on Footnote Schedule D are given.

Also in Appendix A to Order No. 526, under "General Instructions," Item 1, there was some confusion among respondents as to whether or not a parent company filed on behalf of itself and its affiliates on one Form No. 40 or individually on separate forms. The latter interpretation is correct. Therefore, the Notice To All Respondents is amended to read:

6. This report shall be filed with the Secretary, Federal Power Commission Form No. 40 Program Office, Washington, D.C. 20426, on or before April 1 for the calendar year ending December 31 of the previous year by all 'natural-gas companies'. An individual Form No. 40 report shall be filed for each affiliate (associate) or subsidiary.

Phillips Petroleum Company (Phillips) has requested the Commission to clarify the meaning of General Instructions Item 2 with respect to the situation where a reporting entity holds a royalty interest not related to a working interest. It was the purpose of Form No. 40 to obtain all reserves held by jurisdictional companies and their affiliates. Reserves held as part of a royalty interest should, therefore, be reported. The Notice To All Respondents is amended to read:

7. Volumes of proved gas reserves to be reported are the 'natural-gas company's' working interest plus the "natural-gas company's" proportionate part of any royalty or overriding royalty interest, related to the working interest. Natural gas companies which own proved gas reserves (reserves in kind) as royalty or overriding royalty, exclusive of working interest, are to report these reserves separately in the required manner on Schedule B, identifying them by a footnote as provided for on Schedule B and describing on Footnote Schedule D their status as of the report date. These reserves are to be included in the total reported in Schedule A as provided for in the instructions to that schedule.

Phillips also suggested that reserves dedicated to a processing plant be reported in the aggregate rather than being identified by reservoir. We cannot agree with the proposal. The purpose of Form No. 40 was to account for proved reserves in place, and this purpose would be defeated if those volumes of reserves committed to processing plants were not identified to a particular reservoir.

Ordering Paragraph (E) of Order No. 526 provides that all parties may file comments concerning the modification of Schedule A to include the reporting of drilling footage data. The purpose of this requirement is to make as accurate as possible the figure used by the Commission as the productivity component in its ratemaking proceedings. As proposed, each company would state on Schedule A its net successful gas well footage completed during the report year as it relates to nonassociated reserve additions.

The comments received on this point primarily concerned definitional problems as to what should be reported. The reserve additions required to be reported on Form No. 40 are changes in proved reserves resulting from new reservoir discoveries, extensions of proved areas of reservoirs, and revisions which may increase or reduce prior estimates for known reservoirs. Some of these actions require drilling while others do not, but only drilling footage completed in the report year that is related to proved reserves is to be reported. For this reason, infill drilling would be included since it is related to proved gas reserves, even though those particular reserves were not determined to be proved in the reporting year. Another example would be drilling an abandoned well deeper and discovering proved reserves at the new depth. For the purposes of Form No. 40 only the actual footage drilled during the report year and the addition to proved reserves are to be reported.

We recognize that reserve estimation is not an exact science, especially where new fields are being developed or new areas are being explored. Nevertheless, in order to compute the productivity component that is so vital to our ratemaking procedures, the Commission must have data as reliable as possible in order to measure the response of producers to the Commission's ratemaking efforts in terms of drilling undertaken and reserves added. For these reasons the proposal set forth in Order No. 526 to collect completed drilling footage and the net reserve additions in the reporting year is adopted as proposed in Order No. 526.

[1] Form No. 40 filed as part of the original document.

[2] See Appendix A.

[3] See Appendix B.

[4] Increased from the 10 Bcf that appeared in Order No. 526 in order to decrease the burden on respondents.

Michigan Consolidated Gas Company (Michigan Consolidated), an affiliate of Michigan Wisconsin Pipe Line Company (Mich-Wisc), both wholly owned subsidiaries of American Natural Gas Company, requests that Order No. 526 be amended to exclude the reporting of reserves held by a gas distribution company subject to section 1(c) of the Natural Gas Act and also of those reserves located in the same state in which the company distributes gas. As an affiliate of a natural gas company, Mich-Wisc, Michigan Consolidated, and all others similarly situated are required to file Form No. 40. That form was promulgated in order to provide the Commission with the best possible information available to it on the current amount of proved reserves in the United States. To accede to the request of Michigan Consolidated would necessarily defeat that purpose. Accordingly, the request is denied.

Several respondents have claimed that the Commission's assertion in Order No. 526 that schedules B and C will be given confidential status is in jeopardy by virtue of the promulgation of § 2.72 of the regulations in Order No. 509.[5] Respondent's fears are groundless. As we pointed out in Order No. 521–A,[6] the provisions of § 2.72 of our regulations apply only in a contested case where information sought to be kept confidential was obtained through Staff investigation. Information gathering forms promulgated by the Commission, such as Form No. 45 in Order No. 521[7] and Form No. 40 in Order No. 526, are not contested cases, nor is the information to be reported the result of a Staff investigation. Therefore, Order No. 509 has no relevance to the confidential status to be given Schedules B and C of Form No. 40.

Several respondents to Order No. 526 requested a new format for the schedules of FPC Form No. 40, so that they would have adequate space for reporting data items by typewriter of computer printout. The new format of Form No. 40 has been designed to accommodate the request.

The respondents to this proceeding, along with the Staff of the GAO, have raised questions concerning the burden of compliance of Form No. 40 and alleged duplication between that form and other FPC forms. In Order No. 526 we addressed this issue, and determined that:

> [w]e find that any burden that may be imposed upon the natural gas industry as the result of our adoption of FPC Form No. 40 is substantially outweighed by our need to know the status of the nation's proved reserves of natural gas.[8]

However, as a result of the discussions of our Staff with GAO personnel, and after further consideration of this issue, we have decided to further reduce both the burden of compliance and any asserted duplication.

In the instant order we have already stated that the lower limit for reporting on Schedule B has been raised from 10 Bcf of year-end company-owned proved dry gas reserves to 20 Bcf. Our Staff estimates this will lessen the burden on approximately 1,000 respondent companies. In order to meet criticism that the burden of compliance on small companies will greatly outweigh the value of the data obtained, we have also decided to reduce the number of companies that are required to file Form No. 40 at all by exempting from reporting each natural gas company, which, together with its affiliate(s), produced for direct sale and for sale for resale in interstate commerce 250,000 Mcf or less of gas at 14.73 psia and 60° Fahrenheit during the report year.[8a]

The sole remaining point of asserted duplication, as raised by GAO, is that between Form Nos. 40 and 15 where a pipeline producer is reporting reserves dedicated to its own system. To eliminate this problem the following language will be incorporated in the Notice To All Respondents to Form No. 40:

> [a]ll natural gas companies which are required to file FPC Form No. 15 and Form No. 40, in the same report year, are exempted from filing for that report year, those data items on Schedule B of FPC Form No. 40 which are duplicative with those reported on FPC Form No. 15. This exemption does not excuse the reporting by these companies of items of identification and location (items 1–12 and columns A, and F–H), or other date items on Schedule B which they have not previously reported on FPC Form No. 15.

With the above detailed reduction in burden and duplication, we have gone a long way to accommodate the criticism directed at us on these points by respondents and others. Based on the computation of our Staff, the reporting limits enacted in this order are a middle ground between the all-inclusive nature of Order No. 526 and the totally inadequate data base that would have been provided had some of the respondents' suggestions on exemptions been followed. The extent of the proved reserves to be reported on Form No. 40 as it now stands will provide the Commission with the data necessary to make the informed ratemaking judgments required of us by the Natural Gas Act.

Section 3512 of Title 44 of the United States Code[9] requires that the Commission submit proposed Form No. 40 to the Comptroller General for review. Order No. 526 was issued on February 25, 1975, and on that day the Commission transmitted the necessary documentation to the Comptroller General (hereinafter GAO). Section 3512 gives GAO forty-five days to analyze the proposed form and reach a determination whether it is in compliance with the provisions of the law.

By letter of April 11, 1975, GAO notified the Commission that its review had been suspended, to which the Commission acquiesced by letter of April 15, 1975. Between that time and the present, our staff has engaged in extended discussions with and provided additional information to GAO personnel in order to assist them in their review of the form. In addition, GAO obtained the views of outside consultants.

On July 1, 1975, the Commission received a letter from GAO stating that no clearance could be issued for Form No. 40 for reasons of both duplication and burden, the specifics of which were outlined in the letter. In response, on July 18, 1975, the Commission's General Counsel transmitted to his counterpart at GAO a legal opinion that the FPC is authorized to issue Form No. 40 any date after May 28, 1975. However, in order to afford GAO an opportunity to consider the matter further, attached to the July 18, 1975 letter to GAO was a detailed response to the GAO assertions of July 1, 1975, which included the revisions discussed earlier that would reduce duplication and burden. An additional twenty day period for GAO–FPC Staff discussions was provided for. The Commission's General Counsel in a letter dated August 8, 1975, to GAO reiterated Staff's view that the Commission should issue Form No. 40, with certain modifications, as a continuing annual reporting requirement. By letter dated August 11, 1975, GAO approved the issuance of Form No. 40, as revised. All letters between FPC Staff and GAO are part of the file in this proceeding.

The importance of the information to be gathered by this form has been detailed in Order No. 526 and in this order. Accordingly, we have decided to make Order No. 526 effective as of the date of issuance of this order as a continuing annual reporting requirement.

GAO in its August 11 letter after approving our form indicated that the form should be resubmitted for clearance next year and requested that the following information be submitted at that time:

(1) A detailed presentation of how the data is being used by the Commission.

(2) A reevaluation and justification for the exemption levels established for reporting Form 40 information.

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[5] Order No. 509, Order Establishing Policy On Availability Of Information Acquired By Staff Investigation, Docket No. RM74–24, — FPC — (May 2, 1975), rehearing denied, Order Dismissing Applications For Rehearing, Denying Reconsideration And Modifying Previous Order, — FPC — (August 23, 1974).

[6] Order No. 521–A, Order Denying Stay And Maintaining Non Public Status Of Data Pending Rehearing, Docket No. RM74–12, mimeo p. 3, fn. 3, — FPC — (February 19, 1974).

[7] Order No. 521, Order Establishing Data Collection System To Investigate Rates Charged For Nonjurisdictional Sales Of Natural Gas By Natural Gas Companies Subject To The Jurisdiction Of The Federal Power Commission, Docket No. RM74–12, — FPC — (January 9, 1975) rehearing denied, Order Clarifying Order No. 521 And Denying Rehearing, — FPC (March 17, 1975), appeal pending, Continental Oil Company, et al. v. FPC, Nos. 75–1496, et al., 5th Cir.

[8] Order No. 526, Order Prescribing Procedures And Instituting Uniform Annual Filing Of National Proved Domestic Natural Gas Reserves Information, Docket No. RM74–16, — FPC —, *mimeo* 23 (February 25, 1975).

[8a] According to FPC Staff analysis based on FPC Forms 301–A and 314–B, this would exempt 3,500 jurisdictional small producers.

[9] 44 U.S.C. 3512 (1973), Pub. L. No. 93–153, 1st Sess., 93rd Cong., 409 (1973).

(3) An assessment of significant compliance problems and how these problems were resolved.

(4) A reevaluation of the assumptions used to compute respondent burden.

Under the implementing regulations of section 3512 [10] renewals of continuing report forms are provided for. The statutory constraints governing such GAO reclearance are those of section 3512(b):

(1) Avoiding duplication of effort by independent regulatory agencies, and

(2) Minimizing the compliance burden on business enterprises and other persons.

At this juncture the Commission is not in a position to conclude whether it will or will not propose further amendments to Form No. 40, based upon the initial reporting data. If the Commission should conclude to amend the form as promulgated herein it will, of course, follow all applicable procedural requirements of the Natural Gas Act and the Administrative Procedure Act. And that in turn will have a controlling influence upon what the Commission would submit to the GAO in support of any reclearance request. Clearly, we are not now in a position to know what data would be submitted to GAO pursuant to 4 CFR 10.11.

We note these comments at this time to avoid any misunderstanding between the two agencies because of the particular wording of GAO's letter of August 11. We do regard Form No. 40 as promulgated here to be a continuing ongoing permanent report form of this agency which is needed to discharge the purposes of the Natural Gas Act. Accordingly, in the absence of any changes in our form, we do not propose in any subsequent reclearance procedure to once again justify the necessity for the form and its reporting requirements. We do not interpret section 3512 or 4 CFR 10.11 to require us to do so. However, in order to meet the congressional objectives of section 3512 and in the interest of enabling GAO to carry out its responsibilities, we will request our Staff to provide to the GAO within 12 months the information requested by GAO in its August 11 letter in accordance with the experience gained from the first year's reporting on Form No. 40.

Petitioners' applications for rehearing present no new facts or principles of law which were not fully considered in Order No. 526 or, which having now been considered, warrant the rescission of Order No. 526.

The Commission orders. (A) Order No. 526, which promulgated new § 260.13 of our regulations, shall be and it is hereby made effective as of the date of issuance of this order.

(B) The petitions for rehearing filed by all parties in this proceeding are denied.

(C) All persons required to file new Form No. 40 with respect to proved natural gas reserves in the Federal Offshore Domain will file on September 17, 1975, and all such reserves information with respect to the onshore areas, including the State controlled offshore, will be filed on October 2, 1975. All future filings will be made on or before the first of April of each reporting year.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Amoco Production Company
Atlantic Richfield Company
Continental Oil Company
Exxon Corporation
General American Oil Company of Texas
Gulf Oil Corporation
Interstate Natural Gas Association of America
Marathon Oil Company
Mitchell Energy Corporation
Mobil Oil Corporation
Pennzoil Company, Pennzoil Louisiana and Texas Offshore, Inc., Pennzoil Offshore Gas Operators, Inc., Pennzoil Producing Company
Phillips Petroleum Company
Superior Oil Company
Tenneco Oil Company, Inc.
Texaco Inc.
Union Oil Company of California
Beaver Mesa Exploration Company
Getty Oil Company

APPENDIX B

Devon Corporation and Basin Petroleum Corp.
Samedan Oil Corporation
Champlin Petroleum Company
Ashland Oil, Inc.
Eason Oil Company
Michigan Consolidated Gas Company
Tesoro Petroleum Corporation

[FR Doc.75-22349 Filed 8-22-75;8:45 am]

[10] See 4 CFR 10.11, (Gen. Acct. Off.), Renewals or revisions of existing plans and report forms.

Title 21—Food and Drugs

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

PART 510—NEW ANIMAL DRUGS

Change in Firm Name

The Commissioner of Food and Drugs has been advised by Caribe Chemical Co., Inc., 576 Fifth Ave., New York, N.Y. 10036, that its name has been changed to Pierrel America, Inc. Accordingly, the regulations are amended in § 510.600(c) (21 CFR 510.600(c)) to reflect the new company name.

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), § 510.600(c) is amended by deleting from paragraph (c) (1) and (2) the references for Caribe Chemical Co., Inc., and by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Pierrel America, Inc., 576 Fifth Ave., New York, NY 10036.	000345
* * * * *	

(2) * * *

Drug listing No.	*Firm name and address*
* * * * *	
000345	Pierrel America, Inc., 576 Fifth Ave., New York, NY 10036.
* * * * *	

Effective date. This regulation shall be effective August 25, 1975.

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

Dated: August 15, 1975.

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

[FR Doc.75-22373 Filed 8-22-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 1-75-2R]

PART 127—SECURITY ZONES

Establishment of Security Zone; Boston Harbor, Mass.

This amendment of the Coast Guard's Security Zone Regulations, establishes the area of territorial waters encompassed within the limits of Pier 2B, Coast Guard Support Center, Boston, Massachusetts and southeasterly to and including the landside area of Pier 3A, Coast Guard Support Center Boston, Massachusetts as a security zone. This security zone is established to maintain security in the vicinity of the seized Cuban fishing vessel *Playa de Varadero* while in the custody of the United States.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-102, to read as follows:

§ 127.102 Boston Harbor, Massachusetts.

The area within the following boundary is a security zone: a line beginning at the southeast corner of Pier 2B, Coast Guard Support Center Boston (42°22'-08.8" N., 71°03'04.5" W.) extending along the dock to the southwest corner of Pier 2B, Coast Guard Support Center Boston (42°22'05" N., 71°03'07.5" W.) thence along a line extending along the seawall to the southwest corner of Pier 3A, Coast Guard Support Center Boston (42°22'03.8" N., 71°03'05" W.) thence extending along the southerly face of the pier to the southeast corner of Pier 3A, Coast Guard Support Center Boston (42°22'07" N., 71°03'01" W.) thence to the beginning point. No vessel or person may enter, cross, or navigate in the Security Zone without the consent of the Captain of the Port.

(40 Stat. 220, as amended (§ 1, 63 Stat. 503) § 6(b) 80 Stat. 937; 50 U.S.C. § 191 (14 U.S.C. § 91) 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment becomes effective on August 18, 1975.

Dated: August 18, 1975.

JAMES P. STEWART,
Rear Admiral U.S. Coast Guard Commander, First Coast Guard District, Boston, Mass.

[FR Doc.75-22400 Filed 8-22-75;8:45 am]

[CGD 3-75-7-R]

PART 127—SECURITY ZONES

Establishment of Security Zone; Governors Island, N.Y.

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of Buttermilk Channel, New York as a security zone. This security zone is established because of the presence of the Russian Fishing Vessel *Zaraysk* which, having been duly seized, is in the custody of the United States of America.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-333, to read as follows:

§ 127.333 Buttermilk Channel, New York.

That area of the waters of Buttermilk Channel, New York Harbor, within a 200 yard (radius) circle drawn from the center of the "Y" shaped pier on the eastern shore of Governors Island, N.Y.

(40 Stat. 220, as amended, 6(b), 80 Stat. 937; 50 U.S.C. Art. 191, 49 U.S.C. Art. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment becomes effective on August 17, 1975.

Dated: August 17, 1975.

FRANK OLIVER,
Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc.75-22401 Filed 8-22-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Pension, Compensation and Dependency and Indemnity Compensation

AUTOMOBILES AND ADAPTIVE EQUIPMENT

On page 20957 of the FEDERAL REGISTER of May 14, 1975, there was published a notice of proposed regulatory development to amend § 3.808 to extend to all veterans of service in World War II and thereafter uniform eligibility requirements in determining monetary assistance in purchasing an automobile and/or adaptive equipment, to furnish specified items of adaptive equipment as provided by Pub. L. 93-538, to increase the basic automobile allowance from $2,800 to $3,300 and to include State, local and other taxes in the purchase price. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Section 3.808 introduction, (a), (b) and (e)(1) is effective February 1, 1975.

Approved: August 18, 1975.

By direction of the Administrator.

[SEAL] A. J. SCHULTZ Jr.,
Associate Deputy Administrator.

1. In § 3.808, the introductory portion preceding paragraph (a) and paragraphs (a), (b)(1) introduction, (c), (d), (e) introduction and (e) (1) and (3) are revised and paragraph (b)(3) is revoked. The revised material reads as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding $3,300 (including all State, local, and other taxes where such are applicable and included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b) and (c) of this section.

(a) *Service.* The claimant must have had active military, naval or air service during World War II or thereafter.

(b) *Disability.* (1) One of the following must exist and be the result of injury or disease incurred or aggravated during the period specified in paragraph (a) of this section:

* * * * *

(3) [Revoked]

(c) *Claim for a conveyance.* A specific application for financial assistance in purchasing a conveyance is required which must contain a certification by the claimant that the conveyance will be operated only by persons properly licensed. The application will also be considered as an application for the adaptive equipment specified in paragraph (d)(1) of this section or deemed necessary by the Chief Medical Director or designee to insure that the claimant will be able to operate the conveyance in a manner consistent with safety to him or herself and to satisfy the applicable standards of licensure of the proper licensing authorities. There is no time limitation in which to apply. An application by a claimant on active duty will be deemed to have been filed with the Veterans Administration on the date it is shown to have been placed in the hands of military authority for transmittal.

(d) *Certifications for adaptive equipment and for services thereto.* (1) Simultaneously with the certification provided pursuant to the preamble of this section, a claimant for financial assistance in the purchase of an automobile will be furnished a certificate of eligibility for financial assistance in the purchase of such adaptive equipment specified in paragraph (e) (1) and (2) of this section as may be appropriate to his or her losses unless the need for such equipment is contraindicated by his or her physical or legal inability to operate the vehicle.

(2) Upon application further equipment needed and desired by the claimant may be authorized upon certification by the Chief Medical Director or designee that such equipment is necessary for the operation of the conveyance in a manner consistent with safety and in accordance with the standards of licensure of the proper licensing authority.

(3) Payment of amounts for the reasonable costs of providing necessary adaptive equipment and the reasonable costs of necessary repair, replacement and feasible reinstallation of any adaptive equipment deemed necessary under this section, shall be made upon application by the claimant and certification by the Chief Medical Director or designee.

(4) Adaptive equipment, and services thereto, shall not be provided a claimant for more than one conveyance at a time.

(e) *Definition. The term "adaptive* equipment," means generally, that equipment which must be part of or added to a conveyance manufactured for sale to the general public to make it safe for use by the claimant and to assist him or her in meeting the applicable standards of licensure of the proper licensing authority.

(1) With regard to automobiles and similar vehicles the term includes a basic automatic transmission as to a claimant who has lost or lost the use of a limb. In addition, the term includes, but is not limited to, power steering, power brakes, power window lifts and power seats. The term also includes air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, and special equipment necessary to assist the eligible person into or out of the automobile or other conveyance, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and any modification of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

* * * * *

(3) The term also includes other equipment which the Chief Medical Director or designee may deem necessary in an individual case.

2. In § 3.810, paragraph (a)(2) is revised to read as follows:

§ 3.810 Clothing allowance.

(a) * * *

(2) Where the Chief Medical Director or designee certifies that because of such disability a prosthetic or orthopedic appliance is worn or used which tends to wear or tear the veteran's clothing. For the purposes of this paragraph "appliance" includes a wheelchair.

* * * * *

[FR Doc.75-22456 Filed 8-22-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 420-1]

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

Availability of Supplemental Documents and Request for Comments

The purpose of this notice is to announce the availability of documents relating to and to request comments on EPA's decision not to revise standards of performance for new sources in the Corn Wet Milling subcategory of the Grain Mills Point Source Category. On May 5, 1975, the U.S. Court of Appeals for the Eighth Circuit remanded to EPA the new source performance standards and the pretreatment standards for new sources for the Corn Wet Milling subcategory of the Grain Mills Point Source Category (40 CFR 406.15 and 406.16) promulgated by EPA under section 306 and 307 of the Federal Water Pollution Control Act Amendments of 1972. EPA has reviewed its new source performance standards for these point sources pursuant to the remand and has tentatively concluded that these standards should not be revised.

A copy of EPA's response to the remand entitled "Supplement to Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Corn Wet Milling Subcategory, Grain Processing Segment of the Grain Mills Point Source Category", EPA, July, 1975, is available from the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A record on remand, representing the technical data and other information gathered by the Agency during the initial period of the remand proceeding, is also available for interested members of the public to review at the EPA Information Center.

Interested persons may participate in this evaluation by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Ms. Ruth Brown. Comments on all aspects of the tentative conclusion are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, should indicate why such data is essential. In the event comments address the approach taken by the Agency in determining not to revise the standard of performance, EPA solicits suggestions as to what alternative approach should be taken. All comments received before September 15, 1975 will be considered.

Dated: August 18, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-22481 Filed 8-22-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

BID PROTESTS AND MISCELLANEOUS AMENDMENTS

This change to the General Services Administration Procurement Regulations (GSPR) revises the definition of "head of the procuring activity", adds a new term "procuring director", provides new instructions for preparing reports on protests to GAO, revises procedures for dealing with erroneous awards, clarifies the requests for waivers procedure, and updates the listing of Federal Supply Schedules requiring source inspection.

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to add the following new entry:

Sec.
5A-1.250 Procuring director.

Subpart 5A-1.2—Definition of Terms

1. Section 5A-1.206 is revised as follows:

§ 5A-1.206 Head of the procuring activity.

"Head of the procuring activity" means (a) Assistant Commissioners responsible for procurement, (b) Directors, National Commodity Centers, (c) Regional Commissioners, FSS, or (d) heads of equivalent organizational elements.

2. Section 5A-1.250 is added as follows:

§ 5A-1.250 Procuring director.

"Procuring director" as used in this GSPR 5A means (a) Central Office procurement division directors, National Commodity Center procurement division directors, and Transportation Services Division directors, (b) regional directors of Procurement Divisions, Transportation Services Divisions, and Personal Property Divisions, or (c) directors of equivalent organizational elements who have a procurement responsibility.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.4—Opening of Bids and Award of Contract

1. Section 5A-2.407-8 is revised as follows:

§ 5A-2.407-8 Protests against award.

All protests against award shall be handled in accordance with § 1-2.407-8 and this section.

(a) *Protests lodged with the agency.* Upon the receipt of a written protest, the contracting officer shall develop the facts, review the protest with assigned counsel, and prepare a written reply to the protester setting forth the contracting officer's final decision. Replies to protests received after award shall be prepared for the signature of the procuring director. When appropriate, concurrence is required from other officials (including any contract review committee) who are required to concur in the contract awards involved in the protest.

(b) *Protests lodged with the General Accounting Office (GAO).* Replies to protests lodged with GAO are prepared by the Office of General Counsel. These replies are based on a statement of fact and position prepared by the contracting officer and signed by the head of the procuring activity. In the case of a regional or commodity center protest, the statement of fact and position shall be submitted to the appropriate Central Office Assistant Commissioner for approval prior to forwarding to the Office of General Counsel.

(1) *Submission of statement of fact and position.* Within 6 workdays after receipt of the complete written statement of protest from GAO, the appropriate organizational element shall submit, in duplicate, a properly signed and approved statement of fact and position (with required exhibits) to the Office of General Counsel. Because of the short time frame allowed by GAO (25 workdays) for submission of the report, GAO usually informs the appropriate Assistant General Counsel telephonically of protests received or anticipated. This information is relayed immediately to the organizational element directly concerned. The compilation of facts and documentary evidence shall be started as soon as this informal notification of the protest is received by the organizational element. If the statement cannot be prepared within 6 workdays after receipt by the organizational element of the complete written grounds of the protest, the head of the procuring activity shall be notified in writing (with copy to appropriate Assistant General Counsel) of the reasons for the delay and the projected submission date. After submission of the statement to the Office of General Counsel, the contracting officer shall advise counsel of all new developments which may have a bearing on the case. When further actions are required, the contracting officer shall obtain the advice of assigned counsel.

(2) *Preparation of statement of fact and position.* This statement shall, in addition to that required by § 1-2.407-8 (a) (2), contain the elements set forth in (i) thru (ix), below. The contracting officer shall review the statement with assigned counsel prior to submission to the head of the procuring activity for signature.

(i) The identity of GAO protest (if made against a solicitation or award) by B-number (GAO case file number), solicitation number, and contract number (if award has been made).

(ii) The full corporate name of the protesting organization and other firms

involved when referenced for the first time in the position statement.

(iii) A statement whether the protest has been filed before or after award. If the protest has been filed after award, identify the awardee, the date of award, and the contract number.

(iv) A statement as to urgency of need for award. Indicate to what extent the delay in the award may result in significant supply difficulties and give a date when a determination is required for pending awards. (See § 5A–2.407–8(b)(4) for action required if award must be made prior to resolution of protest).

(v) The date and time of bid opening (specify if the date of bid opening has been extended by subsequent amendments) and the total number of bidders.

(vi) An accurate, complete and current statement of facts, in chronological order of all relevant events and administrative actions taken. Include reasons for the actions taken and cite the authorities under which they were taken.

(vii) Any exhibits and/or documentary evidence, in duplicate, as set forth in FPR 1–2.407–8(a)(2)(i) through (vi). Include any other relevant documents believed helpful in determining the validity of the protest. (Exhibits or documentary evidence should be referenced and identified within the text of the position statement, alphabetically or numerically; e.g., Tab A, Exhibit 1, etc.)

(viii) A statement setting forth and answering point by point, if possible, all contentions, allegations, and issues raised by the protester.

(ix) Any comments or legal analysis (including legal precedents or authorities) received from assigned counsel.

(3) *Notification of interested parties.* Upon receipt of the complete written statement of protest from GAO, the contracting officer shall, with the concurrence of the appropriate division of the Office of General Counsel, furnish copies of the protest to the contractor (if award has been made) or all bidders who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. The covering letter shall advise that views or comments may be submitted to GAO, within 10 workdays after receipt, with a copy to the contracting officer. A copy of the reply shall be furnished the Office of General Counsel. (See § 5A–76.121 for sample letter.)

(4) *Awards prior to resolution of protest.* If award must be made prior to final resolution of the protest pursuant to FPR 1–2.407–8(b)(4), a written findings and determination must be prepared by the contracting officer and approved by the head of the Central Office service, or his designee, with the concurrence of the Assistant General Counsel. In the case of protests involving regional procurements, the findings and determination shall be reviewed and concurred in by the Regional Counsel prior to being submitted to the head of the Central Office service.

2. Section 5A–2.407–85 is revised as follows:

§ 5A–2.407–85 Erroneous award to higher bidder.

When it is learned that an award was erroneously made to other than the low responsive, responsible bidder, the contracting officer shall determine, in conjunction with the Office of Standards and Quality Control, the extent of contract performance (including deliveries made, if any) and advise the assigned counsel and those officials who concurred in the contract award. If necessary, the low bidder shall be requested to extend his bid acceptance time. (See § 5A–2.407–72.) Depending upon the extent of performance and advice of assigned counsel, the contracting officer shall then proceed as follows:

(a) *No deliveries made.* Advise the contractor of the error and request a contract cancellation at no cost to either party. If the contractor does not consent to the no cost cancellation, request in writing that contract performance be suspended pending further notification. The case shall then be reviewed with assigned counsel to determine whether termination for convenience is warranted. Some factors to be considered in this determination are the dollar amount of the contract; the expenses incurred by the contractor (e.g., cost of raw materials); the need for the supplies/services; the additional amount the Government will pay if the contract is not terminated; whether a bid option still exists with the low bidder; and the extent of available competition. The determination to terminate the contract for convenience or to authorize the contractor to continue contract performance shall be concurred in by the procuring director.

(b) *Partial deliveries made.* Advise the contractor of the error and request contract cancellation of the undelivered orders at no cost to either party. If the contractor does not consent to the no cost cancellation, proceed in accordance with paragraph (a) of this section. Depending on the final decision and if it changes the contractual relationship, the appropriate accounts payable branch shall be advised accordingly in writing.

(c) *Deliveries completed.* Determine from the Office of Finance if payment has been completed and consult with assigned counsel as to necessary action.

(d) *Replacement of supplies/services.* Requirements for supplies or services covered by the cancellation (or termination) of an erroneously awarded contract shall be validated prior to award to the lowest responsive, responsible bidder. If the bid acceptance time of the lowest responsive, responsible bidder has expired, the canceled/terminated requirements shall, after validation, be obtained by readvertisement or negotiation (if the circumstances warrant).

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

Section 5A–73.110.2 is revised as follows:

§ 5A–73.110–2 Requests for waivers.

See § 5A–1.305–70.

PART 5A–76—EXHIBITS

Subpart 5A–76.3—Miscellaneous Exhibits

§ 5A–76.317 [Revised]

Section 5A–76.317 is revised to reflect the current list of Federal Supply Schedules requiring source inspection.

NOTE: Copies of the exhibits illustrated in Part 5A–76 are filed with the original document.

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

Effective date. These regulations are effective on the date shown below.

Dated: August 4, 1975.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.75–22463 Filed 8–22–75;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–168]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Implementation of Hardware Standards Into Solicitation Documents

This amendment adds standard terminology in solicitation documents as developed from Federal Information Processing Standards Publications (FIPS PUBS) initiated by the National Bureau of Standards, U.S. Department of Commerce.

The table of contents for Part 101–32 is amended by adding the following entries:

Sec.
101–32.1304–17 FIPS PUB 35, Code Extension Techniques in 7 or 8 Bits.
101–32.1304–18 FIPS PUB 36, Graphic Representation of the Control Characters of ASCII (FIPS 1).

Subpart 101–32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

Sections 101–32.1304–17 and 101–32.1304–18 are added as follows:

§ 101–32.1304–17 FIPS PUB 35, Code Extension Techniques in 7 or 8 Bits.

(a) FIPS PUB 35 specifies methods of extending the 7-bit code of the American Standard Code for Information Interchange (ASCII) (FIPS 1), remaining in a 7-bit environment or increasing to an 8-bit environment, building upon the structure of ASCII to describe various means of extending the control and graphic sets of the code. FIPS PUB 35 describes techniques for constructing codes related to ASCII to allow application dependent usage without preventing the interchangeability of their data, and also describes 8-bit codes for general information interchange in which ASCII

is a subject. (Technical specifications are not included with FIPS PUBS 35.)

(b) The standard terminology for use in solicitation documents is:

All coded character sets offered as a result of this solicitation which require control function and/or graphic symbols that are not included in the 128 characters of ASCII will be implemented through the use of the code extension methods and techniques as described in FIPS PUB 35.

§ 101-32.1304-18 FIPS PUB 36, Graphic Representation of the Control Characters of ASCII (FIPS 1).

(a) FIPS PUB 36 specifies graphical representation for the 34 characters of ASCII (FIPS 1) for which a graphic representation is not indicated in FIPS 1. Graphic representations are given for the 32 control functions of column 0 and 1 and for the characters "Space" and "Delete." Two forms of graphical representation for each of the 34 characters are provided: a pictorial symbol and a 2-letter alphanumeric code. (Technical specifications are not included with FIPS PUB 36.)

(b) The standard terminology for use in solicitation documents is:

All applicable equipment that may result from this solicitation that prints or displays graphic representations of any or all of the control characters of ASCII (FIPS 1) or of the characters "Space" or "Delete" must comply with the requirements set forth in FIPS PUB 36. This standard also applies to equipment that prints these graphic representations on media such as perforated tape, punched cards, or listings.

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

Effective date. This regulation is effective August 25, 1975.

Dated: August 14, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-22462 Filed 8-22-75;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20002; RM-2143, 2184, 2504, 2251; FCC 75-968]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Third Report and Order

1. On April 8, 1974, the Commission adopted a notice of proposed rulemaking (39 FR 13559) which, among other things, proposed that Channel 283 be assigned to St. Augustine, Florida. We will now consider this proposal and related filings. In a First Report and Order (48 F.C.C. 2d 112 (1974)) in this proceeding the Commission modified the license of H. Byrd Mapoles, tr/as Mapoles Broadcasting Co., for Station WXBM-FM, Milton, Florida, to specify operation on Channel 274 in lieu of Channel 272A and amended the FM Table of Assignments to reflect this modification. In a second Report and Order (—— F.C.C. 2d —— (1975), FCC 75-910, adopted July 29, 1975) the Commission assigned Channel 266 to Marco, Florida.

2. The Notice in this segment of the proceeding was responsive to a Petition for Rule Making submitted by State Senator Jack D. Gordon ("Gordon") requesting that Class C Channel 283 be assigned to St. Augustine. In order to avoid short-spacing, Gordon proposed that Channel 288A be substituted for Channel 285A at Atlantic Beach, Florida.[1] An Order to Show Cause why its license should not be modified to specify operation on Channel 288A was directed to WKTX, Inc., licensee of Station WJNJ-FM, Atlantic Beach. In response to the Notice and Order WKTX objected, requested a hearing on the proposed modification of its license, and counterproposed that its license be modified to specify operation on Class C Channel 283 at Jacksonville (which would preclude concurrent use of this channel at St. Augustine) and that instead Channel 288A be assigned to St. Augustine.[2]

3. Gordon states that an assignment of Channel 283 at St. Augustine would cause no new preclusions over any land mass but that the required Atlantic Beach substitution (Channel 288A) would preclude future assignments of co-channel 288A at Fernandina Beach (pop. 6,955)[3], and Hilliard, Florida (pop. 1,205); and Kingsland (pop. 1,831), and St. Marys, Georgia (pop. 3,408). We are told that alternative assignments are available for each of these communities. WKTX submits that the potential preclusion areas on Channels 280A, 281, 282, 283, 284, and 286, which would result from an assignment of Channel 283 at Jacksonville (or Atlantic Beach), are presently 100% precluded by existing stations, assignments, or by the present WJNJ-FM channel which would be deleted. Some new preclusion would result for Channel 285A. WKTX states that this preclusion area does not include any communities with populations greater than 1,000 persons and that Channel 221A is available for assignment in this area. WKTX indicates that an assignment of Channel 288A at St. Augustine would, with the exception of Jacksonville, preclude future assignments at only one community with a population greater than 1,000 persons; that is, it would preclude assignment of Channel 288A to Fernandina Beach. We are told that Channel 228A can be assigned there. Thus, it is apparent, that adoption of either proposal would have a minimal adverse preclusionary effect and that the petitioners therefore stand orf equal ground in this respect. However, WKTX avers that its counterproposal would create a new area north of Brunswick, Georgia, where Channel 285A could be assigned.

4. A question has been raised regarding the viability of Atlantic Beach as a present and future community. As indicated above, WKTX requests modification of its license to specify Jacksonville as WJNJ-FM's city of license instead of Atlantic Beach. In support of this request it states that WJNJ-FM and its companion AM station (WKTX), the only stations assigned or licensed to Atlantic Beach, have had a dismal financial history and that "[o]ver the 15 years, under five different owners,, the stations have never operated profitably." The present owners felt that they could make these stations financially viable by orienting their programming to the "Beaches" audience [4], and have succeeded in keeping their station longer than any prior owner. However, they now believe that this strategy may fail because the Beaches are gradually losing their independent status. This claim is based largely on the Beaches' governments' consolidation with the former Jacksonville city government to form a local governmental unit responsible for all of Duval County. On the other hand, the subject was considered in a decision of the Supreme Court of Florida [5] released after WKTX filed its Request for Hearing and Modification of Show Cause Order and before it filed its Comments. This decision affirmed and quoted the lower court decision:

* * * that the Beaches and Baldwin continue to exist as quasi-municipal corporations; that, as such, they are empowered to exercise all municipal functions which they were permitted to perform under their original municipal charters and the general laws of the State immediately prior to consolidation; and, that they are corporate entities having the same rights as duly constituted

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[1] Comments objecting to assignment of Channel 288A to Jacksonville were submitted by the City of Jacksonville, licensee of WJAX-FM, Jacksonville. The City of Jacksonville believes that such an assignment would result in IF interference to its station. In view of our decision in this case, we do not reach this matter.

[2] A timely Request for Hearing and Modification of Show Cause Order was submitted to the Commission by WKTX on May 23, 1974. It was not until October 1, 1974, that Gordon submitted a Petition to Dismiss directed against that portion of the aforementioned WKTX filing which requested a modification of the Order to Show Cause. WKTX requested an extension of time to reply to this Petition to Dismiss. This extension was granted with the Commission reserving its decision as to whether the Petition to Dismiss was timely filed. The extension granted, WKTX filed a Motion to Strike the Petition to Dismiss. Under § 1.45(a) of the Commission Rules, oppositions to any motion, petition or request may be filed within 10 days after the original pleading is filed. Gordon's pleading is governed by this section as it contains no independent procedural grounds which would give it life in this proceeding. It is directed solely against another filing in this proceeding and is substantially late-filed. Therefore, it will not be accepted, and the WKTX Motion to Strike is granted in this regard. The Motion to Strike also discusses new matters raised in the Gordon Reply Comments (see Footnote 11, *infra*) and is accepted in that regard. It is, however, not accepted as to all other matters presented which do not relate to the above.

[3] All population figures are from the 1970 U.S. Census.

[4] WKTX indicates that the Beaches include those communities in the eastern-most portion of Duval County lying immediately adjacent to the ocean and stretching from the St. Johns River on the north to the Duval County line on the south.

[5] "Albury v. City of Jacksonville Beach," 295 So. 2d 297 (1974).

municipal corporations to share in, receive and expend revenues allocable to municipal corporations by both the federal and state governments.

Apparently recognizing the relevance of this decision, WKTX argues that over the long term, greater government consolidation seems inevitable. This opinion is not supported by the actions of Atlantic Beach which actively pursued a retention of its autonomy. In any event, this need not be resolved now, as the Commission can consider this modification in WJNJ–FM's city of license in the future. Under the approach taken here, it will be able to raise this point in connection with the filing of an application to change station location.[4] For the present, we will deny this part of the request and shall retain the only local FM service at Atlantic Beach. However, this does not bar us from considering whether it would be in the public interest to modify the WJNJ–FM license to specify operation on Channel 283 at Atlantic Beach.[5]

In order to allow Commission consideration of a request to change the city of license from Atlantic Beach to Jacksonville, should this request be properly filed, Channel 283 is assigned to Jacksonville. The city of license of WJNJ–FM remains at Atlantic Beach with the channel being used in a manner consistent with the "15-mile" rule—§ 73.203(b).

5. Atlantic Beach and St. Augustine are both small communities (with populations of 7,106 persons and 12,352 persons, respectively) which would ordinarily be assigned Class A channels. This is reflected by the existing services in these communities, each of which has an occupied Class A channel as its only FM assignment. However, a wide coverage Class C channel can be assigned to one of these communities with no significant preclusion resulting elsewhere, and we will consider whether we should assign a Class C channel to one of them. In this regard it should be noted that assignment of a Class C channel to St. Augustine would result in intermixture there and place the present Class A station, WFOY–FM, in an unequal competitive position. This is not true of the Atlantic Beach Class C proposal which would require deletion of the Class A assignment there.

6. St. Augustine is the seat of St. Johns County (pop. 30,727). Between 1960 and 1970 its population decreased from 14,734 persons to 12,352 persons. Gordon argues that this statistic does not reflect the increasingly rapid growth that has occurred in the St. Augustine area since the Census was completed and that it does not provide a complete picture of the area's potential for expansive growth. In support, he states that just 4.5 miles south of St. Augustine, the Deltona Corporation is building the planned community of St. Augustine Shores which is to include 8,000 living units within the next 10 years, or, at 4 persons per household, 32,000 persons within 10 years; and that 28 miles south of St. Augustine, International Telephone and Telegraph Company is developing the community of Palm Coast, which is projected to have a population of 700,000 persons by the year 2000. WKTX submits that these projections are considerably less reliable than Gordon suggests, and, as regards Palm Coast, essentially irrelevant. An excerpt from an issue of the Wall Street Journal is provided to show a decline in the Deltona Corporation's earnings and WKTX suggests that this excerpt raises questions as to the reliability of Deltona's near-term population estimates. Further, WKTX contends that population projections covering extremely long periods, as the Palm Coast projection does, are notoriously unreliable. Without entering into a discussion of the latter two points, we agree that the exhibited decline in St. Augustine's population militates against making a Class C assignment there and that overall, Gordon's showings regarding the area's future growth potential are inadequate to alter this view. It should also be noted that a community 28 miles south of St. Augustine, as we are told Palm Coast is, would be approximately the same number of miles from Daytona Beach which has two Class C stations (WDNJ and WMFJ–FM) and Palatka, Florida, which has one Class C station (WIYD–FM).

7. As indicated above, Atlantic Beach is a quasi-municipality of Jacksonville City (pop. 528,865), which as a result of the consolidation covers all of (and thereby shares borders with) Duval County. Jacksonville is the city of license of 5 Class C FM stations (with a construction permit for a 6th Class C FM station (WJEE) granted on December 9, 1974 (BPH–8255)), and WKTX argues that its station occupies a difficult and unfair competitive position as the only Class A station in the city-county. However, Gordon argues that the focal point of such a contention should be whether existing financial and competitive burdens would result in a diminution of WJNJ–FM's programming to the general public thereby being contrary to the public interest. We believe that a determination as to what action should be taken in this proceeding can properly be made without reaching this issue which may be considered later in connection with any application that Station WKTX may file.

8. Gordon states that if his petition is granted, he would operate a station on Channel 283 at St. Augustine with a power of at least 75 kW ERP and an antenna height of at least 500 ft. AAT, or their equivalent. WKTX states that if its proposal is adopted, it would operate on Channel 283 with 100 kW ERP and with an antenna height of approximately 800 feet AAT. Comparing the service to be rendered by the proposed assignments, WKTX indicates that its proposal would provide a new service to 663,745 persons in an area of 3,968 square miles (an increase of 542,558 persons and 3,630 square miles over service provided by its present Class A station) with 80% of this population located within its 3.16 mV/m (city-grade) contour, whereas the Gordon-St. Augustine proposal would bring a new service to 333,358 persons in 2,028 square miles with less than 25% of this population located within its 3.16 mV/m contour. Further, we are told that nearly 75% of the population within the total Gordon 1 mV/m contour would consist of some portion of the Jacksonville Urbanized Area which would also be substantially served by a Class C station at Atlantic Beach (see footnote 7). If this Jacksonville Urbanized Area population is subtracted from the Gordon 1 mV/m contour the net result is a population of about 84,000. Thus, if we remove the common new areas to be served from each proposal, we find that the Atlantic Beach proposal would provide a new service to 414,387 additional persons while the St. Augustine proposal would provide a new service to only 84,000 additional persons, a difference of 330,387 persons. Gordon argues that the WKTX figures are false in that they represent coverage based on facilities exceeding the assumed facilities which in *Roanoke Rapids and Goldsboro, North Carolina*[6] we specified should be used. This is incorrect. That case states:

> With respect to the proposed station, * * * [it] should assume the facilities it will use if successful * * *

9. Gordon submits that his St. Augustine proposal would provide a second FM service to 7,635 persons whereas the WKTX Atlantic Beach proposal would provide no such benefit. He contends that the provision of a second service is a singular consideration of great weight and "that upon this basis alone, adoption of * * * [his] proposal will better serve the public interest." While it is true that provision of a second FM service occupies a high priority in FM rule making proceedings, the Commission believes that in this instance there are facts which militate strongly against assigning Channel 283 to St. Augustine solely on the basis of the second service which Gordon avers it would provide. An examination of Gordon's initial engineering showing (Figure 18, therein) indicates that location of a transmitter and antenna north of the site indicated in the showing from approximately 7 to 17 miles would reduce or remove the projected second service benefits.[7] The purpose of such a site would be to include more of the Jacksonville market within the station's service area. Moreover, full-time AM Station WWPF, Palatka, provides a second service to portions of this FM second service area at night and reduces the claimed second service benefits. For these reasons we believe that Gordon's second service showing is not entitled to great weight. Further, any

[4] See WMEG, Inc., 22 F.C.C. 2d 956 (1970); Central Broadcasting Corp., 11 F.C.C. 2d 701 (1968); Great Southern Broadcasting Co., 7 F.C.C. 2d 861 (1967).

[5] The data supplied for a Class C channel at Jacksonville also applies to such a channel at Atlantic Beach.

[6] 9 F.C.C. 2d 672 (1967).

[7] The Gordon showing puts the proposed transmitter location in the center of St. Augustine. It cannot be located south of St. Augustine but can be located as far as 20 miles north and still comply with Section 73.315 of the Rules.

such showing must stand against the WKTX showing of new service to 330,387 persons more than that offered by the Gordon proposal.

10. Therefore, the Commission believes that the public interest would be better served by adoption of the WKTX proposal as modified in paragraph 4 above. We shall therefore modify the WJNJ–FM license to specify operation on Channel 283 at Atlantic Beach [10] and shall assign Channel 288A to St. Augustine. To avoid short-spacing a transmitter for this St. Augustine assignment must be located 4 miles north of the center of that city.[11]

11. Accordingly, pursuant to the authority contained in Sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective September 29, 1975, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the cities listed below:

Channel No.	*City*
Jacksonville, Fla.....	236, 241, 245, 256, 275, 283, 297.
St. Augustine, Fla.....	249A, 288A.
Atlantic Beach, Fla...	None.

12. *It is further ordered*, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by WKTX, Inc., for Station WJNJ–FM, Atlantic Beach, Florida, is modified, effective September 29, 1975, to specify operation on Channel 283 instead of Channel 285A. The licensee shall inform the Commission in writing no later than September 29, 1975, of its acceptance of this modification. Station WJNJ–FM may continue to operate on Channel 285A until (one year from above date) 1976, or until the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 283 the licensee of Station WJNJ–FM shall submit to the Commission the technical information normally requested of an applicant for Channel 283;

(b) Station WJNJ–FM shall specify facilities of 100 kW and 800 feet AAT or equivalent.

(c) At least 10 days prior to commencing operation on Channel 283, the licensee of Station WJNJ–FM shall submit the measurement data required of an applicant for a broadcast station license; and

(d) The licensee of Station WJNJ–FM shall not commence operation on Channel 283 without prior Commission authorization.

13. *It is further ordered*, That the petition of State Senator Jack D. Gordon to assign Channel 283 to St. Augustine, Florida, is granted to the extent indicated and in all other respects is denied.

14. *It is further ordered*, That State Senator Jack D. Gordon shall indicate in writing to the Commission within 15 days of issuance of this *Third Report and Order* his intent to apply for operation on Channel 288A and if authorized to build the station promptly.

15. *It is further ordered*, That the WKTX, Inc., Motion to Strike the Gordon Petition to Dismiss is granted in part and denied in part as set out in footnote 2, supra.

16. *It is further ordered*, That this proceeding is terminated.

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

Adopted: August 14, 1975.

Released: August 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-22430 Filed 8-22-75;8:45 am]

[10] WKTX Inc. is entitled to no reimbursement for the cost of the modification as it is the principal beneficiary of the action we have taken in response to its request.

[11] Gordon contends that there may be no site available for location of its antenna for such an assignment because the available area includes the Fairchild-St. Augustine Airport and because large portions of the remaining area to the north of St. Augustine are inaccessible swampland. However, WKTX avers that there appears to be several square miles to the west of the airport and at right angles with the direction of the runway, where such a facility could be located.

Title 49—Transportation

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

[Docket No. 73-20; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity; Correction

In FR Doc. 75-20629 appearing at page 33036 in the issue of August 6, 1975, the following changes should be made:

1. Section 571.301 Standard No. 201, *Fuel System Integrity* should read § 571.301 Standard No. 301, *Fuel System Integrity*.

2. Section S5.5 should read S5.4.

3. Section S7.1.6 should read S7.1.5.

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

Issued on August 18, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc. 75-22438 Filed 8-22-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE

Amendment Listing the Grizzly Bear of the 48 Conterminous States as a Threatened Species; Correction

In FR Doc. 75-19448 appearing at page 31734 of the issue for Monday, July 28, 1975, at the bottom of page 31735, the effective date should read "September 1, 1975."

Dated: August 21, 1975.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.75-22560 Filed 8-22-75;8:45 am]

PART 32—HUNTING

Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective August 25, 1975.

§ 32.32 Special regulations; big game, or individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of pronghorn antelope by gun on the Audubon National Wildlife Refuge, North Dakota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of pronghorn antelope, subject to the following special conditions:

(1) Hunting is permitted from 12 noon C.D.T. September 26, 1975 to sunset of that day, and from sunrise to sunset of each day from September 27 through October 5, 1975.

(2) Antelope hunters must have a State permit for Unit 16B in which the refuge is located.

(3) All hunters must exhibit their hunting license, antelope tag and permit to Federal officers upon request.

(4) Vehicular traffic by hunters, including use of boats is prohibited on the refuge during the antelope 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 October 5, 1975.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge.

AUGUST 18, 1975.

[FR Doc.75-22464 Filed 8-22-75;8:45 am]

proposed rules

DEPARTMENT OF STATE

[22 CFR Parts 123, 124, 125, 127]

[Docket No. SD-114]

INTERNATIONAL TRAFFIC IN ARMS REGULATIONS

Contingent Fees

Recent reports of substantial payments as contingent fees in connection with international arms sales have generated considerable official and public concern. Undisclosed contingent fees can damage the foreign policy interests of the United States. Accordingly, the Department of State proposes to amend the International Traffic in Arms Regulations to require disclosure of contingent fees in material amounts which are to be paid in connection with transactions involving the export of items on the U.S. Munitions List and related technical data.

The proposed amendments to Parts 123, 124, 125 and 127 of Title 22, Code of Federal Regulations, are set out below. Interested persons are invited to submit written comments, suggestions or data to the Office of Munitions Control, Bureau of Politico-Military Affairs, Department of State, Washington, D.C. 20520, on or before September 24, 1975.

PART 123—LICENSES FOR UNCLASSIFIED ARMS, AMMUNITION AND IMPLEMENTS OF WAR

1. Amend § 123.01 by designating the present section as paragraph (a) and by adding the following new paragraph (b).

§ 123.01 Export license.

* * * * *

(b) (1) As a further condition precedent for the approval of an application for an export license in connection with any commercial contract having a value of $100,000 or greater, and showing the consignee or end-user to be a foreign government, its designee, or an entity acting on its behalf, the Department of State requires that the applicant furnish an attested statement that:

This transaction does not involve the direct or indirect payment of any material amount for fees or commissions contingent upon the accomplishment, in whole or in part, of the terms of the transaction.

Or, if the transaction does involve such payment, an attested statement that:

This transaction involves the direct or indirect payment of fees or commissions contingent upon the accomplishment, in whole or in part, of the terms of the transaction. (*Applicant*) has advised the Government of ---------- as to the identity of the recipient and the amount of the fee or commission to be received.

(2) For purposes of this paragraph (b), "a material amount" shall be deemed to be $10,000 or more.

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

2. Amend § 124.01 by designating the present section as paragraph (a), changing the parenthetical references (a) and (b) therein to (1) and (2), and adding the following new paragraph (b).

§ 124.01 Manufacturing license and technical assistance agreements.

* * * * *

(b) (1) As a condition precedent for the approval of a proposed manufacturing licensing agreement or a technical assistance agreement with a foreign government, its designee, or an entity acting on its behalf, the Department of State requires that the applicant furnish an attested statement that:

This agreement does not involve the direct or indirect payment of any material amount for fees or commissions contingent upon the accomplishment, in whole or in part, of the terms of the agreement.

Or, if the agreement does involve such payment an attested statement that:

This agreement involves the direct or indirect payment of fees or commissions contingent upon the accomplishment, in whole or in part, of the terms of the agreement. (*Applicant*) has advised the Government of ---------- as to the identity of the recipient and the amount of the fee or commission to be received.

(2) For purposes of this paragraph (b), "a material amount" shall be deemed to be $10,000 or more.

PART 125—UNCLASSIFIED TECHNICAL DATA AND CLASSIFIED INFORMATION (DATA AND EQUIPMENT)

3. Amend § 125.03 by designating the present section as paragraph (a), changing the parenthetical references (a) and (b) therein to (1) and (2), and adding the following new paragraph b.

§ 125.03 Export of technical data.

* * * * *

(b) (1) As a condition precedent for the approval of applications to export technical data or classified equipment and classified information in connection with a contract having a value of $100,000 or greater, and showing the consignee or end-user to be a foreign government; its designee, or an entity acting on its behalf, the Department of State requires that the applicant furnish an attested statement that:

This transaction does not involve the direct or indirect payment of any material amount for fees or commission contingent upon the accomplishment, in whole or in part, of the terms of the transaction.

Or, if the transaction does involve such payment, an attested statement that:

This transaction involves the direct or indirect payment of fees or commissions contingent upon the accomplishment, in whole or in part, of the terms of the transaction. (*Applicant*) has advised the Government of ---------- as to the identity of the recipient and the amount of the fee or commission to be received.

(2) For purposes of this paragraph (b) "a material amount" shall be deemed to be $10,000 or more.

PART 127—VIOLATIONS AND PENALTIES

4. Amend § 127.02(b) by adding at the end thereof the following:

§ 127.02 Misrepresentation and concealment of facts.

* * * * *

(b) * * *

(14) Contingent fees or commissions statement.

(Sec. 414, as amended, 68 Stat. 848, (22 U.S.C. 1934) secs. 101 and 105, EO. 10973, 26 FR 10469.)

Dated: August 19, 1975.

[SEAL] CARLYLE E. MAW,
Under Secretary of State for Security Assistance.

[FR Doc.75-22516 Filed 8-22-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region I

In order to increase management effectiveness and adjust to changing traffic patterns in the St. Albans, Vermont, Customs district, it is considered desirable to consolidate the present Customs Ports of Alburg and Highgate Springs, Vermont; to convert the Port of North Troy, Vermont, to the status of a Customs station under the supervision of the Port of Derby Line, Vermont; and to transfer jurisdiction over the town-

ship of Swanton, Vermont, from the Port of St. Albans, Vermont, to the new consolidated Port of Highgate Springs-Alburg, Vermont. In addition, it is considered desirable to revoke the designations of Alburg Springs and Morses Line, Vermont, as Customs stations and to incorporate Alburg Springs and Morses Line into the port limits of the new Port of Highgate Springs-Alburg, Vermont. These proposed changes will result in a more efficient use of Customs personnel and facilities without impairing service to the public.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to make the following changes in the organization of Region I:

1. To establish a consolidated Port of Highgate Springs-Alburg, Vermont, with geographical limits including all points and places within the townships of Highgate, Swanton, and Alburg, and that part of the township of Franklin easterly from the township of Highgate to and including Richard Road with the southernmost boundary as State Aid Road number 235.

2. To transfer jurisdiction over the township of Swanton from the port of St. Albans, Vermont, to the new Port of Highgate Springs-Alburg, Vermont.

3. To revoke the designation of North Troy, Vermont, as a Customs port of entry in the St. Albans, Vermont, Customs district and to designate it as a Customs station under the supervision of the Port of Derby Line, Vermont.

4. To revoke the designation of Alburg Springs, Vermont, as a Customs station under the supervision of the Port of Alburg, Vermont, and the designation of Morses Line, Vermont, as a Customs station under the supervision of the Port of Richford, Vermont. Alburg Springs and Morses Line, Vermont, will be incorporated within the port limits of the new Port of Highgate Springs-Alburg, Vermont.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before September 24, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: August 18, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-22379 Filed 8-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Industry Committee expenses of $162,873 and an assessment rate of five and one-half cents ($0.055) per No. 38L grape lug of California Tokay grapes, grown in San Joaquin County, to support committee activities during the 1975-76 season under Marketing Order No. 926. It is also proposed that unexpended assessment income from 1974-75 be added to the funds carried over as a committee reserve.

Consideration is being given to the following proposals submitted by the Industry Committee established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), as the agency to administer the provisions thereof. Said agreement and order regulate the handling of fresh Tokay grapes grown in San Joaquin County, California, and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposals are as follows:

(a) That expenses which are reasonable and likely to be incurred by the Industry Committee, during the period April 1, 1975, through March 31, 1976, will amount to $162,873.

(b) That there be fixed, at five and one-half cents ($0.055) per No. 38L grape lug (as specified in § 1387.11 of the Regulations of the California Department of Food and Agriculture) or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

(c) That unexpended assessment funds in excess of expenses incurred during the season ended March 31, 1975, and prior years be carried over as a reserve in accordance with the applicable provisions of § 926.47.

Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than September 12, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 19, 1975.

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

[FR Doc.75-22394 Filed 8-22-75;8:45 am]

[7 CFR Part 927]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Proposed Limitation of Handling

This notice invites written comments relative to proposed amendment of the rules and regulations established pursuant to the amended marketing agreement and Order No. 927, as amended. Such amendment would (1) update the address of the Control Committee, (2) add Yuba City, California, as a warehouse location to which pears could be shipped without prior inspection for storage while in transit to their ultimate market, and (3) delete certain reporting requirements that duplicate the reporting requirements of the order. More specifically, the latter change would delete the requirement that handlers file, with the committee, semi-monthly reports of railroad car and truck license numbers for the vehicles in which pears have been shipped. Also deleted would be the requirement that such reports contain the inspection certificate numbers inasmuch as order provisions require handlers to file copies of such certificates with the committee promptly after shipments are made.

Notice is hereby given that the Department is considering proposed amendment, as hereinafter set forth, of the rules and regulations (Subpart—Control Committee Rules and Regulations; 7 CFR 927.100 et seq.), currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 927, as amended (7 CFR Part 927), hereinafter referred to collectively as the "order." The order regulates the handling of fresh Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal to amend said rules and regulations was unanimously recommended by the Control Committee established under the order as the agency to administer the terms and provisions thereof.

The proposed amendments are as follows:

1. The Control Committee address specified in § 927.105 is amended to read as follows (the full text of the section is included for purposes of clarity):

§ 927.105 Communications.

Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Control Committee, all reports, applications, submittals, requests, inspection certificates, and communications in connection with the marketing agreement and order shall be forwarded to:

Winter Pear Control Committee, 601 Woodlark Building, Portland, Oregon 97205.

2. The provisions of § 927.122(a) preceding the proviso therein are amended to read as follows:

§ 927.122 Shipments to designated storages.

(a) Pears may be shipped without prior inspection and certification to any public warehouse in Yakima, Zillah, Wenatchee, or Grandview in the State of Washington; in Portland, Klamath Falls, or Medford in the State of Oregon; or in Tulelake or Yuba City in the State of California, for storage therein in transit; * * *

* * * * *

3. Subparagraphs (3) and (4) of § 927.125(b) are hereby deleted and subparagraphs (5) and (6) are redesignated as (3) and (4) so that the paragraph reads as follows:

§ 927.125 Reports.

* * * * *

(b) Each handler shall furnish to the Control Committee as of the first day and the fifteenth day, respectively, of each calendar month a report containing the following information on Form 1 "Handler's Statement of Pear Shipments":

(1) The number of standard western pear boxes (two half boxes shall be counted as one box) of each variety of pears shipped by that handler during the preceding half month;

(2) The date of each shipment;

(3) The ultimate destination, by city and State; and

(4) The name and address of such handler. In addition the handler shall indicate, for each lot of pears shipped in accordance with the provisions of § 927.122, the storage lot number, and the name and address of the storage warehouse.

* * * * *

All persons who submit written data, views, or arguments for consideration in connection with the proposed amendament shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than September 9, 1975. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 20, 1975.

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

[FR Doc.75-22475 Filed 8-22-75;8:45 am]

[7 CFR Part 945]

IRISH POTATOES GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Idaho-Eastern Oregon Potato Committee to spend $40,648.50 for its operations during the fiscal period ending May 31, 1975, and to collect $0.0026 per hundredweight on assessable potatoes handled by first handlers under the program.

The Committee is the administrative agency established under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). 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, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than September 9, 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 proposals are as follows:

§ 945.228 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1976, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $40,648.50.

(b) The rate of assessment to be paid by each handler in accordance with this part, shall be $0.0026 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 § 945.44(b).

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

Dated: August 20, 1975.

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

[FR Doc.75-22474 Filed 8-22-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-101]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Dillon, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Regon, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 24, 1975 will be considered before action is taken on the proposed amendment. No 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Dillon transition area described in § 71.181 (40 FR 441) would be amended as follows:

All after " * * * longitude 79°22'00" W.); * * *" would be deleted and "* * * within 3 miles each side of the 233° bearing from the Dillon RBN (lat. 34°26'59" N., long. 79°22'10" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the NDB RWY 6 Instrument Approach Procedure to Dillon County Airport, utilizing the Dillon (private) nondirectional radio beacon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-22391 Filed 8-22-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-59]

FEDERAL AIRWAYS, REPORTING POINTS, AND JET ROUTES

Proposed Alteration

Correction

In FR Doc. 75-21578 appearing at page 34606 of the issue for Monday, August 18, 1975, in the middle column, page 34607, in item "z" the designation "V-425" should read "V-325".

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-68; Notice No. 75-16]

COILED NYLON BRAKE TUBING

Proposed Rule Making

• Purpose. The purpose of this document is to seek public comment on a proposal to allow the use of coiled nylon brake tubing as brake hose on trailers. •

The Director of the Bureau of Motor Carrier Safety, on his own initiative, is considering an amendment to § 393.45

(c) of the Federal Motor Carrier Safety Regulations to permit, on commercial motor vehicles operated in interstate or foreign commerce, the use of coiled nylon brake tubing between the frame of a towed vehicle and an adjustable unsprung subframe of an adjustable axle of that towed vehicle. Under the proposed amendment, motor carriers would be permitted to use coiled nylon brake tubing that meets the requirements of Type 3B nylon tubing in SAE Standard J844C. At present, use of nylon tubing for this purpose is not permitted under § 393.45 because the tubing does not meet the SAE Standards for airbrake hose.

The proposal grows out of a test program conducted by the Fruehauf Division, Fruehauf Corporation and United Trucking Service, Inc., during the period from October 1973 through April 1975. The program had the advanced approval of the Bureau; it was conducted under conditions specified by the Bureau and agreed to by the carriers. During the program, 43 test vehicles equipped with brake hoses of coiled nylon tubing were driven approximately one million miles under different weather conditions and in several different regions of the country. Concurrently, 40 test vehicles equipped with conventional rubber brake hoses were operated an equivalent mileage.

No nylon tubing hose failures occurred during the program. There were 5 instances where the nylon coils failed to return completely to their original shape when the adjustable axle assembly was set at its midway point on the trailer. The fact that the coils did not completely retract at the midway position is viewed as a coil design problem and not as a parameter which is functionally related to effective braking. Eight (8) rubber hose failures occurred as a result of chafing or abrading. The test, in the Bureau's judgment, has proven that the nylon coiled air brake tubing is suitable for braking systems at the location specified in this document.

Based upon these tests, the Director proposes to amend § 393.45(c) of the Federal Motor Carrier Safety Regulations (Subchapter C in Chapter III of Title 49, CFR) to read as set forth below.

Interested persons are invited to submit data, views, or arguments pertaining to this proposal. Comments, identifying the docket number and notice number appearing at the top of this Notice, should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20590. All comments received before the close of business on September 30, 1975, will be considered before further action is taken on the proposal. All comments will be available for examination by interested persons in the docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street, SW, Washington, D.C., both before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4 respectively.

Issued on August 13, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

Section 393.45(c) introductory text is revised to read as follows:

§ 393.45 Brake tubing and hose adequacy.

* * * * *

(c) *Nylon brake tubing.* Coiled nylon brake tubing may be used for connections between towed and towing vehicles or between the frame of a towed vehicle and the unsprung frame of an adjustable axle of that vehicle if—

* * * * *

[FR Doc.75-22470 Filed 8-22-75;8:45 am]

Federal Railroad Administration

[49 CFR Part 230]

[FRA Waiver Petition Docket No. LI-75-1]

NATIONAL RAILROAD PASSENGER CORP. (AMTRAK)

Locomotive Inspection Test Program; Exemption Petition

The National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for an exemption from a provision of the locomotive inspection regulations for two (2) of the French built TurboTrains operated by Amtrak. The petition seeks a temporary waiver of the requirement that the brake system components be removed and disassembled on a periodic basis which may not exceed 24 months (49 CFR 230.208(c)).

The waiver is sought by Amtrak so that a limited test program can be conducted in order to obtain information concerning the potential service life of the components of the unique brake equipment utilized on the French built TurboTrains. The test will be limited to the two (2) TurboTrains received in this country in 1973, designated as trains RTG-1 and RTG-2. Each of these two (2) trains consist of power units at each end, back-to-back with three (3) unpowered or trailer units between. None of these units can be operated coupled separately in trains of conventional equipment, nor can conventional equipment be intermingled in the consists of trains RTG-1 and RTG-2. Each train operates essentially as a single unit.

The brake system used with these two (2) trains is unlike any system used on railroad equipment elsewhere within North America. It can be said it uses the best available proven technology and is designed around the "fail-safe" principles basic to American built equipment. There have been no reported brake failures during the past two (2) years of operation between Chicago, Illinois, and St. Louis, Missouri. The excellent reliability, which this equipment has established, is demonstrated by its very high percentage of availability.

Each trainset is inspected and serviced daily at a single facility at Brighton Park, Illinois. The Brighton Park facility was designed and built specifically for maintenance of these trainsets and is staffed with personnel especially trained for the purpose. This centralized inspection and maintenance facility makes possible a close control of the equipments condition and assures a maximum quality of performance. Amtrak believes that its inspection and maintenance procedures are exceptionally thorough, since they meet or exceed all Federal requirements.

As noted previously, the petition seeks a temporary waiver of a provision of the locomotive inspection regulations (49 CFR 230.208(c)). The petition also seeks a temporary waiver of a provision of the power brake regulations (49 CFR 232.17 (b)) insofar as it requires removal and disassembly of the brake system components of the un-powered or trailer units.

Amtrak experience to date and information concerning European maintenance practices indicate that these components have a normal, safe service-life far in excess of the 24-month period maximum specified by FRA rules. Amtrak believes, therefore, that a safe and suitable condition for service can be anticipated throughout the 24-month extension requested in this petition. During this test period, detailed records of any unusual attention which may be required by individual components will be kept, and any component which might be removed for cause will be given engineering evaluation for possible improvement of the product.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to September 1, 1975. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number LI-75-1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before September 25, 1975 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regula-

tions of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on August 19, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-22396 Filed 8-22-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 556]

[Docket No. 75-21; Notice 1]

EXEMPTION FOR INCONSEQUENTIAL DEFECT OR NONCOMPLIANCE

Notice of Proposed Rulemaking

● The purpose of this notice is to propose a new regulation that establishes procedures for petitioning by manufacturers for exemption from defect and noncompliance notification and remedy requirements on grounds that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. ●

Section 157 of the 1974 amendments to the National Traffic and Motor Vehicle Safety Act (Pub. L. 93-492) provides for an exemption from the notification and recall requirements of the Act where, upon petition by the manufacturer, the Administrator determines that a defect or noncompliance is inconsequential as relates to motor vehicle safety. Before the Administrator reaches a decision on the petition, notice of the application must be given in the FEDERAL REGISTER and all interested persons must be given an opportunity to present data, views, and arguments on the question of inconsequentiality of the defect or noncompliance.

This proposal prescribes the procedures for the submission of petitions, including filing time and petition content. It is proposed that once a manufacturer has made a determination that a motor vehicle or item of replacement equipment contains a defect or does not comply with all applicable safety standards, he must submit any petition alleging inconsequentiality within 15 days following that determination. Where the initial defect or noncompliance determination is made by the NHTSA a petition for exemption from notification and remedy responsibilities based on inconsequentiality must be submitted within 15 days after the agency's communication to the manufacturer of its initial determination.

The agency has tentatively concluded that 15 days is a necessary and reasonable limit on the time available for filing a petition for notification and remedy exemption. It is important in the interest of safety that defect notification and remedy campaigns be commenced without undue delay. In keeping with this basic premise, the proposed revision of Part 577 (40 CFR 19651, May 6, 1975), specifies time periods within which defect notification campaigns must be completed. Where the manufacturer determines the existence of the defect or noncompliance, his notification must occur within a reasonable time after the determination. Where the NHTSA has made the determination, notification must take place within 60 days following its order for a notification campaign, except in cases where a provisional notification is ordered in response to a manufacturer's challenge. A provisional notification must be sent within 30 days after the agency's order.

When the NHTSA makes an initial determination that a motor vehicle or item of replacement equipment contains a defect or does not comply with all applicable motor vehicle safety standards, section 152 of the Act requires that it provide the manufacturer with an opportunity to present data, views, and arguments to establish that there is no defect or failure to comply or that the alleged defect does not affect motor vehicle safety. Only after the manufacturer is given the chance to present such information and all interested parties are allowed to submit their views can the Administrator make a final determination as to the existence of a defect or noncompliance and order notification and remedy. The issues involved in determining the relationship of a defect to motor vehicle safety are essentially the same as those involved in determining whether the defect is inconsequential. The most efficient procedure, therefore, calls for considering both questions together. It also appears efficient to provide for simultaneous consideration of the existence of a noncompliance and whether it is inconsequential with respect to safety. Presentation of data, views, and arguments on the existence of a defect or noncompliance, should thus also address the issue of inconsequentiality.

Since an application for notice and remedy exemption based on inconsequentiality appears to presuppose the existence of a defect or noncompliance, a manufacturer should not be in a position of having to choose at the outset between challenging the initial defect or noncompliance determination and petitioning for an inconsequentiality exemption. The proposed rule therefore states in § 556.4(d) that an inconsequentiality petition will not constitute a concession by the manufacturer of, nor will it be considered relevant to, the existence of a defect or noncompliance. This will enable the manufacturer to petition for inconsequentiality relief at the same time he presents his arguments against the agency's initial determination, without prejudicing his case.

Petitions submitted requesting exemption from the notification and remedy requirements of the Act would, under the proposal, have to contain complete information about the motor vehicle or item of replacement equipment for which an exemption is sought, and also all data, views, and arguments supporting the assertion that the defect or noncompliance is inconsequential as it relates to motor vehicle safety.

Manufacturers may also include in these petitions requests to be relieved of further responsibility to comply with the defect and noncompliance report requirements contained in 49 CFR Part 573.

Once a petition was received, notice would be published in the FEDERAL REGISTER describing the contents of the petition and requesting comments from all interested persons. A date would also be scheduled for a public meeting at which the petitioning manufacturer and any interested persons could present oral comments, if desired. The meeting would be informal with no pleadings or cross-examination.

If at any time, following a determination by the Administrator that a defect or noncompliance is inconsequential, he concludes based on new information that the inconsequentiality determination was incorrect, he may rescind the exemption. Such a rescission could occur only after notice of the new information had been published in the FEDERAL REGISTER and all interested parties had been given an opportunity to comment on it. The basis for notification and remedy of defects and noncompliances is protection of individuals who possess motor vehicles or items of replacement equipment that might pose a danger in their defective or noncomplying condition. Therefore, any basis for an exemption from notification and remedy requirements would be removed if the relationship of a defect or noncompliance to safety were shown to be more than inconsequential.

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

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

Comment closing date: October 9, 1975.

Proposed effective date: 30 days after publication as a final rule.

(Sec. 157, Pub. L. 93-492, 88 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on August 18, 1975.

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

It is proposed to amend Title 49 Code of Federal Regulations by the addition of Part 556 as follows:

Sec.
556.1 Scope.
556.2 Purpose.
556.3 Application.
556.4 Petition for exemption.
556.5 Processing of petition.
556.6 Meetings.
556.7 Disposition of petition.
556.8 Recission of exemption.
556.9 Public inspection of relevant information.

AUTHORITY: Sec. 157, Pub. L. 93-492, 86 Stat. 1159; (15 U.S.C. 1410), delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

§ 556.1 Scope.

This part sets forth procedures, pursuant to section 157 of the Act, for exempting manufacturers of motor vehicles and replacement equipment from the Act's notice and remedy requirements when a defect or noncompliance is determined to be inconsequential as it relates to motor vehicle safety.

§ 556.2 Purpose.

The purpose of this part is to enable manufacturers of motor vehicles and replacement equipment to petition the NHTSA for exemption from the notification and remedy requirements of the Act due to the inconsequentiality of the defect or noncompliance as it relates to motor vehicle safety, and to give all interested persons an opportunity for presentation of data, views, and arguments on the issue of inconsequentiality.

§ 556.3 Application.

This part applies to manufacturers of motor vehicles and replacement equipment.

§ 556.4 Petition for exemption.

(a) A manufacturer who has determined the existence, in a motor vehicle or item of replacement equipment that he produces, of a defect or a noncompliance with an applicable Federal motor vehicle safety standard, or who has received notice of an initial determination by the NHTSA of the existence of a defect or noncompliance, may petition the Administrator for exemption from the Act's notification and remedy requirements on the grounds that the defect or noncompliance is inconsequential as it relates to motor vehicle safety.

(b) Each petition submitted under this part shall—

(1) Be written in the English language;

(2) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, Washington, D.C. 20590;

(3) State the full name and address of the applicant, the nature of its organization (e.g., individual, partnership, or corporation) and the name of the State or country under the laws of which it is organized.

(4) Describe the motor vehicle or item of replacement equipment and the defect or noncompliance concerning which an exemption is sought; and

(5) Set forth all data, views, and arguments of the petitioner supporting his petition.

(c) The knowing and willful submission of false, fictitious, or fraudulent information will submit the petitioner to the criminal penalties of 18 U.S.C. 1001.

(d) In the case of defects or noncompliances determined to exist by a manufacturer, petitions under this part must be received not later than 15 days after such determination. In the case of defects or noncompliances initially determined to exist by the NHTSA, petitions must be received not later than 15 days after notification of the determination has been received by the manufacturer. Such a petition will not constitute a concession by the manufacturer of, nor will it be considered relevant to, the existence of a defect or nonconformity.

§ 556.5 Processing of petition.

(a) The NHTSA publishes a notice of each petition in the FEDERAL REGISTER. Such notice includes:

(1) A brief summary of the petition;

(2) A statement of the availability of the petition and other relevant information for public inspection; and

(3) (i) In the case of a defect or noncompliance determined to exist by the manufacturer, an invitation to interested persons to submit written data, views, and arguments concerning the petition, and a statement of the time and place of a public meeting at which such materials may be presented orally if any person so desires.

(ii) In the case of a defect or noncompliance initially determined to exist by the NHTSA, an invitation to interested persons to submit written data, views, and arguments concerning the petition or to submit such data, views, and arguments orally at the meeting held pursuant to section 152(a) of the Act following the initial determination, or at a separate meeting if deemed appropriate by the agency.

§ 556.6 Meetings.

(a) At a meeting held under this part, any interested person may make oral (as well as written) presentations of data, views, and arguments on the question whether the defect or noncompliance described in the Federal Register notice is inconsequential as it relates to motor vehicle safety.

(b) Sections 556 and 557 of Title 5, United States Code, do not apply to any meeting held under this part. Unless otherwise specified, any meeting held under this part is an informal, nonadversary, fact-finding proceeding, at which there are no formal pleadings or adverse parties. A decision to grant or deny a petition, after a meeting on such petition, is not necessarily based exclusively on the record of the meeting.

(c) The Administrator designates a representative to conduct any meeting held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the meeting. A transcript of the proceeding is kept and exhibits may be kept as part of the transcript.

§ 556.7 Disposition of petition.

Notice of either a grant or denial of a petition for exemption from the notice and remedy requirements of the Act based upon the inconsequentiality of a defect or noncompliance is issued to the petitioner and published in the FEDERAL REGISTER. The effect of a grant of a petition is to relieve the manufacturer from any further responsibility to provide notice and remedy of the defect or noncompliance. The effect of a denial is to continue in force, as against a manufacturer, all duties contained in the Act relating to notice and remedy of the defect or noncompliance.

§ 556.8 Rescission of exemption.

The Administrator may at any time rescind an exemption granted under this part if, after the receipt of new data and notice and opportunity for comment thereon, in accordance with § 556.6, he determines that the defect or noncompliance is not inconsequential as it relates to motor vehicle safety.

§ 556.9 Public inspection of relevant information.

Information relevant to a petition under this part, including the petition and supporting data, memoranda of informal meetings with the petitioner or any other interested person concerning the petition, and the notice granting or denying the petition, are available for public inspection in the Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Copies of available information may be obtained in accordance with Part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 7).

[FR Doc.75-22440 Filed 8-22-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 27417]

DOMESTIC LOAD-FACTOR STANDARDS

Advance Notice of Proposed Rulemaking

AUGUST 19, 1975.

The purposes of this advance notice of rulemaking are to institute a proceeding to reexamine the Board's domestic load-factor standard and to delineate the initial procedures to be followed in this proceeding.

Background. The load-factor standard constitutes the Board's policy as to the balance between traffic and capacity it will consider reasonable for ratemaking purposes. A low overall load factor implies, among other things, that on the average it will be relatively easy for a passenger to obtain a seat on the flight of his choice, while with a high-load-factor service, it is more difficult to obtain a seat, particularly during periods of peak demand. On the other hand, a low average load factor carries with it a high-

er average fare level, since the costs of flying an airplane must be spread over relatively fewer passengers, whereas costs per passenger are lower if load factors are high. Thus, any load-factor standard reflects a judgment as to the standard of service on which fares should be predicated. In utilizing a load-factor standard for ratemaking, the Board views as reasonable a level of fares which produces the allowable return on investment, assuming operations are conducted at the standard load factor. In other words, the expenses and investment recognized for ratemaking purposes are those necessary for operations at the standard load factor, regardless of whether actual load factors are above or below the standard.

The Board's present load-factor standard of 55 percent, adopted in Phase 6B of the *Domestic Passenger-Fare Investigation*,[1] is applicable for ratemaking purposes to the 48-State operations of the domestic trunk carriers. On January 17, 1975, the Department of Transportation (DOT) petitioned the Board, in Docket 27417, to issue an order to show cause why the load-factor standard should not be increased to 60–65%, or higher. In Order 75–6–72, which primarily concerned domestic passenger-fare increases proposed by a number of carriers, the Board concluded that a reexamination of the load-factor standard was appropriate, particularly in light of the major impact which the escalation in fuel costs has had on airline economics and the implications of that impact for the proper trade-off between the level of passenger fares and the quality of service. As we stated therein, the impact of the increase in fuel prices has been sufficiently severe to raise a question as to whether or not operations at a 55 percent load factor reflect a reasonable balance in today's environment between the quality of service provided and its price to the passenger. The Board, however, declined to proceed by way of a show cause order, as requested by DOT, but instead stated its intention to proceed by way of a rulemaking proceeding.

Purpose of the Proceeding. The proceeding we are hereby initiating will consider the longer-term load-factor standards for evaluating the passenger fares of the domestic trunks in the 48 contiguous States. We intend to reexamine the existing standards in terms of their relationship to both the level and structure of fares. Thus, the issues will include the overall load-factor standard, the extent to which load-factor standards should vary for different classes of service, and how the load-factor standards should apply at varying distances.[2]

While we look to this proceeding to resolve these issues in the context of whether to adopt new long-run load-factor standards, recent developments now indicate that we may be confronted with the basic questions raised in this proceeding before the complex issue of a load-factor standard for long-term use can be fully explored. Thus, recent increases in fuel costs and the possibility that the industry will face even further such increases in the short run must be recognized. At the moment, the situation is uncertain both as to the level to which fuel prices may ultimately rise and the span of time over which this will take place, and, accordingly, it is difficult for the Board to reach tentative conclusions. Nevertheless, the possible immediacy of a material upward swing in fuel prices poses a difficult problem of regulatory policy. It poses equally difficult problems for the carriers in their planning both for the near and longer terms, problems which are compounded by present uncertainties.

Ultimately, the users of the air transportation system bear the costs of fuel. There are two basic approaches by which further fuel price increases may be absorbed, and a range of alternatives falling in between, depending upon the rapidity with which prices escalate and the ultimate level reached. Increased fuel costs could simply be allowed to flow through fully to fare levels. This was done during the months immediately succeeding the onset of the fuel crisis in the latter part of 1973. This approach has the advantage of permitting prompt recoupment of identifiable specific additional costs, assuming no offsetting decline in traffic by reason of the higher fares, and would not, as a general matter, be inequitable to passengers since they are being asked to pay no more than that necessary to cover the costs of the level of service they receive from the system. On the other hand, as indicated, present and foreseeable circumstances raise a question as to whether it is reasonable and in the carriers' and the nation's interest to maintain the present quality of service in view of what the traveler may be asked to pay. Fare increases in significant amounts, particularly since any further increase in fares would come on top of the significant increases in the past several years, could severely dampen the travel market, and hence impair the industry's ability to maintain the present level of service.[3] Increases in the price of energy may have a pervasive impact on the economy which in itself could be expected to affect the travel market adversely. It is generally accepted that a general fare increase will not return an equivalent revenue increase to the carriers. The general economic circumstances today and possible developments in the months ahead suggest the possibility of a wider disparity between an increase in fares to the passenger and increased dollar revenue to the carriers. Finally, a major national objective is to create incentives toward curtailed and more efficient consumption of fuel. A full pass-through to fare level may not be consistent with that objective.

The opposing approach to a full flow-through to fare level would be full absorption of added fuel costs through greater utilization of capacity offered, a full flow-through to load factor. Under this approach, the consumer would pay for the increase in fuel prices, not by an increase in fare, but by a reduction in the quality and convenience in the service he receives. Such an approach would have the benefit of working toward the national interests in reduced consumption of energy and stemming inflationary pressures on the economy. It also recognizes the fact that, in terms of constant dollars, the cost of providing air service has risen sharply, to the point that the cost/value relationship reflected by a 55 percent load factor may no longer be appropriate.[4] On the other hand, the air transport system is today indisputably an essential element in the nation's economy, a fact which dictates maintenance of a level of service adequate to accommodate within reasonable and tolerable limits all who wish and need to use it. Moreover, the prospect of a precipitous and material cutback in service appears particularly troublesome. It is clearly not possible in the short run to reap the full cost benefit of such a contraction. Depreciation continues for grounded aircraft which cannot be readily sold in today's market, as do insurance costs and contractual arrangements with flight personnel, airport operators, and others which cannot be quickly modified. Even the transition to a longer-term reduced level of service must be carefully addressed.

These differing approaches, their consequences, and the difficult problems for the carriers arising from the energy situation have been widely publicized and indeed were the subject of communication from the Board to Executive Branch and Congressional officials responsible for developing the nation's energy program. (See letter from Chairman, June 24, 1975.)

What constitutes an adequate level of service and a reasonable charge to the user in today's environment, and that which seems likely to emerge in the future, are complex questions. However, they are questions which may confront the Board in the immediate future, long before the long-term issues in this proceeding cna be resolved. And they are questions to which the Board feels obliged to give consideration in assessing fare-increase requests, even before the longer-term issues are settled. For this reason, the Board has been reassessing its ratemaking policies in anticipation of fare-increase proposals which it may presently and in the immediate months ahead be called to rule upon. The Board

[1] See Orders 71–4–54 and 74–3–81. The load-factor standard adopted therein is codified at 14 CFR 399.31(a).

[2] As we indicated in Order 75–6–72, we are hereby consolidating DOT's petition into this proceeding.

[3] Estimates of the general increase in domestic fares which would be required to offset possible fuel cost increases arising from the price decontrol of domestic oil range up to 10 percent. These estimates assume a full pass-through to the fare level, but do not reflect possible further price increases in imported petroleum.

[4] For example, absorption through load factor of fuel price increases since 1969, in terms of constant dollars, would result in a load-factor standard in excess of 60 percent.

has under consideration the various factors discussed above and expects the carriers to take them into account in evaluating their revenue needs, particularly in the context of any tariff filings for a general revenue increase. Accordingly, we urge each carrier to consider carefully the trade-offs and balance between fare levels, traffic, capacity and fuel costs and consumption in analyzing its needs and operational plans. While developments in the near future are as yet uncertain and it is accordingly not possible to determine what course of action would be the most appropriate, significantly changed circumstances may dictate that the proper discharge of the Board's regulatory responsibilities will require departure from an automatic application of regulatory standards developed in a different environment in the Board's evaluation of the industry's current revenue need.

Procedure. A few carriers, in the course of their petitions for reconsideration of Order 75–6–72, and in answer to those petitions, objected to our stated intention to initiate this proceeding.[4] With one exception,[5] the objections concern our decision to utilize rulemaking procedures. Eastern asserts that the load-factor standard is a complex question of fact which is best resolved in an evidentiary proceeding with opportunity for cross-examination and an initial decision by an administrative law judge. TWA similarly claims that a hearing is needed to resolve such questions as the extent to which a change in the load-factor standard will affect actual load factors, service in low-density markets and markets with extreme day-of-the-week and seasonal peaking, and the financial posture of the carriers. Finally, National claims that it is unrealistic to use rulemaking without a hearing to arrive at a standard which will become "the actual basis of rate prescription under Section 1002(d) of the Act."

There can be no question that a formal evidentiary hearing of the type contemplated by the Administrative Procedure Act is not necessary for determining a load-factor standard for ratemaking purposes. The determination of the proper load-factor standard for ratemaking purposes is quite clearly a legislative policy question, the resolution of which is a matter of the Board's judgment as to the most desirable balance between the level of fares that passengers must pay and the quality of service they should receive. The use of rulemaking proceedings for developing ratemaking standards and policies is not novel to the Board. Three of the phases of the Domestic Passenger-Fare Investigation—those dealing with depreciation standards, treatment of leased aircraft, and treatment of deferred taxes—were conducted as rulemaking proceedings. Moreover, the adoption of load-factor standards does not involve a prescription of rates. Under § 1002(d), the Board can prescribe rates only if it finds, after notice and hearing, that existing and proposed rates are unlawful. Rather, as indicated above, a load-factor standard merely constitutes the Board's policy as to the amount of unused capacity it will require the traveling public to pay for.

In addition to the fact that formal evidentiary hearings are not required as a matter of law, we believe that the flexibility afforded by rulemaking procedures is more appropriate for the purpose of this proceeding. The load-factor standard is an important ratemaking standard in terms of its impact on the traveling public, since it will affect the level of fares they pay and may influence the quality of service they receive. Rulemaking procedures facilitate greater participation by interested members of the public.

We recognize, however, that many approaches to the question of optimum load factors involve empirical analyses. The Board's Bureau of Economics is currently engaged in a quantitative study of the load-factor standard, and we anticipate that many carriers and other interested persons will also be making their own analyses of the matter. In our judgment, it is desirable that the studies be open to cross-examination by interested persons so that their implications and underlying assumptions can be tested and clarified. Moreover, we believe it would be desirable for the Board to consider a variety of proposed load-factor standards before reaching its own tentative conclusions. Accordingly, we will hold a hearing, to be conducted by an administrative law judge, prior to the issuance of a notice of proposed rulemaking in this proceeding. The hearing will give all persons who wish to do so the opportunity to introduce exhibits setting forth their proposed load-factor standards, to cross-examine the proposals of others, and to submit written statements of position and argument. The Board will then issue a notice of proposed rulemaking setting forth its tentative conclusions on the appropriate load-factor standard. Thereafter, all persons, including those who choose not to participate in the hearing, will have the opportunity to file comments which will be considered by the Board prior to the adoption of a final rule. This procedure will preserve the flexibility afforded by rulemaking proceedings and at the same time will permit a detailed examination of empirical data and proposals.

Procedural schedule. In order to expedite the hearing in this proceeding, we are setting forth the following procedural schedule for the hearing phase of the proceeding:

1. Any person who wishes to participate in the hearings, either by the submission of evidence or by cross-examination, shall signify his intention to do so by notifying the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before September 4, 1975. The persons so notifying the Docket Section will constitute the Hearing Service List. The Docket Section will send copies of the Hearing Service List to the persons named thereon, and those persons are to serve each other with all exhibits to be presented at the hearing.[7]

2. On or before October 14, 1975, the Bureau of Economics will serve its direct exhibits on all the persons on the Hearing Service List.

3. On or before December 1, 1975, all other persons on the Hearing Service List shall serve any direct exhibits they intend to offer at the hearing as well as any exhibits they intend to offer in rebuttal of the direct exhibits of the Bureau of Economics.

4. Rebuttal exhibits in response to the direct exhibits of persons other than the Bureau of Economics shall be submitted on or before January 19, 1976.

5. The hearing will commence shortly thereafter at a time and place to be designated by the administrative law judge.

6. At the conclusion of the hearing the administrative law judge shall establish a date for the submission of post-hearing statements of position and argument by participants in the hearing other than the Bureau of Economics.

All evidence, including testimony other than cross-examination, shall be in written exhibit form and persons presenting evidence shall furnish as witnesses for purposes of cross-examination the persons who prepared the exhibits or under whose supervision or direction they were prepared. The exhibits should contain full source references including explanation of the methods used in making computations. At the outset of the hearing, the administrative law judge may establish such other ground rules as he deems necessary for the proper conduct of the hearing.

Other matters. In addition to the load-factor issues previously outlined, we believe it is desirable that persons who wish to propose new load-factor standards in the hearing should address the environmental implications, if any, of their proposed changes in the present load-factor standard. While a changed load-factor standard might appear at first blush to raise environmental implications, the actual impact of a change in this standard on the environment may well be slight. To begin with, the load-factor standard is only used for purposes of assessing the reasonableness of passenger fares, and while the carriers have an

[4] These petitions, insofar as they relate to actions taken in Order 75–6–72, will be the subject of a separate order.

[5] Eastern objects to reexamination of the load-factor standards on the grounds that the present standard was intended to be a long-term one and that short-term considerations should not vitiate that intention. As we pointed out in Order 75–6–72, however, every indication points to the conclusion that fuel prices have reached a new plateau and cannot be expected to fall to mid-1973 levels during any foreseeable future. Thus, we are faced with a long-term change in the nature of airline costs—one which necessarily requires a new look at load-factor standards.

[7] For purposes of exchanging exhibits among the hearing participants, two copies of each exhibit shall be sent to each person named on the Hearing Service List and one to the administrative law judge, and at the hearing, each person shall submit three corrected copies of exhibits received in evidence.

incentive to meet the load-factor standard, they are not required to do so. Moreover, even if the carriers were to conduct their operations at the standard load factor, a change in that load factor would not necessarily result in an environmentally significant change in the level of operations. Specifically, an increase in the load-factor standard, for example, would imply a smaller number of flights to carry a given volume of traffic. On the other hand, given the cost levels existing at any point in time, a higher load-factor standard would permit a lower level of fares than would be the case with a lower load-factor standard, and therefore an increase in the load-factor standard should tend to result in a greater volume of traffic. These two factors—the reduction in flights needed to carry a given amount of traffic, and the stimulation of additional traffic—tend to work in offsetting directions without any clear indication at this time whether a change in the level of operations would result in the long run. Decreasing the current load-factor standard might imply a higher level of operations, but even this is not certain since greatly increased fuel costs and the threat of depressed traffic by reason of a sharp jump in fares may temper the carriers' employment of capacity.

In any event, the question of whether any change in the existing load-factor standard will constitute a major federal action significantly affecting the quality of the human environment is one which the persons participating in this proceeding should consider. Therefore, we will require that all persons presenting a direct case at the hearing shall include in their direct exhibits a statement of the anticipated environmental effects of their proposal. The Bureau of Economics will thereafter prepare a determination, to be submitted on the date for rebuttal exhibits, with respect to whether an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 will be required. Other hearing participants are also invited to submit rebuttal exhibits to these environmental statements. Moreover, hearing participants who offer economic objections, in the form of rebuttal exhibits, to the load-factor proposals submitted for the hearing, should address in those exhibits the environmental implications of their objections. In light of the evidence developed at the hearing, the Board will then decide whether further procedures regarding environmental impact are necessary.

We recognize that many persons wishing to put on a direct case at the hearing may find it necessary to use service-segment data to formulate their analysis. At the present time, the most recent data available to the public are that for calendar 1973. We have determined to make calendar 1974 data for the 48-State operations of the trunks available as well. This will result in a larger and more current data base than otherwise would be available. Accordingly, we find that these 1974 data are relevant and material to the issues in this proceeding.

Finally, we wish to reiterate that the Board will not issue a notice of rulemaking until the conclusion of the hearings. Thereafter, all interested persons, including those who do not participate in the hearings, will be free to present their views on the tentative conclusions reached by the Board.

By the Civil Aeronautics Board.*

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

[FR Doc.75-22452 Filed 8-22-75;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 736]

INVESTIGATIONS

Proposed Pledges of Confidence

Subsection (k) of section 552a of title 5 of the United States Code (section 3 of the Privacy Act of 1974, Pub. L. 93-579) provides in part that the head of any agency may promulgate rules to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f) of this section if the system of records is investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

The United States Civil Service Commission proposes to issue a new part, 5 CFR Part 736 entitled "Investigations" to establish procedures for determining when a promise of confidentiality is to be made under subsection (k)(5) of the Privacy Act of 1974 and otherwise to implement this subsection for all purposes except those pertaining to military service.

These proposed regulations provide that in conducting investigations after September 26, 1975, for determining suitability, eligibility or qualifications for Federal civilian employment, Federal contracts, or access to classified information, the investigator may give a pledge of confidence (a promise that the identity of the source will be held in confidence) when such a promise or pledge is necessary to obtain information needed for making such determinations. In no case will pledges of confidence be given when not necessary to get needed information.

A pledge of confidence may be made to obtain information considered relevant and necessary to make a judicious determination as to qualifications, eligibility or suitability when this information can be obtained only by providing assurance to the source that his or her identity will not be revealed to the subject of the investigation. There is an expectation that such pledges of confidence will be given sparingly.

Any person interested in this proposal may file written comments regarding this proposal to the Director, Bureau of Personnel Investigations, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, on or before September 24, 1975.

It is therefore proposed to issue 5 CFR Part 736 as follows:

PART 736—INVESTIGATIONS

Sec.
736.101 Definitions.
736.102 Purpose of investigation.
736.103 Personal investigation.
736.104 Written inquiry.

AUTHORITY: Pub. L. 93-579; 5 U.S.C. 552a.

§ 736.101 Definitions.

In this part:

(a) "Federal civilian employment" means all civilian service for the Federal government including (1) appointments to Federal Advisory Committees or to membership agencies, whether or not salaried; (2) cooperative work assignments in which the individual has access to Federal materials such as examination booklets or performs service for or under supervision of a Federal agency but may be paid by another organization, such as a State or local government; (3) volunteer arrangements in which the individual performs service for or under the suspervision of a Federal agency; and (4) volunteer or other arrangements in which the individual represents the United States Government or any agency thereof.

(b) "Agency" means any authority of the Government of the United States, whether or not it is within or subject to review by another agency and includes any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

§ 736.102 Purpose of investigation.

In conducting an investigation, either by personal investigation or by written inquiry, to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas, the investigating agency will notify the source from which information is requested of the purposes for which the information is sought and how it will be used. Procedures used in conducting investigations must take proper account of the rights of the individual being investigated as well as the rights of the individual furnishing testimony or information.

*TIMM, member, filed the attached concurrence and dissent; filed as part of the original document.

§ 736.103 Personal investigation.

In conducting a personal investigation to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas in which selection standards demand loyalty, good character and trustworthiness, the interviewing agent will notify each person interviewed and each custodian of record contacted that all information provided, including the source's identity, may be disclosed to the individual being investigated upon that individual's request. Pledges of confidentiality may not be assumed. The interviewing agent must inform each source that he or she has a right to ask that his or her identity not be disclosed. If such a request is made, the confidentiality will apply only to the source's identity. The interviewing agent may not ask a source to request a grant of confidentiality. The agent may make such a promise of confidentiality if requested by the source and that promise will require the investigative agency and all other agencies that receive information obtained under the promise to take all reasonable precautions to protect the confidentiality of the source's identity. Notification of these conditions will be made prior to the interview or review of records.

§ 736.104 Written inquiry.

In requesting information by a written inquiry concerning the character, loyalty and qualifications of an individual to determine suitability, eligibility or qualifications for Federal employment, Federal contracts or access to classified information or restricted areas, the form, instructions or correspondence used by an agency will include:

(a) A notification that information provided, including the respondent's identity, will be disclosed to the individual on his or her request; and

(b) An offer to have an agency representative call in person to obtain significant information which the respondent feels he or she cannot provide without a pledge of confidentiality as to identity.

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

[FR Doc.75-22417 Filed 8-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 406]

[FRL 420-2]

GRAIN MILLS POINT SOURCE CATEGORY

Proposed Pretreatment Standards for New Sources

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR Part 406, Grain Mills Point Source Category. The portion of Part 406 which is affected by the proposed amendment is § 406.16, the pretreatment standards for new sources in the Corn Wet Milling Subcategory.

On March 20, 1974, EPA promulgated a regulation adding Part 406 to Title 40 of the Code of Federal Regulations (39 FR 10512). That regulation established effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources for the grain processing segment of the grain mills point source category by establishing the Corn Wet Milling Subcategory (Subpart A), the Corn Dry Milling Subcategory (Subpart B), the Normal Wheat Flour Milling Subcategory (Subpart C), the Bulgur Wheat Flour Milling Subcategory (Subpart D), the Normal Rice Milling Subcategory (Subpart E), and the Parboiled Rice Processing Subcategory (Subpart F) pursuant to sections 301, 304(b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 USC 1251, 1311, 1314(b) and (c), 1316 (b) and 1317(c) 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

On May 5, 1975, the United States Circuit Court of Appeals for the Eighth Circuit remanded to the Environmental Protection Agency the pretreatment standards for new sources in the corn wet milling subcategory (Subpart A), § 406.16. Under the general pretreatment standards (40 CFR Part 128), which are incorporated by reference in the new source pretreatment standards for corn wet mills, a plant is not required to pretreat its effluent for removal of compatible pollutants, except as required by 40 CFR 128.131 or by a state or municipality. On remand the court directed the EPA to review paragraph (d) of § 128.131, as it applies to the corn wet milling industry through § 406.16, and to amend the regulation to define in a reasonably specific manner what it considers to be an excessive discharge to a publicly owned treatment works over relatively short periods of time.

In response to the remand, the Agency is considering an amendment to § 406.16, applicable to a new source within the corn wet milling subcategory which would be a user of a publicly owned treatment works, and which would be a new source subject to 306 of the Act, if it were to discharge pollutants to the navigable waters.

(A) GENERAL CONSIDERATIONS IN REMAND PROCEEDING

(1) DATA AND INFORMATION CONSIDERED

Upon remand to the Environmental Protection Agency, the Agency has reviewed paragraph (d) of § 128.131, as applicable to the corn wet milling industry through § 406.16, in the following manner:

The Agency solicited and examined data from six publicly owned treatment works (POTW) to determine what criteria these POTW used to limit shockloads and upset conditions in the treatment works. This analysis included a determination of the nature of the waste waters received, the treatment processes employed, limiting factors such as size of pumps, tankage, solids removal rates and operating characteristics as well as any State or local regulations in effect to control the discharge of waste waters from industrial sources which create upset conditions at the treatment works.

The Agency, in addition, examined data from industry, treatment works design manuals, consultant reports, and other Agency studies of POTW design and operation to determine the relationships of treatment system capacities and effects of waste water load fluctuations.

These data were then evaluated to determine what levels of corn wet milling industry discharge to POTWs might cause POTW upsets and what levels of discharge from the corn wet milling industry should be considered by the Agency as excessive discharge to a POTW over a short period of time.

The Agency also took into consideration the following factors which have already been explored fully in the development of the regulations for the corn wet milling industry:

(i) *Waste characteristics.* The significant pollutants, BOD, TSS, and pH discharged in the process waste waters from sources within the corn wet milling subcategory are believed to be similar in nature to the BOD, TSS, and pH normally found in domestic waste water discharges and, therefore, are deemed compatible pollutants (40 CFR 128.121) which may be discharged to publicly owned treatment works.

The process waste water discharges from corn wet milling plants, however, are subject to variations in pollutant loading and flow which may cause upsets in publicly owned treatment works.

(ii) *Origin of waste water pollutants.* Corn wet milling uses more water and generates more waste water than any other grain milling process. The major waste contributions are: Condensates from steepwater evaporation, cooling water from once-through barometric condensers, waste water from modified starch production, and waste water from activated carbon and ion exchange units and evaporation of syrup in the syrup refining operation. Raw waste waters discharged from wet corn milling plants range from 0.75 to 30 million gallons per day (mgd). The average amount of BOD_5 in these discharges is 415 lbs/MSBu.

(iii) *Treatment and control technology.* For the purpose of the remand the Agency was not directed to specify which treatment and control technologies could be used by new sources in the corn wet milling industry which discharge to a POTW. The Development Document for the Grain Processing Segment of the Grain Mills Point Source Category, March 1974, EPA No. 440/1-74-028-a, addresses in-plant controls and equalization as well as neutralization technology that can be used prior to biological treatment of discharge from a corn wet milling plant to navigable waters. The Agency believes that, if necessary, similar treatment and control technologies can be used by a corn wet mill plant to prevent discharges which could cause upsets in a publicly owned treatment works.

(2) SUMMARY OF COMMENTS RECEIVED DURING REMAND PROCEEDING

As part of the review upon remand the Agency requested data from both industry and municipalities. The requests were specifically directed to the issue of excessive loading of publicly owned treatment works.

The following industries and municipalities responded: Corn Products Corporation, International, Inc., Penick and Ford Limited, Anheuser-Busch Inc., and the municipalities of Cedar Rapids, Iowa; Keokuk, Iowa; Reading, Pennsylvania; Decatur, Illinois; Lafayette, Indiana and Carol City, Florida.

Each of the comments received was carefully reviewed. The following is a summary of the significant comments and the Agency's response to them:

(a) Two of the commenters stressed their opinion that all of the various factors affecting suitability of joint industrial-municipal waste treatment should be handled at the local level.

It is agreed that the specific operating characteristics of a publicly owned treatment works and an industrial contributor is best known by the operating personnel. However, data is available to the Agency concerning municipal plants and corn wet mills that allow analysis to be made as to their interactions with one another. In addition, the court has stated that it does not require that the regulations must be amended to provide that a new corn wet milling plant may discharge all compatible wastes into municipal systems without limitation.

(b) A commenter also suggested that excessive discharges from corn wet mills be regulated under section 304(f). Section 304(f) provides only that the Agency publish guidance for use by states with pretreatment programs. It does not fulfill the obligation given EPA by section 307(c) to establish Federal pretreatment standards for new sources. This commenter indicated his plant was located in a municipality that restricted the corn wet mill to daily discharges not greater than 1.25 times the average loading. This requirement was said to be for prevention of physical damage to the public sewer system or hazards to public safety.

(c) Several commenters pointed out the variables which are significant to the publicly owned treatment systems receiving corn wet mill wastes. These variables included the relative size of the waste load from the corn wet milling plant to the capacity of the POTW and the varying quantities of BOD5, total suspended solids and flow. The Agency has taken these variables into consideration in developing the proposed regulation.

(d) A commenter from a municipality indicated that industrial spills including those from corn wet mills have caused significant operational problems in the municipal treatment facility. As a result industries have been required to monitor their discharges so that any upset in the public treatment plant can be traced to a specific industrial plant site. As for POTW operation it was indicated that an increase in BOD5 of 25 percent over the average would cause a loss of treatment efficiency.

(e) A municipal plant operator indicated that corn wet mill wastes have caused organic and hydraulic shockloads to his plant. Organic shockloads result in depletion of the plant's oxygen and hydraulic shockloads upset the clarifier. It was indicated that doubling any load to this plant would produce a noticeable deterioration in the quality of the effluent. With a load three times average, the plant was said to be in serious trouble. The Agency has taken these factors into consideration.

(f) Another municipality mentioned a problem area associated with discharges of solids in the form of filamentous growth from a corn wet mill's pretreatment plant. It was said that doubling loads to the municipal plant would result in operational problems. This load factor, as well as the others previously mentioned, was incorporated in the data used to develop the proposed regulation.

(g) Two other municipal commenters not treating any corn wet mill wastes indicated that doubling loads to their plant would cause loss of plant efficiency.

It should be pointed out that practically all of the information obtained indicates that treatment of corn wet mill wastes requires cooperation on the part of the discharger in relation to the capabilities of the receiving publicly owned treatment plant. The proposed regulation is intended to respond to this situation.

After consideration of the data and comments received, the Agency determined that it was possible to derive a formula which would quantify excessive loads from new corn wet mills to municipal treatment systems.

(B) EXPLANATION OF THE PROPOSED STANDARD

In the development of the formula for this proposed regulation, the amount of flow, and the amount of BOD5 and total suspended solids (TSS) were taken into consideration. These are the parameters of significance from the corn wet milling industry and of concern to the publicly owned treatment works (POTW) receiving the industry's wastes.

The potential publicly owned treatment works waste treatment problems posed by new corn wet mills are related to the high volume and the high pollutant load of the waste. Because of their fluctuations in flow and/or total pollutant load, corn wet mill discharges may have deleterious effects on treatment plant performance. Therefore an approach which quantifies the degree of fluctuation that can be tolerated by the receiving POTW has been taken.

The effect of wastes from a new source corn wet mill is a function of many factors. Among these are existing POTW total average and peak waste loads, treatment plant average and peak design capacities, treatment plant unit processes, and extent and duration of waste load fluctuations.

In developing the formula several assumptions have been made. For one, it has been assumed that the new source industrial peak load will occur at the same time as the existing peak load. This assumption is appropriate as it provides protection to the POTW during the time the plant is most prone to upsets from additional uncontrolled loads. Another assumption is that time intervals of an hour for flow and a day for BOD5 and TSS are satisfactory to meet the relatively short period of time requirement in the regulation. These time intervals are believed appropriate because of operational and monitoring constraints in POTWs. In addition, POTW design parameters for average and peak conditions usually include the above time intervals. An assumption has also been made that POTW has the available capacity necessary to treat the average discharge from the new corn wet mill source.

The formula that has been developed to quantify excessive loads from new corn wet mills to POTWs is given below. In the formula, an excessive load is one which exceeds the value P:

$$P = K(Q+R) - S$$

Where: P = maximum allowable peak waste load from the new corn wet mill source to be discharged to the POTW (gallons per one hour for flow and pounds per one day for BOD5 and TSS).

K = a constant that represents the ratio of peak design capacity to average design capacity of POTW. The value is 2.

Q = average existing waste load to POTW.

R = average waste load from the new corn wet mill source to be discharged to the POTW.

S = existing peak load to POTW.

This formula presents a quantitative relationship that relates peak and average waste water loads. In the formula, the quantity K(Q+R) represents the total peak capacity of a POTW at the proposed operating conditions. The quantity S in the formula represents only the existing source peak load. By subtracting the latter from the former, the maximum allowable new source load P is obtained.

A K value of 2 was chosen for use in the above formula. This decision was based on the data obtained from sources such as industry, municipalities, consultant and EPA reports and design standards. It may be argued that K is not always a constant. A plant operating greatly below capacity, for example, may be able to absorb a higher percentage fluctuation than if it were operating near design capacity. While this may be true, it appears appropriate to base the value of K on the ultimate use of the POTW, i.e., the design capacity.

The following cases exemplify use of the proposed formula $P = K(Q+R) - S$. All flows are for one hour periods.

Case I. This case represents a relatively small publicly owned treatment plant. A new source flow has been proposed which is equal to the present plant flow.

K=2, Q=0.21 million gallons (MG) and R=0.21 MG.

S[1]=0.3 MG.

[1] S—An assumed value is being used for this parameter. At an operating POTW, S should be determined.

P=2 (0.21+0.21)−0.3.
P=0.54 MG. This value represents the maximum allowable peak flow from the new source. It is approximately 3 times the average flow.

Case II. This case represents a large POTW with the new source flow to be equivalent to 10 percent of present POTW flow.
K=2, Q=8 MG and R=0.8 MG.
S[1]=11 MG.
P=2 (8+0.8)−11.
P=6.6 MG.

The allowable new source peak flow is approximately 8 times the average flow. It is apparent that the smaller the percentage of POTW flow the new source represents, the less of an impact variations in its flow will have.

The above methodology used to determine P for flow is also applicable to BOD5 and TSS.

(C) OTHER CHANGES

The amended regulations provide that aside from the prohibitions contained in 40 CFR 128.131 (including the prohibition on shock loading) no pretreatment is required, since the wastes from new corn wet mills are compatible with POTWs. In substance, this does not change the content of the prior regulation. However, the language has been simplified.

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, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the requirements of section 307(c) of the Act.

A copy of all public comments received 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.

In addition, a record on remand, representing the technical data and other information gathered during this remand period, is available for interested members of the public to review at the EPA Freedom of Information Center, at the address indicated above.

All comments received before September 15, 1975, will be considered.

In consideration of the foregoing, it is proposed that 40 CFR Part 416 be amended in the manner set forth below.

Dated: August 18, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

Subpart A—Corn Wet Milling Subcategory

§ 406.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn wet milling subcategory which is a user of a publicly owned treatment works (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 standard set forth in Part 128 of this chapter, for existing sources, except: For the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133, of this chapter shall not apply and for purpose of this section, § 128.131(d) of this chapter is amended to read as set forth in paragraph (a) of this section. In addition to the prohibitions set forth in § 128.131 of this chapter (as amended in paragraph (a) herein), the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to publicly owned treatment works by a new source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

(a) Process waste water shall not be discharged to a POTW at a flow rate or pollutant mass loading rate which is excessive over any time period. Excessive discharges are defined as those in which the flow, or BOD5 or total suspended solids (TSS) exceed the respective values of P from the following formula:

P=K(Q+R)−S.
Where:
P=maximum allowable peak waste load for the new corn wet milling source to be discharged to the POTW (gallons per one hour for flow and pounds per day for BOD5 and TSS).
Q=average existing waste load to POTW.
R=average waste load for the new corn wet milling source to be discharged to POTW.
S=existing peak load of POTW.
K=2.

[FR Doc.75-22482 Filed 8-22-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20499–20501]

PROHIBITION OF CERTAIN FRAUDULENT BILLING PRACTICES, DISTORTION OF AUDIENCE RATINGS; LICENSEE CONDUCTED CONTEST

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.1205 of the Commission's Rules in Order to Prohibit Certain Fraudulent Billing Practices and amendment of Part 73 of the Commission's Rules Relating to Licensee—Conducted Contests and amendment of Part 73 of the Commission's Rules and Regulations to prohibit distortion of audience ratings.

1. On May 29, 1975, the Commission adopted three notices of proposed rulemaking in the above-captioned proceedings. Publication was given in the FEDERAL REGISTER on June 25, 1975, at 40 FR 26695, 40 FR 26692, and 40 FR 26698, respectively. Comment and reply comment dates for all three proceedings are August 29, 1975 and September 29, 1975.

2. On July 22, 1975, Storer Broadcasting Company, through its attorney, requested that the time for filing comments and reply comments be extended for sixty days for each of the three Notices listed above.[1] Storer shows that the number of rulemaking comment and reply comment dates scheduled by the Commission from July 25, through September 1, 1975 include nineteen deadlines. Storer states that the issues raised in these proceedings are of vital importance, and in order to provide reasonable opportunity for comprehensive research and preparation, additional time is needed.

3. It appears that extension of time would serve the public interest. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including October 28, 1975 and November 28, 1975 for each of the Proposed Notices listed in the above-captioned heading.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(i), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: August 14, 1975.

Released: August 19, 1975.

[SEAL] PAUL W. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.75-22435 Filed 8-22-75;8:45 am]

[47 CFR Part 74]

[Docket No. 20580; FCC 75-969]

POWER LIMITATIONS OF TELEVISION TRANSLATOR STATIONS

Notice of Proposed Rule Making

1. Section 74.735 of the Commission's rules relates to the power limitations applicable to television broadcast translator stations. The portion of that section of the rules with which we are here concerned is that provision which permits the use of multiple output amplifiers with VHF translators. Specifically, § 74.735(a) of the rules provides as follows:

(a) The power output of the final radio frequency amplifier of a VHF translator (except as provided for in paragraph (d) of this section) shall not exceed 1 watt peak visual power if located east of the Mississippi River or 10 watts if located west of the Mississippi River or in Alaska or Hawaii. This

[1] On July 24, 1975, the law firm of Fletcher, Heald, Rowell, Kenehan and Hildreth filed a petition in support of Storer's request.

power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or antenna arrays in any manner found useful or desirable by the licensee. In individual cases, the Commission may authorize the use of more than one final radiofrequency amplifier at a single VHF translator station, under the following conditions:

(1) Each such amplifier shall be used to serve a different community or area. More than one final radio frequency amplifier will not be authorized to provide service to all or a part of the same community or area.

(2) Each final radiofrequency amplifier shall feed a separate transmitting antenna or antenna array. The transmitting antennas or antenna arrays shall be so designed and installed that the outputs of the separate radiofrequency amplifiers will not combine to reinforce the signals radiated by the separate antennas or otherwise achieve the effect of radiated power in any direction in excess of that which could be obtained with a single antenna of the same design fed by a radiofrequency amplifier with power output no greater than that authorized pursuant to paragraph (a) of this section.

(3) VHF translators employing multiple final radiofrequency amplifiers will be licensed as a single station. The separate final radiofrequency amplifiers will not be licensed to different licensees.

2. It is to be noted that, under this provision of the rules, the use of multiple output amplifiers is limited to VHF translators. In recent years, the question has arisen, from time to time, as to whether multiple output amplifiers may be used with UHF translators and it is quite clear that the rules do not allow such use. On one or two occasions, proposals have been submitted for such operation and these have been rejected because they did not comply with the rules. We have recently received applications for construction permits for several UHF translators from the same applicant proposing to serve two different communities from the same site on the same output channel. This was obviously an effort to achieve the same results which could be achieved with a multiple output amplifier, but at twice the cost. In the absence of valid and compelling reasons, applicants should not be burdened in this manner. With this experience in mind, we now raise the question of whether there is any valid reason that we should continue to limit the use of multiple output amplifiers to VHF translators.

3. Our review of the history and background of § 74.735(a) fails to disclose any discussion or consideration of the use of multiple output amplifiers with UHF translators. We are unable to find any valid reason at the present time to continue this limitation. We propose, therefore, to amend the rules as set out in the Appendix hereto, to permit the use of multiple output amplifiers with UHF translators of 100 watts or less which are not operating on channels listed in the Television Table of Assignments. We do not intend to disturb the provisions of the rules as they now relate to VHF translators nor will we extend the rule to UHF translators operating on channels listed in the Table of Assignments. In the course of amending the rule, we think that it would be appropriate to change the language of the rule to conform the wording to existing policies. Specifically, the rule is now couched in terms of limitations on power based on the location of the VHF translator, i.e., whether it is located east or west of the Mississippi River. The rule has always been construed and applied not in terms of the geographical location of the station (which is of no consequence), but in terms of the geographical location of the areas or communities to be served. This policy was embodied in the corresponding section of the FM translator rules when those rules were promulgated in 1970 (§ 74.1235). The action which we propose would bring the power rules in the two services into harmony, eliminate confusion, and alleviate some burden on the staff.

4. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulation, interested parties may file comments on or before September 29, 1975, and reply comments on or before October 9, 1975. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

6. In accordance with the provisions of § 1.415 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: August 14, 1975.

Released: August 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 74.735, paragraph (a) and (a)(3) are amended to read as follows:

§ 74.735 Power limitation.

(a) The power output of the final radiofrequency amplifier of a VHF translator (except as provided for in paragraph (d) of this section) shall not exceed one watt peak visual power if serving areas or communities east of the Mississippi River or 10 watts if serving areas or communities west of the Mississippi River or in Alaska or Hawaii. This power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or antenna arrays in any manner found useful or desirable by the licensee. The use of more than one final radiofrequency amplifier at a single VHF translator station or at a single UHF translator station of 100 watts or less peak visual power (except those operating on channels listed in the Television Table of Assignments), will be authorized under the following conditions:

* * * * *

(3) Translators employing multiple final radiofrequency amplifiers will be licensed as a single station. The separate final radiofrequency amplifiers will not be licensed to different licensees.

[FR Doc.75-22429 Filed 8-22-75;8:45 am]

[47 CFR Parts 81, 83, 87, 91, 93, 95]

[Docket No. 20351]

AUTOMATIC IDENTIFICATION OF STATION TRANSMISSIONS

Order Extending Time To File Comments

In the matter of amendment of Parts 81, 38, 87, 89, 91, 93, and 95 to institute rules regarding a system for automatic identification of station transmissions, (40 FR 22848).

1. Electronic Industries Association (EIA) and E. F. Johnson Company (Petitioners) request an extension of time until September 8, 1975, within which to file comments in the captioned matter. Comments and reply comments were previously extended at EIA's request and were due August 18 and September 2, 1975, respectively.

2. In support of their request, petitioners state that they need some "extra working days" to "prepare comprehensive and meaningful comments."

3. While we previously urged expeditious studies and meetings, we recognize the complexity of the issues involved and the absence of some EIA members from the country who were attending an EIA sponsored overseas trip. Therefore, we find good cause has been shown for an extension of time for filing comments in this proceeding.

4. Accordingly, *it is ordered*, Pursuant to §§ 0.131, 0.331, and 1.46 of the Commission's rules that the time for filing comments in the above captioned matter is extended from August 18, 1975 to September 8, 1975, and reply comments September 2, 1975, to September 22, 1975.

Adopted: August 15, 1975.

Released: August 19, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-22434 Filed 8-22-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 154, 157]

[Docket No. RM75-14]

JURISDICTIONAL SALE OF NATURAL GAS

Extension of Time for Filing Comments re Intrastate Market

AUGUST 11, 1975.

National Rates for Jurisdictional Sales of Natural Gas Dedicated to Interstate Commerce on or After January 1, 1973, for the period January 1, 1975, to December 31, 1976

On August 4, 1975 (Indicated Producer Respondents) filed a motion for an extension of time for filing reply comments as fixed by the order issued June 16, 1975 in the above-designated matter. On August 4, 1975 an order issuing staff rate recommendations and prescribing further proceedings was issued fixing September 5, 1975 as the time for filing comments in reply to the comments of the staff and to comments of the parties submitted pursuant to Commission order of December 4, 1974.

Notice is hereby given that the time is extended to September 5, 1975 for filing comments re Intrastate Gas Market as required by the June 16, 1975 order, together with the other comments.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22339 Filed 8-22-75;8:45 am]

[18 CFR Parts 154, 201, 260]

[Docket Nos. RM74-4 and R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE

Notice of Extension of Time

AUGUST 14, 1975.

On August 4, 1975, Burmah Oil Development, Inc.[1] filed a motion for an extension of time in which to file comments to order in response to order issued July 29, 1975, in the above-designated matter.

Notice is hereby given that the date for filing initial comments in the above matter is extended from August 20, 1975 to September 20, 1975, and the date for filing responding comments is extended from September 20, 1975 to October 20, 1975, for all parties.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22337 Filed 8-22-75;8:45 am]

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[1] The following parties also filed motions for extensions of time in the same matter:

August 6, 1975, Murphy Oil Company and Ocean Drilling and Exploration Company.

August 7, 1975, Pennzoil Offshore Gas Operators, Inc.

August 8, 1975, Tenneco Oil Company and Tenneco Oil and Minerals, Ltd.

August 12, 1975, Clark Oil Producing Company, et al.; Skelly Oil Company.

August 13, 1975, Belco Petroleum Corporation and Transocean Oil, Inc.

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

FINANCIAL ASSISTANCE TO PARTICIPANTS IN COMMISSION PROCEEDINGS

Policies Concerning Requests

Notice is hereby given that the Nuclear Regulatory Commission is considering the possibility of amendments to its regulations in 10 CFR Part 2 ("Rules of Practice") that would specify the Commission's policy concerning requests for financial assistance to participants in Commission proceedings.

The background of the present proceeding is set forth in the Atomic Energy Commission's November 1974 decision in Consumers Power Company (Big Rock Point Nuclear Plant), RAI-74-11-820. There were then pending before the AEC several petitions from intervenor groups seeking financial assistance to pay the fees of attorneys and technical experts, and for related expenses of litigation. The AEC recognized that those petitions raised a question of its statutory authority and, beyond that, broad and complex policy issues. As to the statutory authority question, the AEC expressed itself as "tentatively inclined to the conclusion that such authority exists." Id. at 823.

Having reached that tentative conclusion on the threshold issue, however, the AEC also concluded that the practical and policy questions raised by financial assistance requests "far exceed the limitation of these particular adjudicatory records." Id. The AEC further concluded that—

> * * * these, and other related generic policy questions, should be explored in a rulemaking proceeding where a broad spectrum of views can be presented, thereby facilitating meaningful public participation in the process of addressing significant regulatory questions.

Subsequently, the AEC solicited competitive proposals for an independent study of the matter to provide information for the rulemaking proceeding. In keeping with this solicitation, and after the establishment of the Nuclear Regulatory Commission, the firm of Boasberg, Hewes, Klores and Kass was selected to perform the independent study. The Boasberg firm recently completed its report, which should serve to provide data and background for focusing the issues to be considered during the rulemaking proceeding. Public availability of the report was noticed in the FEDERAL REGISTER. 40 FR 32797.

The study was commissioned to address such questions as:

1. What are the considerations in favor of and against such financial assistance?

2. What is the financial assistance experience of other Federal and state agencies?

3. If the NRC decides to implement a policy of financial assistance:

a. What kinds of expenses should qualify for Commission assistance—experts' fees, attorneys' fees, other expenses?

b. Should assistance be granted before or after an intervenor's presentation?

c. What criteria should govern grants for assistance?

d. Should assistance be granted to more than one intervenor in a particular proceeding?

e. Given limited availability of funds, what should be the maximum amounts of assistance?

f. Given limited availability of funds, how should they be allocated?

g. What kinds of proceedings should be covered—licensing, rulemaking, other proceedings?

4. Are there preferable alternatives to financial assistance to intervenors, such as establishment of an agency Office of Public Counsel, or provision for other forms of NRC assistance?

Since the time of the AEC's tentative conclusion on the question of statutory authority, the courts have rendered two decisions relevant to that question. In "Aleyska Pipeline Service Company v. Wilderness Society", 95 Sup. Ct. 1612 (1975), the Supreme Court reversed an award of attorneys' fees to the Wilderness Society, rejecting the "private attorney general" rationale adopted by the lower court in favor of the "American Rule" that each side pay its own cost. And in "Turner v. FCC", F. 2d —, Nos. 74-1298 and -1299, the Court of Appeals for the District of Columbia Circuit, relying on Aleyska, ruled that the FCC does not have authority to require a party in administrative proceedings before it to pay attorneys' fees of its opponents. The NRC is writing the Comptroller-General of the United States for his views on its obligational authority for such expenditures.

All interested persons who desire to submit written comments in connection with the possible amendment to 10 CFR Part 2 should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Supervisor, Docketing and Service Section. Comments may be addressed to the following areas:

1. Whether the AEC's tentative conclusion on the question of statutory authority was correct, or whether that conclusion remains correct in light of the intervening judicial decisions referred to above.

2. Whether provision of financial assistance in some or any of the forms discussed in the report of the Boasberg firm is desirable as a matter of policy choice, taking into account the report and other matters that may be deemed relevant.

3. If financial assistance is deemed desirable, what priorities should be observed and what specific rules should govern grants of assistance.

4. Whether there are preferable alternative to financial assistance to participants in NRC proceedings.

Comments should be submitted by October 9, 1975. To be of maximum value, comments should explain and justify whatever positions are advanced.

The Commission has under consideration what further procedures should be followed in this rulemaking proceeding, including the possibility of an informal hearing. Decisions on these procedural questions will be made at a later date in light of comments received.

Copies of comments on this notice, as well as the study referred to herein, may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC 20555. In addition, single copies of the study may be obtained, to the extent of supply, by request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Washington, D.C. this 19th day of August, 1975.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-22374 Filed 8-22-75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2607]

DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT

Notice of Proposed Rulemaking

Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a) becomes effective on September 27, 1975 and provides, among other things, that the Pension Benefit Guaranty Corporation ("the PBGC") must promulgate rules to implement certain of the provisions of that Section.

The PBGC maintains several systems of records as defined in section 3(a)(5) of the Privacy Act. These proposed rules establish procedures for notifying an individual, upon his request, if a system of records named by the individual contains a record pertaining to him, for the disclosure to an individual, upon his request, of a record pertaining to him, and for reviewing requests for amendments of records and making the initial decisions and the appeals on such decisions. These proposed rules also define reasonable times, places and requirements for identifying an individual upon his request for his record and establish fees for making copies of an individual's record.

Section 2607.10 of the proposed rules exempts from these rules certain systems of records maintained by the PBGC. Specifically, pursuant to the authority granted by 5 U.S.C. 552a(k)(5), the PBGC proposes to exempt from the requirements of this part those systems of records which are investigatory material maintained solely for the purpose of determining an individual's qualifications for Federal employment, but only to the extent that the disclosure of the material would reveal the source of the information, and the information contained in such system of records could only be obtained by providing assurance to the source of the information that his identity would not be revealed to the subject of the record. This exemption is proposed in recognition of the fact that in certain instances it might be impossible to obtain relevant and essential information concerning a potential employee without promising to protect the confidentiality of the source of the information.

Interested persons may participate in this proposed rulemaking by submitting their views in writing to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Post Office Box 7119, Washington, D.C. 20044. Each person submitting comments shall include his name and address, identify this notice, and give reasons for any recommendations. Comments shall be submitted by September 15, 1975, and shall be considered before final action is taken on this proposal. Copies of written comments will be available for examination by interested persons in the Office of Communications of the PBGC, Room No. 1431, 8757 Georgia Avenue, Silver Spring, Maryland, between the hours of 9 a.m. and 4 p.m. The proposal may be changed in the light of comments received.

In consideration of the foregoing it is proposed to amend Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2607 to read as follows:

PART 2607—DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT

Sec.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1900-Pub. L. 93-406, 88 Stat. 829.

§ 2607.1 Purpose and scope.

(a) The purpose of this part is to establish procedures whereby an individual can determine whether the PBGC maintains any system of records which contains a record pertaining to the individual, procedures to effect access to an individual's record upon his request, procedures for making requests to amend records and for making the initial determinations on such requests and for appealing denials of such requests. This part also sets forth the fees that shall be charged for making copies of an individual's record. Finally, this part sets forth those systems of records which are exempted from the provisions of this part.

(b) This part applies to each system of records maintained by the PBGC, unless exempted by this part.

§ 2607.2 Definitions.

As used in this part—

(a) The term "disclosure officer" means the Director of the Office of Communications of the Pension Benefit Guaranty Corporation.

(b) The term "PBGC" means the Pension Benefit Guaranty Corporation.

(c) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(d) The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(e) The term "working day" means any weekday excepting Federal holidays.

§ 2607.3 Procedures for determining existence of records.

(a) Any individual who desires to know whether a system of records maintained by the PBGC contains any record pertaining to him shall submit a written request to that effect either by mail to the Director, Office of Communications, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, or in person between the hours of 9 a.m. and 4 p.m. on any working day at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C.

(b) Each request submitted pursuant to paragraph (a) of this section shall include the name of the system of records to which the request pertains, the requestor's full name, home address and date of birth and shall clearly state on the envelope and on the request "Privacy Act Request". If this information is insufficient to enable the PBGC to identify the record in question, the disclosure officer shall request such further identifying data as he deems necessary to locate the record.

(c) In any case where notification of the existence of a record is not required under the Freedom of Information Act (5 U.S.C. 552), the requestor shall be required to provide verification of his identity to the PBGC as set forth in paragraph (c)(1) or (2) of this section, as appropriate.

(1) When the request is made by mail, the requestor shall be required to submit a notarized statement asserting his identity.

(2) When the request is made in person, the requestor shall be required to show identification satisfactory to the disclosure officer, such as drivers' li-

censes, employee identification, annuitant identification or Medicare cards.

(d) Within 10 working days after receipt of a request pursuant to paragraph (a) of this section or receipt of such additional information as may be required pursuant to paragraph (b) of this section, the disclosure officer shall notify the requestor in writing whether the PBGC maintains any system of records containing a record pertaining to the requestor.

§ 2607.4 Procedures for requesting access to records.

(a) Any individual who desires to obtain access to a record pertaining to him contained in a system of records maintained by the PBGC shall submit a written request to that effect either by mail to the Director, Office of Communications, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, or in person between the hours of 9 a.m. and 4 p.m. on any working day at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C.

(b) Each request submitted pursuant to paragraph (a) of this section shall include the name of the system of records to which the request pertains, the requestor's full name, home address and date of birth and shall clearly state on the envelope and on the request "Privacy Act Request." If this information is insufficient to enable the PBGC to identify the record for which access is sought, the disclosure officer shall request such further identifying data as he deems necessary to locate the record.

(c) Each individual seeking access to records under this section shall be required to provide verification of his identity to the PBGC as set forth in paragraphs (c) (1) or (2) of this section, as appropriate.

(1) When the request for access is made in person, the requestor shall be required to show identification satisfactory to the disclosure officer, such as drivers' licenses, employee identification, annuitant identification, or Medicare cards.

(2) When the request for access is made by mail, the requestor shall be required to submit a notarized statement asserting his identity.

(d) Within 10 working days after receipt of a request for access under this section, the disclosure officer shall notify the requestor in writing whether he will be granted access to the requested records and, if so, when such access will be granted.

§ 2607.5 Disclosure of record to an individual.

(a) When the disclosure officer grants a request for access to records made pursuant to § 2606.4, such records shall be made available at the time the requestor is advised of such determination or as promptly thereafter as possible. At the requestor's option, the record will be made available for his inspection and/or copying at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C., between the hours of 9 a.m. and 4 p.m. on any working day or a copy of the record will be mailed to him.

(b) When the requestor desires to be accompanied by an individual of his choosing during the inspection and/or copying of his record, he shall submit to the disclosure officer a signed statement identifying the person he wishes to accompany him and authorizing such person to be present during the inspection and/or copying of his record either at the time the record is made available to him or at any time prior thereto.

§ 2607.6 Procedures for requesting amendment of a record.

(a) Any individual about whom the PBGC maintains a record contained in a system of records may request that the record be amended. Such request shall be submitted in writing either by mail to the Director, Office of Communications, P.O. Box 7119, Washington, D.C. 20044, or in person between the hours of 9 a.m. and 4 p.m. on any working day at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C.

(b) Each request submitted pursuant to paragraph (a) of this section shall include the name of the system of records in which the record is contained, the requestor's full name, home address and date of birth, and a statement specifying the changes to be made in the record and the justification therefor. Both the envelope and the request shall clearly state "Privacy Act Request". If this information is insufficient to enable the PBGC to identify the record in question the disclosure officer shall request such further identifying data as he deems necessary to locate the record.

(c) An individual who desires assistance in the preparation of his request for amendment of his record shall submit such request for assistance in writing to the Deputy General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. The Deputy General Counsel shall respond to such request as promptly as possible.

§ 2607.7 Action on request for amendment of a record.

(a) Within 20 working days after the date of receipt by the PBGC of a request for amendment of a record pursuant to § 2607.6, unless for good cause shown the Executive Director of the PBGC extends such 20-day period, the disclosure officer shall notify the requestor in writing whether and to what extent the request shall be granted. To the extent that the request is granted, the disclosure officer shall cause the requested amendment to be made promptly.

(b) When a request for amendment of a record is denied in whole or in part, the denial shall include a statement of the reasons therefor, the procedures for appealing such denial, and a statement advising the requestor of his right to obtain assistance in preparing an appeal of the denial.

(c) An individual who desires assistance in the preparation of his appeal of a denial under this section shall submit his request in writing to the Deputy General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. The Deputy General Counsel shall respond to such requests as promptly as possible, but in no event more than 30 days after receipt of the request.

§ 2607.8 Appeal of a denial of a request for amendment of a record.

(a) An appeal from a denial of a request for amendment of a record under § 2607.7 shall be submitted within 45 days of receipt of such denial to the General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, unless the record subject to such request is one maintained by the Office of the General Counsel, in which event the appeal shall be submitted to the Deputy Executive Director. The appeal shall state in detail the basis on which it is made and both the envelope and the appeal shall clearly state "Privacy Act Request".

(b) Within 30 working days after the receipt of the appeal, unless for good cause shown the Executive Director of the PBGC extends such 30-day period, the General Counsel or, where appropriate, the Deputy Executive Director, shall issue a decision in writing granting or denying the appeal in whole or in part. To the extent that the appeal is granted, the General Counsel or, where appropriate, the Deputy Executive Director, shall cause the requested amendment to be made promptly. To the extent that the appeal is denied, the decision shall set forth the reasons for such denial and shall notify the requestor of his right to submit a brief statement setting forth his reasons for disputing the denial of appeal and to seek judicial review of the denial pursuant to 5 U.S.C. 552a(g)(1)(A) and to obtain further information concerning the provisions for judicial review under that section.

(c) An individual whose appeal has been denied in whole or in part may submit a brief summary statement setting forth his reasons for disputing such denial. Such statement shall be submitted within 30 days of receipt of the denial of his appeal to the Director, Office of Communications, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. Any such statement shall be made available by the PBGC to anyone to whom the record is subsequently furnished and may also be accompanied, at the discretion of the PBGC, by a brief statement summarizing the PBGC's reasons for refusing to amend the record. The PBGC shall also provide copies of the individual's statement of dispute to all prior recipients of the record with respect to whom an accounting of the disclosure of the record was maintained pursuant to 5 U.S.C. 552a(c)(1).

(d) If an individual requests further information concerning the provisions for judicial review, he shall submit such request in writing to the Deputy General Counsel and he shall respond to such request as promptly as possible.

§ 2607.9 Fees.

When an individual requests a copy of his record under § 2607.5 charges for the copying shall be made according to the following fee schedule:

(a) *Standard copying fee.* There shall be a charge of $0.10 per page of record copies furnished. Where the copying fee is less than $1.00, it shall not be assessed.

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

(c) *Manual copying by requestor.* No charge will be made for manual copying by the requestor of any document made available for inspection under § 2607.5. The PBGC shall provide facilities for such copying without charge between the hours of 9 a.m. and 4 p.m. on any working day.

§ 2607.10 Specific exemptions.

The provisions of this part shall not apply to any system of records which contains investigatory material maintained solely for purposes of determining an individual's qualifications, eligibility or suitability for employment, but only to the extent that the disclosure of such material would reveal the identity of the source who furnished the information, and the information contained therein could only have been obtained by providing express assurance to the source of the information that his identity would not be revealed to the subject of the information, or prior to September 27, 1975, was obtained by providing an implied promise of confidentiality.

Issued in Washington, D.C. this 20th day of August, 1975.

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

[FR Doc.75-22523 Filed 8-22-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Marriage Dates of Widows and Widowers

The Administrator of Veterans' Affairs proposes a regulatory change relating to marriage dates of widows and widowers.

Section 3.54 of Title 38, Code of Federal Regulations, provides that pension, compensation or dependency and indemnity compensation may be payable if the widow or widower was married to the veteran during his or her service or, if married after service, prior to the applicable delimiting date. Paragraph (a) of § 3.54, applicable in pension cases, provides delimiting dates for veterans who served during each period of war from the Civil War through the Vietnam era. All are specific dates except for the Vietnam era for which the delimiting date is "10 years after end of Vietnam era."

Presidential Proclamation 4373, signed by the President on May 7, 1975, designated May 7, 1975, as the last day of the Vietnam era. Pursuant to this proclamation § 3.2 of Title 38, Code of Federal Regulations, which defines the Vietnam era, was amended to reflect this termination date. This proposed amendment to § 3.54 establishes May 8, 1985, as the specific delimiting date for widows and widowers of Vietnam era.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before September 24, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendment would be effective May 7, 1975.

In § 3.54, paragraph (a)(3)(vii) is revised to read as follows:

§ 3.54 Marriage dates.

* * * * *

(a) *Pension.* Death pension may be paid to a widow or widower who was married to the veteran:

* * * * *

(3) Prior to the applicable delimiting dates, as follows:

* * * * *

(vii) Vietnam era	May 8, 1985.

* * * * *

Approved: August 18, 1975.

By direction of the Administrator.

[SEAL] A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

[FR Doc.75-22455 Filed 8-22-75;8:45 am]

[38 CFR Part 18]

NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Employment Practices

It is proposed to revise 38 CFR 18.3 to include a prohibition against discrimination in employment practices in Federally-assisted programs where the Federal assistance is for the purpose of providing employment and where the discriminatory employment practices have the effect of denying equal opportunity to benefits administered under the program. This amendment will bring VA Regulations into line with those of other Federal agencies and the Attorney General guidelines. (See 28 CFR 42.104(c)).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before September 24, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of final approval.

In § 18.3, paragraph (d) is added to read as follows:

§ 18.3 Discrimination prohibited.

* * * * *

(d) *Employment practices.* (1) Whenever a primary objective of the Federal financial assistance to a program to which Part 18 applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (i) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (ii) to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 (3 CFR Chapter IV) or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (d)(1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (d)(1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

Approved: August 18, 1975.

By direction of the Administrator.

[SEAL] A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

[FR Doc.75-22457 Filed 8-22-75;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 DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ACCURACY

Meeting

The Defense Science Board Task Force on Accuracy will meet in closed session on 17 September 1975 at The Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the accuracy of U.S. and Soviet strategic offensive systems to determine the confidence that can be placed in our present estimates of accuracy and it will recommend an R&D program which can lead to improved accuracy.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

AUGUST 20, 1975.

[FR Doc.75-22383 Filed 8-22-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON "SURFACE NAVAL WARFARE"

Meeting

The Defense Science Board Task Force on Surface Naval Warfare will meet in closed session on 15-16 September 1975 in the Pentagon, Washington, D.C. The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the adequacy and direction of U.S. Navy programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations. The Task Force will concentrate first on U.S. programs in tactical surface engagements to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford. Classified details of U.S. and Soviet systems will be reviewed.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

AUGUST 20, 1975.

[FR Doc.75-22384 Filed 8-22-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

ABBOTT LABORATORIES

Importation of Controlled Substance Objection and Request for Hearing

Pursuant to § 1311.42 of Title 21, Code of Federal Regulations, a notice dated May 23, 1975, was published on June 10, 1975, at 40 F.R. 24758, that Abbott Laboratories, 14th and Sheridan Road, North Chicago, Illinois 60064, had made application to the Drug Enforcement Administration to be registered as an importer of methylphenidate, a basic class controlled substance listed in Schedule II.

The only response to that notice received by the Drug Enforcement Administration has been made by MBH Chemical Corporation, 377 Crane Street, Orange, New Jersey, who objects to the said registration on the grounds that: there is no lack of domestic capacity to supply the legitimate needs of the United States for methylphenidate; historically it has been the policy of the United States to insist that controlled substances in Schedule II be produced domestically, except when control thereof was under foreign-owned patents; any proven inadequacies in competition among domestic manufacturers of methylphenidate can be remedied by registering additional domestic manufacturers rather than registering importers; domestic manufacturers would be penalized after having invested in production facilities; serious public health and safety problems would be raised and supplies would be subject to disruption by events outside the United States. MBH Chemical Corporation has requested a hearing on these objections.

Accordingly, notice is hereby given pursuant to 21 Code of Federal Regulations, § 1311.42 that a hearing on the application aforesaid will be held commencing at 10 a.m. on Tuesday, October 7, 1975, in Room 1210, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. Any person entitled to participate therein and desiring to do so should file a Notice of Appearance in accordance with 21 Code of Federal Regulations, § 1301.54.

Dated: August 5, 1975.

JERRY N. JENSON,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.75-22398 Filed 8-22-75;8:45 am]

ZENITH LABORATORIES

Importation of Controlled Substances Objection and Request for Hearing

Pursuant to § 1311.42 of Title 21, Code of Federal Regulations, a Notice dated June 18, 1975, was published on June 25, 1975, at 40 FR 26719 and 26720 that Zenith Laboratories, 140 Le Grand Avenue, Northvale, New Jersey 07647, had made application to the Drug Enforcement Administration to be registered as an importer of methylphenidate, pentobarbital and amphetamine, all basic class controlled substances listed in Schedule II, as well as other such substances.

The only response to that notice received by the Drug Enforcement Administration with respect to methylphenidate has been made by MBH Chemical Corporation, 377 Crane Street, Orange, New Jersey, who objects to the said registration on the grounds that: there is no lack of domestic capacity to supply the legitimate needs of the United States for methylphenidate; historically it has been the policy of the United States to insist that controlled substances in Schedule II be produced domestically, except when control thereof was under foreign-owned patents; any proven inadequacies in competition among domestic manufacturers of methylphenidate can be remedied by registering additional domestic manufacturers rather than registering importers; domestic manufacturers would be penalized after having invested in production facilities; serious public health and safety problems would be raised and supplies would be subject to disruption by events outside the United States. MBH Chemical Corporation has requested a hearing on these objections.

The only response to the notice aforesaid received by the Drug Enforcement Administration with respect to pentobarbital has been made by MBH Chemical Corporation, 377 Crane Street, Orange, New Jersey, who objects to the said registration on the grounds that: there is no lack of domestic capacity to supply the legitimate needs of the United States for pentobarbital; historically it has been the policy of the United States to insist that controlled substances in Schedule II be produced domestically, except when control thereof was under foreign-owned patents; any proven inadequacies in competition among domestic manufacturers of pentobarbital can be remedied by registering additional domestic manufacturers rather than registering importers; domestic manufacturers would be penalized after having invested in production facilities; serious public health and safety problems would be raised and supplies would be subject to disruption by events outside the United States. MBH Chemical Corporation has requested a hearing on these objections.

Two responses to that notice were received by the Drug Enforcement Administration with respect to amphetamine. Arenol Chemical Corporation, 40-33 23rd Street, Long Island City, New York, 11101, has commented that this application should be denied as not being consistent with the public interest because the production capacity of each of the present domestic manufacturers is more than adequate to supply the legitimate medical, scientific, research and industrial needs of the United States and that importation would increase the area of possible diversion, according to a survey made in 1974 by the U.S. Department of Commerce.

The other response received with respect to amphetamine was made by MBH Chemical Corporation, 377 Crane Street, Orange, New Jersey, who objects to the said registration on the grounds that: there is no lack of domestic capacity to supply the legitimate needs of the United States for amphetamine; historically it has been the policy of the United States to insist that controlled substances in Schedule II be produced domestically, except when control thereof was under foreign-owned patents; any proven inadequacies in competition among domestic manufacturers of Amphetamine can be remedied by registering additional domestic manufacturers rather than registering importers; domestic manufacturers would be penalized after having invested in production facilities; serious public health and safety problems would be raised and supplies would be subject to disruption by events outside the United States. MBH Chemical Corporation has requested a hearing on these objections.

Accordingly, Notice is hereby given pursuant to 21 Code of Federal Regulations, § 1311.42 that a hearing on the application aforesaid will be held commencing at 10 a.m. on Tuesday, October 7, 1975, in Room 1210, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. Any person entitled to participate therein and desiring to do so should file a notice of appearance in accordance with 21 Code of Federal Regulations, § 1301.54.

Dated: August 5, 1975.

JERRY N. JENSON,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-22399 Filed 8-22-75;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

FORT VANCOUVER MASTER PLAN

Notice of Public Workshop

Notice is hereby given that a public workshop will be held to discuss the master plan alternatives for Fort Vancouver National Historic Site in Vancouver, Washington. The workshop will include a review of the environmental assessment of the impacts related to the master plan alternatives.

Following the workshop, the National Park Service will include the public input obtained from the workshop in the decision process for formulating the draft master plan.

The workshop will be held on September 17 at 7:30 p.m. in the Fort Vancouver Visitor Center.

A briefing document which summarizes the National Park Service planning process, preliminary alternatives under consideration, and the major impacts of implementing these alternatives is available. A response booklet is also available for use at the workshop.

Anyone wanting a copy of the briefing document, additional information on the workshop, or wanting to send their comments should write to or phone the Superintendent, Fort Vancouver National Historic Site, Vancouver, Washington 98661 (206-696-3546); or the Portland Field Office, 920 Northeast Seventh Avenue, Portland, Oregon 97232 (503-234-4478).

EDWARD J. KURTZ,
Acting Regional Director,
Pacific Northwest Region.

[FR Doc.75-22403 Filed 8-22-75;8:45 am]

Office of the Secretary

THURMAN DEAN LOVELESS

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on 7-1-75, as Deputy Director, Area 10, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Texas Utilities.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: August 4, 1975.

THURMAN DEAN LOVELESS.

[FR Doc.75-22465 Filed 8-22-75;8:45 am]

LESTER E. GARLINGHOUSE

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on 31 July 1975 as Asst. Vice President, Power & Operations, Idaho Power Company, Boise, an officer or director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

IDAHO POWER COMPANY
PACIFIC POWER & LIGHT CO.
PORTLAND GENERAL ELECTRIC CO.
GENERAL TEL. & ELEC. CORP.
TELEPHONE UTILITIES, INC.
RIO GRANDE INDUSTRIES, INC.
WYOMING NATIONAL CORP.
SOUTHERN CALIFORNIA FIRST NATIONAL CORP.
SECURITY PACIFIC CORP.
IDAHO FIRST NATIONAL BANK
FIDELITY MORTGAGE INVESTORS CORP.
ADVANCE INVESTORS CORP.
MUNICIPAL INVESTORS FUND
DELEWARE FUND
NATIONAL SECURITIES STOCK FUND
THE FIRST TRUST OF INSURED MUNICIPAL BOND SERIES 6

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: Garlinghouse Brothers.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

LESTER E. GARLINGHOUSE.
(Signature of Appointee)

AUGUST 7, 1975.

[FR Doc.75-22466 Filed 8-22-75;8:45 am]

ALVIN F. BAAL

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1975, as Alternate Regional Power Liaison Representative, DEPA 12, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days

preceding my appointment, any stocks, bonds, or other financial interests: Public Service Company of Colorado, Public Service Employees Credit Union.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: August 7, 1975.

ALVIN F. BAAL III.

[FR Doc.75-22467 Filed 8-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BEAR VALLEY 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 Bear Valley Planning Unit, Boise and Challis National Forests, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-8.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Bear Valley Planning Unit on the Boise and Challis National Forests, Idaho. 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 or adverse effects and maximization of desirable effects. Stream conditions for protection of spawning areas for anadromous fishery sites will be maintained or improved. Recreation opportunities will receive minor modification with opportunities for solitude slightly reduced and opportunities for developed type recreation improved. 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 August 14, 1975.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.
District Forest Ranger, Middle Fork Ranger District, Challis, Idaho 83226.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.
Forest Supervisor, Challis National Forest, Forest Service Building, Challis, Idaho 83226.
District Forest Ranger, Lowman Ranger District, Idaho Building, Room 517, Boise, Idaho 83702.

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706 and Forest Supervisor Jack E. Bills, Challis National Forest, Forest Service Building, Challis, Idaho 83226.

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

Dated: August 19, 1975.

J. WAYLAND MATTSSON,
Acting Director,
Regional Planning and Budget.

[FR Doc.75-22380 Filed 8-22-75;8:45 am]

Soil Conservation Service

CLEAR CREEK WATERSHED PROJECT, NEBRASKA

Availability of Negative Declaration

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

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by two single purpose floodwater retarding structures, one grade stabilization structure, and 4.1 miles of dike.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508.

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

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

Dated: August 14, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 75-22459 Filed 8-22-75; 8:45 am]

HALLS CREEK PUBLIC WATER-BASED FISH AND WILDLIFE RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Halls Creek Public Water-Based Fish and Wildlife RC&D Measure, Florence County, Wisconsin.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Richard Akeley, State Conservationist, U.S. Department of Agriculture, Soil Conservation Service, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for a public water-based fish and wildlife development. The planned works of improvement include installation of a low earth structure to stabilize the water level on a 131-acre area for wildlife.

The Negative Declaration is available for single copy requests and the environmental assessment file is available for inspection during regular working hours at the following location:

U.S. Department of Agriculture, Soil Conservation Service, Courthouse, P.O. Box 37, Rhinelander, Wisconsin 54501.

No adminstrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: August 18, 1975.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.75-22460 Filed 8-22-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

Notice is hereby given that the Maritime Subsidy Board has adapted as final the procedure to be followed when considering a change to the principal characteristics of a vessel under the tanker program. A Notice of Proposed Rule Making was published in the FEDERAL REGISTER on April 30, 1975, (40 FR 18826). No public comments were received as a result of this notice.

The Maritime Administration will follow the procedure outlined below when it considers applications for contract changes which alter a vessel's principal characteristics so as to possibly affect its environmental impact as previously stated and published:

1. The purchaser/owner will submit his Change Inquiry in accordance with the procedures established in the contract between the purchaser and the Board.

2. In those cases in which the Maritime Administration staff has determined that the vessel's principal characteristics will be altered by the proposed change and that these alterations may affect the previously published environmental impact of the vessel, the procedures of the following paragraphs will apply. The principal characteristics referred to above include length, beam, depth, draft, speed, cargo cubic, or deadweight, as well as those environmental features required by Section 70 of the Standard Specification for Merchant Ship Construction, December 1972, which were made mandatory by Docket A–75, MarAd Tanker Construction Program, served by the Board on August 30, 1973.

2.1 The Board will publish in the FEDERAL REGISTER a notice of the proposed change altering the principal characteristics of the vessel, which notice will indicate the Board's determination of whether the environmental impact of the vessel as altered is adequately described by the aforementioned Environmental Impact Statement or by any new or supplemental statement previously issued for that vessel.

2.2 If the Board has determined that the impact of the proposed vessel, as altered, is not adequately described by the existing statements, it shall prepare and issue a new or supplemental statement, as appropriate, in accord with the procedures established by the Council on Environmental Quality to implement NEPA. Upon consideration of the final draft of the new or supplemental statement, the Board will act upon the Change Inquiry in accord with its normal procedures for changes.

2.3 If the Board, however, had determined that the existing statement(s) is (are) adequate, then the purchaser/owner shall be notified in writing of the Board's determination in accordance with the applicable contract procedure, and the Board, upon consideration of the existing statement or statements, will act upon the Change Inquiry in accord with its normal procedures for changes.

2.3.1 The bases for the Board's determination of adequacy, in 2.3 above, will be available for public inspection in the Office of the Secretary, Maritime Administration, at least 20 days prior to the time that the action becomes final.

While the rule making procedures relating to the administration of public contracts under Title V of the Merchant Marine Act, 1936, as amended, are exempt from the notice and hearing requirements of 5 USC 553, this notice is published to advise the public of this amendment.

Dated: August 19, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-22461 Filed 8-22-75;8:45 am]

Office of the Secretary

REFRIGERATORS, COMBINATION REFRIGERATOR-FREEZERS, AND FREEZERS

Voluntary Labeling Program

Notice is hereby given that the Department of Commerce proposes to issue a completed Appendix A to each of the following three Specifications: Voluntary Energy Conservation Specification No. 2–75, for Refrigerators; Voluntary Energy Conservation Specification No. 3–75, for Combination Refrigerator-Freezers; and Voluntary Energy Conservation Specification No. 4–75, for Freezers. These three Specifications were published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32415) under the Department of Commerce Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9.

When the above mentioned Specifications were published in the FEDERAL REGISTER, the Appendix A to each Specification was published in incomplete form because values for the ranges of cost of energy were not available for publication. The ranges of cost of energy are now available, so a complete proposed Appendix A to each Specification has been developed as set forth below.

Interested persons are invited to participate in further development of the Appendix A to each Specification by submitting written comments in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before September 24, 1975.

In particular, the Department of Commerce is interested in receiving comments concerning the completeness of the ranges of cost of energy shown in each Appendix A. Any manufacturers having available for sale models of refrigerators, combination refrigerator-freezers, or freezers, whose performance when determined in accordance with these Specifications falls outside the limits shown, are urged to make this information known to the Assistant Secretary for Science and Technology.

The final Appendices will be published in the FEDERAL REGISTER after consideration of all comments received and will become effective as a part of the Specifications 30 days after publication.

A public docket of correspondence related to these proposals will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7068, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Issued: August 18, 1975.

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

The proposed Appendix A to each Specification is as follows:

Voluntary energy conservation specification No. 2–75, for refrigerators. Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges of cost of energy [1] (in dollars per month at a rate of 4¢/kWh) for models with—			
		Manual defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 2.5	3.5 and less	1.10	1.80		
2.5 to 3.4	1.5 to 4.5	1.10	2.70		
3.5 to 4.4	2.5 to 5.5	1.10	2.70		
4.5 to 5.4	3.5 to 6.5	1.40	2.70		
5.5 to 6.4	4.5 to 7.5	1.40	2.70		
6.5 to 7.4	5.5 to 8.5	1.40	2.20		
7.5 to 8.4	6.5 to 9.5	1.80	2.20		
8.5 to 9.4	7.5 to 10.5	1.80	2.40		
9.5 to 10.4	8.5 to 11.5	1.80	2.40		
10.5 to 11.4	9.5 to 12.5	1.80	2.40		
11.5 to 12.4	10.5 to 13.5	1.80	2.60		
12.5 to 13.4	11.5 to 14.5	1.80	2.90		
13.5 to 14.4	12.5 to 15.5	1.80	2.90		
14.5 to 15.4	13.5 to 16.5	1.80	2.90		
15.5 to 16.4	14.5 to 17.5				
16.5 and over	15.5 and over				

[1] Cost of energy ranges include both the lowest values obtainable with antisweat heaters at their lowest energy consuming condition and the highest values obtainable with antisweat heaters at their highest energy consuming condition, for those models that have antisweat heater switches.

Voluntary energy conservation specification No. 3–75, for combination refrigerator-freezers. Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges of cost of energy [1] in dollars per month at a rate of 4¢/KWh for models with—			
		Partial automatic defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 10.5	11.5 and less			3.20	4.40
10.5 to 11.4	9.5 to 12.5	3.00	4.40	4.20	6.20
11.5 to 12.4	10.5 to 13.5	3.00	4.40	4.20	6.80
12.5 to 13.4	11.5 to 14.5	3.00	4.80	4.20	6.80
13.5 to 14.4	12.5 to 15.5	3.20	4.80	4.60	6.80
14.5 to 15.4	13.5 to 16.5	2.20	4.80	3.50	7.80
15.5 to 16.4	14.5 to 17.5	2.20	3.20	3.50	8.30
16.5 to 17.4	15.5 to 18.5	2.20	2.80	3.50	8.30
17.5 to 18.4	16.5 to 19.5			4.00	8.50
18.5 to 19.4	17.5 to 20.5			4.00	8.50
19.5 to 20.4	18.5 to 21.5			4.00	8.50
20.5 to 21.4	19.5 to 22.5			4.80	9.60
21.5 to 22.4	20.5 to 23.5			4.80	9.60
22.5 to 23.4	21.5 to 24.5			4.80	9.60
23.5 to 24.4	22.5 to 25.5			5.50	10.70
24.5 to 25.4	23.5 to 26.5			5.50	10.70
25.5 to 26.4	24.5 to 27.5			7.90	10.70
26.5 to 27.4	25.5 to 28.5			8.00	8.00
27.5 to 28.4	26.5 to 29.5			8.00	8.00
28.5 to 29.4	27.5 to 30.5			8.00	8.00
29.5 and over	28.5 and over				

[1] Cost of energy ranges include both the lowest values obtainable with antisweat heaters in their lowest energy consuming condition and the highest energy values obtainable with antisweat heaters at their highest energy consuming condition, for those models that have antisweat heater switches.

Voluntary energy conservation specification No. 4–75, for freezers. Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges of cost of energy [1] in dollars per month at a rate of 4¢/KWh for models with—			
		Manual defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 5.5	6.5 and less	2.30	3.40		
5.5 to 6.4	4.5 to 7.5	2.30	3.40		
6.5 to 7.4	5.5 to 8.5	2.30	3.40		
7.5 to 8.4	6.5 to 9.5	2.30	3.30		
8.5 to 9.4	7.5 to 10.5	2.30	5.00		
9.5 to 10.4	8.5 to 11.5	2.80	5.00		
10.5 to 11.4	9.5 to 12.5	3.00	5.00	6.60	7.40
11.5 to 12.4	10.5 to 13.5	3.00	5.10	6.30	7.40
12.5 to 13.4	11.5 to 14.5	3.40	5.10	6.30	7.40
13.5 to 14.4	12.5 to 15.5	3.40	6.80	6.30	7.90
14.5 to 15.4	13.5 to 16.5	3.40	7.20	5.70	7.90
15.5 to 16.4	14.5 to 17.5	3.70	7.20	5.20	7.90
16.5 to 17.4	15.5 to 18.5	3.50	7.20	5.20	7.60
17.5 to 18.4	16.5 to 19.5	3.50	6.50	5.20	7.60
18.5 to 19.4	17.5 to 20.5	3.50	5.50	6.00	7.50
19.5 to 20.4	18.5 to 21.5	3.60	7.20	6.00	7.50
20.5 to 21.4	19.5 to 22.5	3.60	7.20	6.60	8.30
21.5 to 22.4	20.5 to 23.5	4.20	7.20	8.30	8.30
22.5 to 23.4	21.5 to 24.5	4.90	6.60	8.30	8.30
23.5 to 24.4	22.5 to 25.5	4.90	6.50		
24.5 to 25.4	23.5 to 26.5	5.40	6.50		
25.5 to 26.4	24.5 to 27.5	5.40	8.40		
26.5 to 27.4	25.5 to 28.5	5.40	8.40		
27.5 to 28.4	26.5 to 29.5	6.40	8.40		
28.5 to 29.4	27.5 to 30.5	6.40	6.80	9.80	9.80
29.5 and over	28.5 and over	6.80	6.80	9.80	9.80

[1] Cost of energy ranges include both the lowest values obtainable with antisweat heaters at their lowest energy consuming condition and the highest values obtainable with antisweat heaters at their highest energy consuming condition, for those models that have antisweat heater switches.

[FR Doc.75-22356 Filed 8-22-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office for Civil Rights

INSTITUTIONS OF HIGHER EDUCATION

Affirmative Action Programs Developed

Pursuant to Executive Order 11246, as amended, all Federal contractors are required to employ persons without discrimination on grounds of race, color, religion, sex or national origin, and to take affirmative action to ensure that persons are employed without regard to these factors. The Department of Labor (DOL), as the Federal agency with responsibility for overseeing Government-wide enforcement of the Order, has promulgated regulations (41 CFR Chapter 60) to implement the Order. Revised Order No. 4 (41 CFR Part 60–2) requires, with certain limited exceptions, that each Federal supply and service contractor have a written affirmative action program (AAP). This regulation applies to colleges and universities as well as other types of Government contractors.

DOL has scheduled public fact-finding hearings concerning the application of the affirmative action requirement of the Executive Order to institutions of higher education (see 40 FR 30166, July 17, 1975). That Department and the Department of Health, Education, and Welfare have for some time been engaged in a dialogue on that issue. In addition, the Office for Civil Rights (OCR), which has the immediate responsibility for assuring that colleges and universities comply with Revised Order No. 4, has had extensive discussions with DOL's Office of Federal Contract Compliance (OFCC) concerning the application of Revised Order No. 4 to such institutions.

As a result of these discussions, OFCC has transmitted to OCR the following "Format for Development of an Affirmative Action Plan by Institutions of Higher Education." OFCC has advised OCR that pending any further developments which may result from the hearings referred to above, this "Format" may be used by colleges and universities to develop an affirmative actions program under Revised Order No. 4. OFCC has emphasized that this "Format" is only one approach to satisfy the requirements of Revised Order No. 4, and that any institution may adopt any other approach which is consistent with that regulation. In addition, some of the elements required to be in an AAP will vary from one institution to another depending upon the circumstances.

Under this "Format" every affirmative action program must contain the following basic elements: a work force analysis, a utilization analysis, and goals and timetables. Included with the goals and timetables must be "specific and detailed action oriented programs." Whether and to what extent any additional elements are required to be in a particular AAP will depend upon two factors: (1) what is indicated by the work force and utilization analyses; and (2) the findings of the compliance review conducted pursuant to Revised Order No. 14 (41 CFR Part 60–60).

As to the first factor, if it is readily apparent from the work force and utilization analyses, or if a contractor determines upon review of these analyses, that there are specific problems requiring further analysis and/or corrective action, the AAP will not be acceptable unless the appropriate action and/or analysis has been carried out.

As to the second factor, if OCR proceeds to conduct a compliance review prior to determining whether the program is acceptable (see 41 CFR 60–60.3 (b)), the findings of the review may indicate that specific analyses and/or corrective actions must be incorporated into the plan before it can be accepted.

Finally, pursuant to this "Format," in determining whether a contractor has made "good faith efforts" to correct deficiencies, within the meaning of 41 CFR 60–2.10, OCR must examine whether the contractor has conducted analyses necessary to permit correction of these deficiencies, and has implemented the corrections.

We hope that this "Format" will facilitate compliance with the Executive Order by colleges and universities, and that it will clarify their obligations under Revised Order No. 4. In determining

whether institutions of higher education are in compliance with Revised Order No. 4, we shall immediately begin to consider whether their affirmative action programs comport with this "Format."

FORMAT FOR DEVELOPMENT OF AN AFFIRMATIVE ACTION PLAN BY INSTITUTIONS OF HIGHER EDUCATION

On December 4, 1971, the Office of Federal Contract Compliance (OFCC), U.S. Department of Labor, issued regulations regarding contractor's obligations to develop Affirmative Action Programs (41 CFR Part 60-2, known as Revised Order No. 4). Several revisions and amendments have been made to those regulations since that time.

These regulations, because they apply to all contractors, regardless of industry or geographic location, are of necessity, general in nature. Because there are unique problems in certain industries, whole industries or multi-facility contractors often will want to adopt national formats. The regulations provide for agreements between government and industry applying the basic requirements of Order No. 4 to individual industry or company situations. (See 41 CFR 60-60.3)

The following format applies the requirements of Order No. 4 to colleges and universities. The format is an approved method for development and implementation of affirmative action programs in the University setting. Universities may choose, however, to continue the use of job groupings, analytical procedures and goal setting techniques which depart from this format, provided such departures are not in violation of Order No. 4.

Attaining the objectives of equal employment opportunity in higher education requires affirmative action programs that reflect both the characteristics of these institutions as a group, and the substantial variations among them. The development, maintenance and improvement of high-quality academic faculties is a vital, complex, and often fragile process. Affirmative action can be a positive assistance in developing and strengthening the quality of academic faculties. This format, intended only to provide relatively detailed guidance concerning the application of 41 CFR Part 60-2 to higher education institutions, should be understood and implemented within this framework of objectives.

Industry Format—Colleges and Universities.—A. *Work force Analysis.* A work force analysis is basic to the adequacy of any program, and forms the foundation from which the university develops its subsequent actions. This requirement is contained in 41 CFR 60-2.11 (a) (as revised), which states:

Workforce analysis . . . is defined as a listing of each job title as appears in applicable collective bargaining agreements or payroll records (not job group) ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision. If there are separate work units or lines of progression within a department a separate list must be provided for each such work unit, or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles should be listed by department, job families, or disciplines, in order of wage rates or salary ranges. For each job title the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the following groups must be given: Blacks, Spanish-surnamed Americans, American Indians, and Orientals.[1] The wage rate or salary range for each job title must be given. All job titles, including all managerial job titles must be listed.

On May 29, 1975, the Equal Employment Opportunity Commission published in final form the Higher Education Staff Information Report (EEO-6), a joint requirement of the EEOC, Office for Civil Rights, HEW, and the Office of Federal Contract Compliance. This report requires certain job groupings within EEO-6 primary occupational activities by wage or salary intervals. Such report must initially be made by all public and private institutions and campuses in November 1975.

To minimize workload for the university, an acceptable method of arranging data is by title, by appropriate organizational unit within these EEO-6 categories. Since EEO-6 will not be operational until November 1975, as an acceptable alternate, universities may arrange data by job title, by appropriate organizational unit, within EEO-1 categories until January 1, 1976, provided salary data is included. If EEO-6 categories are used, the work force array should be shown by salary steps within each title in each category. (If salary information is separately programmed, such data may be submitted in a separate document, provided the job titles and organizational units are arranged similarly to the work force display.)

Two major groupings of jobs must be considered: Faculty and Other Instructional Staff, and Non-Instructional Positions.

(a) *Faculty and Other Instructional Staffs.* All persons in this major group fall in the EEO-6 category Faculty or EEO-1 category Professional. Each faculty or other instructional position must be presented by department, with the following subcategories:

(1) Ladder Rank Faculty.

(2) Non-Ladder Rank Instructional Staff (non-student).

(3) Student Teaching Assistants.

If chairman is a separate title, this job title must be listed. The analysis should indicate whether the incumbents are tenured or non-tenured. (See Attachment 1)

(b) *Non-Instructional Positions.* These positions fall in EEO-6 categories Executive/Administrative/Managerial, Professional Non Faculty, Office and Clerical, Technical and Paraprofessional, Crafts, Service and Maintenance, or equivalent EEO-1 categories. Job titles in each category must be shown by department or other organizational unit for ease of comparison with availability data. Student Research Assistants must also be shown. In those cases where there are formal lines of progression (which may cover more than one EEO-6 category), the individual job titles must be listed in such progression order. So far as feasible, all other job titles should be listed in order of EEO-6 salary groupings and such groupings identified for each title. In those cases in which salary ranking of titles is not feasible, due to wide variations of the salaries of incumbents in individual titles, some other method of ordering may be adopted. Attachment 2 reflects an acceptable work force display by EEO-6 category; Attachment 3 reflects an acceptable arrangement for progression line jobs.

B. *Availability and Utilization Analysis.* The second basic requirement in all affirmative action programs is the utilization analysis. Such an analysis consists of combining non-student job titles into job groups, determining the availability of minorities and women for each such group, in light of skill requirements, recruitment area, promotable individuals, etc., and then determining if minorities and women in job groups correspond to their availability. (See 41 CFR 60-2.11 (b), as revised)

The following approach to the utilization analyses is suggested:

(1) *Combining Job Titles and Departments Into Job Groups.* (a) *Faculty and Other Instructional Positions (Non-Student).* Departments having similar disciplines should generally be combined. Department size and institutional organizations will vary, but aggregations of departments should usually be based on factors of common administrative control (e.g., under a single Dean) and relatedness of academic discipline and similarity in percentage of female or minority availability. An example of an appropriate aggregation would be "Physical Sciences," which could include the following departments:

Astronomy	Geology
Astrophysics	Physics
Chemistry	

In addition, a more specific, or secondary job grouping, within the primary aggregation, is also essential. Secondary job groupings must be divided as indicated below, and may be further subdivided in order to reflect institutional employment patterns.

(1) Ladder Rank Faculty.

(2) Non Ladder Rank Instructional Staff (nonstudent).

(b) *Non-Instructional Positions.* To further minimize the university workload, and to facilitate data processing, the primary and secondary job groupings, used in EEO-6, will satisfy the requirements of 41 CFR 60-2.11(b) (as amended) as it applies to non-instruc-

[1] Minority group titles from EEO-1. EEO-6 minority titles may be used instead.

tional positions. In this regard the primary job groupings are:

1. Executive / Administrative / Managerial.
2. Professional Non Faculty.
3. Secretarial/Clerical.
4. Technical/Paraprofessional.
5. Skilled Crafts.
6. Service/Maintenance.

As a further example, the secondary job groups for Secretarial/clerical are:

(a) Below $5,000.
(b) $5,000–$7,499.
(c) $7,500–$9,999.
(d) $10,000–$12,999.
(e) $13,000–$15,999.
(f) $16,000 and Above.

Alternately, institutions may form within EEO categories, groups of related job titles, provided each title is placed in one of these job groupings. Because availability will vary depending on profession, *Professional Non Faculty* job grouping should be by department or other organizational unit(s) which reflect similarity of availability. Other primary and secondary job groupings may be grouped university wide rather than subdivided within organizational units unless a significant disparity of utilization is identified.

(2) *Determining Availability and Underutilization.* For each of the job groups for both faculty and non-instructional positions, a comparison must be made of the percentage of each minority and total women available in the appropriate recruiting area having requisite skills for the group compared, considering all the factors in 41 CFR 60–2.-11(b). Whenever the percentage of such persons available in that job group is less than the percentage available within the applicable labor area, the affirmative action program must specifically state that underutilization exists in that group.

(a) *Faculty and Other Instructional Positions.* While availability of complete data remains a problem, both HEW and DOL are working to develop improved data. In addition, as data from EEO–6 submissions are obtained and consolidated, such information will be a significant aid to universities in their availability analysis. The university should develop the best possible information based upon a variety of sources available using all factors in 41 CFR 60–2.11(b). In addition, the following sources should be consulted:

(1) "Summary Report 1973 Doctorate Recipients from United States Universities" prepared by the Commission on Human Resources, National Academy of Sciences, May 1974. This survey is annual, 2,500 copies are printed and one is distributed to each graduate Dean. Other copies are available free upon request while the supply lasts. The survey for 1974 is in press.

(2) 1973 Survey of Doctoral Scientists and Engineers from the *Roster of Doctoral Scientists and Engineers.* Included in *Doctoral Scientist and Engineers in the United States: 1973 Profile.* Published by the Commission on Human Resources, National Academy of Sciences. Available upon request.

(3) *Professional Women and Minorities: A Manpower Data Resource Service* prepared by Betty M. Vetter and Eleanor L. Babco of the Scientific Manpower Commission, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036. (This is a complete survey and summary of sources of availability data for professional women and minorities, available for a charge in a loose-leaf notebook with updating service.)

All the foregoing sources provide information on social sciences, humanities and some professional fields, in addition to the physical and biological sciences and engineering.

For women, Earned Degrees Conferred, an annual publication by the U.S. Office of Education, should be consulted. Currently, such data is shown by sex, but not by race, and is reported both by individual discipline and, in some cases, by sub-field within the discipline.

One acceptable compilation of availability data for women for faculty positions requiring the doctorate is presentation of the number and percent of women doctorate recipients in feeder institutions by major field for the most recent 3–5 year period for which data are available. "Availability" in such a compilation will be the percent of women doctorate recipients by field in those institutions taken together. "Feeder Schools" are those graduate schools from which the university normally hires, and may be defined by the university, so long as the selection is not limited to institutions admitting disproportionate numbers of one sex or the other. (See Attachment 4)

Until comparable data for minorities as that for women are available, one acceptable compilation of availability data for minorities for faculty positions requiring the doctorate, is presentation by general field (e.g., social science) of the average of (a) the percentage of minority recipients of the doctorate in the most recent year for which data are available (see Item 1 above), and (b) the percentage of minorities of total holders of the doctorate in a recent year (see Item 2 above). For format, see Attachment 5.

For faculty positions not requiring a Ph. D., surveys of female and minority college graduates, with and/or without advanced degrees, should be reviewed. In addition, Table 3 of the State Employment Service Guidelines furnishes percentages of teachers and administrators in elementary and secondary schools which may be of some assistance.

(b) *Non-Instructional Positions.* In determining availability of minorities and women for non-instructional positions, all criteria listed in 41 CFR 60–2.11 should be analyzed.

Analysis should also consider local State Employment Security Agencies' *Manpower Information for Affirmative Action Programs* data which is now available in most localities. The specific figures shown in Tables I, II, and III in those releases can be used in the analysis of population, work force, unemployment, skill availability. Current occupations of employed persons indicated in Table III should be considered a minimum basis for utilization, but additional opportunities afforded through training and recruitment should also be considered. When other data are available for specific skills, they may be used.

The labor market in which the university normally recruits should be considered in identifying appropriate geographical area.

C. *Goals and Timetables.* Where underutilization exists, and the increase in the number of persons in a job group necessary to eliminate underutilization is .5 persons or greater, each program must contain goals which satisfy each of the following requirements:

(1) *Ultimate Goals.* An ultimate goal must be established for each job group in which underutilization exists and must be designed to correct the underutilization by the application of every good faith effort. The ultimate goal must be stated as (a) a percentage of the total employees in the job group and must be equal to the percentage of minorities or women available for work in the job group in the applicable labor market, and (b) a whole number, representing the total minorities and total women necessary to be employed to reach full utilization.

A single goal for minorities for each job group is acceptable, unless, through the university's evaluation it is determined that one minority is underutilized in a substantially disparate manner, to other minority groups, in which case separate goals and timetables for such minority groups may be required individually. It may further be required, where appropriate, that separate goals be established within the minority group by sex. (See 41 CFR 60–2.11(k)). For example, if a department or group significantly underutilizes one or more minority groups, but not all, the goal must address itself to the particular group or groups underutilized and is not satisfied by hiring additional minorities from ethnic groups not underutilized.

(2) *Interim Goals.* (a) *Faculty and Other Instructional Staff Job Groups.* Because availability of minorities or women is very low and the projected number of opportunities, due to low turnover and lack of expansion, for each year, is limited, annual goals often result in small numbers. For each faculty and other instructional staff job group in which underutilization exists, the university must project rates of hiring and/or promoting minorities and women until underutilization is eliminated. However, these rates may be established for three-year periods unless special circumstances, such as the expectancy of high turnover and significant availability warrant the establishment of shorter term interim goals.

Compliance officers shall evaluate the success or failure to meet these goals at the end of each three-year period (or

lesser period, if applicable). However, there must be good faith hiring efforts year by year. These rates should be the maximum rates that can be achieved through putting forth every good faith effort, including the use of available recruitment and training facilities, and must not be lower than the percentage rates set as representing the percentage availability of women and minorities in the applicable labor market.

(b) *Non-Instructional Job Groups.* Annual goals must be established for all job groups where underutilization exists. Such goals should reflect the maximum hiring and/or promotion rathes that can be achieved through putting forth every good faith effort and must not be lower than the ultimate goal.

(3) *Timetables.* (a) *Faculty and Other Instructional Staff Job Groups.* In the case of faculty and other instructional staff job groups, because of small sizes of job units, slow rates of turnover due to tenure, and difficulties in projecting trends in minority and female supply, timetables will often represent both very rough estimates and long durations of time. For these reasons, timetables which reach beyond six years for reaching full utilization are not required for these job groups. The university must commit itself to at least annual review and updating of goals and timetables until underutilization is eliminated and it is expected that as additional minorities and females come into the labor market, the timetables will be shortened.

(b) *Non-Instructional Job Groups.* For each non-instructional job group in which underutilization exists, a specific timetable must be established which projects the minimum feasible time period for eliminating underutilization.

(4) In all cases, determination of availability and adequacy of goals must be reviewed annually in order to give full consideration to changes in minority and female supply.

(5) Each program must contain specific and detailed action oriented programs, including recruitment and training programs, which comply with Revised Order No. 4. Among other requirements, these programs must commit the university to undertake every good faith effort to contact and make use of relevant recruitment and training resources available in the community and to use its own resources for recruiting and training minorities and women to fill positions in job groups where under utilization exists.

(6) An acceptable format for displaying utilization data and goals for faculty and other instructional staff is shown in Attachment 6. A format for non-instructional employees is shown in Attachment 7.

(D) *Implementation of an Affirmative Action Program.* Revised Order No. 4 sets forth the mandatory contents of written affirmative action programs in Subpart B ("Required Contents of Affirmative Action Programs"). Each affirmative action program (AAP) must contain the elements described in that Subpart, although there may be some variation from contractor to contractor, based on variations in personnel structure and employment practices.

One important part of an AAP is the identification of problem areas (see para. 60–2.13(d)). The primary tools for identification of problem areas are the work force analysis and the utilization analysis. These statistics should reveal areas where minorities or women are concentrated or are not working, as well as disparities in compensation and awarding of tenure. Other problem areas may come to the university's attention through other means, such as complaints of disparities in research grants or teaching assignments.

Once a university determines that a problem exists, it should attempt to identify the sources of the problem, and take appropriate action to correct it. A contractor's good faith efforts under para. 60–2.10 will be judged, in part, on whether such an investigation and corrective action have been undertaken to implement the AAP.

An AAP, however, is only a document with no substance unless it is fully implemented. After setting forth what must be included in each AAP, therefore, Order No. 4 continues: "There follows as outlines of examples of procedures that contractors and Federal agencies should use as a guideline for establishing and implementing and judging an acceptable affirmative action program." (Para. 60–2.14) In general, Subpart C, entitled "Methods of Implementing the Requirements of Subpart B" is designed to give guidance and provide examples of methods of taking corrective action to deal with problem areas identified in the AAP itself. It is not intended to impose specific mandatory requirements on all contractors without regard to the existenceof identified problems. Furthermore, nothing in Subpart C should be construed as requiring institution-wide presentation in the AAP of statistical data developed as a means of investigating the cause of specific problems.

Dated: August 18, 1975.

MARTIN H. GERRY,
Acting Director,
Office for Civil Rights.

ATTACHMENT 1

WORK FORCE ANALYSIS--FACULTY AND OTHER INSTRUCTIONAL STAFF

DEPARTMENT _____

JOB TITLES	SALARY CODE	TENURE LADDER RANK Yes No	NUMBER OF EMPLOYEES: TOTAL ALL	TOTAL FEMALE	TOTAL MINORITY	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	ASIAN MALE	ASIAN FEMALE	AM. INDIAN MALE	AM. INDIAN FEMALE	TOTAL TENURED EMPLOYEES: TOTAL ALL	TOTAL FEMALE	TOTAL MINORITY	BLACK MALE	BLACK FEMALE	HISPANIC MALE	HISPANIC FEMALE	ASIAN MALE	ASIAN FEMALE	AM. INDIAN MALE	AM. INDIAN FEMALE
Professor	E	Yes																						
	F	Yes																						
	G	Yes																						
	H	Yes																						
Assoc. Professor	D	Yes																						
	E	Yes																						
	F	Yes																						
Asst. Professor	C	No																						
	D	No																						

SALARY CODE—USE EEO-6 SALARY INTERVAL

A—Below $ 7,500	E— 16,000 - 18,999
B—$ 7,500 -	F— 19,000 - 24,999
C— 10,000 - 12,999	G— 25,000 - 29,999
D— 13,000 - 15,999	H— 30,000 and Above

CONVERT ALL SALARIES TO COMMON PAY BASIS

WORK FORCE ANALYSIS--NON-INSTRUCTIONAL POSITIONS ATTACHMENT 2

EEO-6 CATEGORY

ORGANIZATIONAL UNIT

JOB TITLES	SALARY CODE	NUMBER OF EMPLOYEES											
		TOTAL ALL	TOTAL FEMALE	TOTAL MINORITY	BLACK		HISPANIC		ASIAN		AM. INDIAN	
					MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE

SALARY CODES

3. PROFESSIONAL NON-FACULTY

Codes
- A Below $ 7,500
- B $ 7,500 - 9,999
- C 10,000 - 12,999
- D 13,000 - 15,999
- E 16,000 - 18,999
- F 19,000 - 24,999
- G 25,000 - 29,999
- H 30,000 and Above
- 3A. TOTAL

5. TECHNICAL/ PARAPROFESSIONAL

Codes
- A Below $ 5,000
- B 5,000 - 7,499
- C 7,500 - 9,999
- D 10,000 - 12,999
- E 13,000 - 15,999
- F 16,000 and Above
- 5A. TOTAL

4. SECRETARIAL/ CLERICAL

Codes
- A Below - $ 5,000
- B 5,000 - 7,499
- C 7,500 - 9,999
- D 10,000 - 12,999
- E 13,000 - 15,999
- F 16,000 and Above
- 4A. TOTAL

7. SERVICE/ MAINTENANCE

Codes
- A Below - $ 3,000
- B 3,000 - 4,999
- C 5,000 - 7,499
- D 7,500 - 9,999
- E 10,000 and Above
- 7A. TOTAL

CONVERT ALL SALARIES TO COMMON PAY BASIS

WORK FORCE ANALYSIS--NON INSTRUCTIONAL: FORMAL LINES ATTACHMENT 3

Power House
DEPARTMENT OR UNIT

JOB TITLES	WAGE	NUMBER OF EMPLOYEES											
		TOTAL ALL	TOTAL FEMALE	TOTAL MINORITY	BLACK		HISPANIC		ASIAN		AM. INDIAN	
					MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
Foreman	$ 7.32	1										
Operator	6.90	4										
Assistant Operator	6.30	4										
Attendant, Boiler #1	5.95	4										
Attendant, Boiler #2	5.75	4										
Helper, 1st Boiler	4.87	4										
Helper, 2nd Boiler	4.72	4										
Utility Man	4.25	2										
Spare Hand	4.15	2										

Minority Definitions are same as those in Instructions to EEO-6

ATTACHMENT 4

General Discipline	A: Minority Recipient of the Doctorate--1973 Total	Percent	Black #	Black %	Hispanic #	Hispanic %	Asian #	Asian %	Nat. Am. #	Nat. Am. %	B: Minority Holders of Doctorate in a Recent Sample Year Total	Percent	Black #	Black %	Hispanic #	Hispanic %	Asian #	Asian %	Nat. Am. #	Nat. Am. %	Average of Percent from A and B

GOALS--FACULTY AND OTHER INSTRUCTIONAL STAFF (NON-STUDENT) ATTACHMENT 5

DEPARTMENT OR GROUP

	Current Employment: Total	Ladder Rank: Male #	Ladder Rank: Male %	Ladder Rank: Female #	Ladder Rank: Female %	Other Instruc.: Total	Other Instruc.: Male #	Other Instruc.: Male %	Other Instruc.: Female #	Other Instruc.: Female %	Availability (Goal): Percent Minority	Availability (Goal): # Minority to Goal	Availability (Goal): Percent Female	Availability (Goal): # Female to Goal	Timetable (If Appropriate): Minority (Years to Goal)	Timetable (If Appropriate): Female (Years to Goal)	

DOCTORATES AWARDED TO WOMEN
(Major Field, e.g., English, Physics)

ATTACHMENT 6

INSTITUTION	1967-68 M	F	%F	1968-69 M	F	%F	1969-70 M	F	%F	1970-71 M	F	%F	TOTAL M	F	PERCENT F
TOTAL														*	**

Data Source:
Earned Degrees Conferred

* Total doctorates granted men and women, all listed institutions, all listed years (e.g., 1967-71)

** Percent of doctorates granted women for listed institutions, listed years. This is overall availability figures

GOALS AND TIMETABLES—NON-INSTRUCTIONAL POSITIONS

ATTACHMENT 7

EEO-4 CATEGORY

SALARY GROUP	CURRENT EMPLOYMENT											AVAILABILITY (FINAL GOAL)				ANNUAL GOAL				TIMETABLES	
				BLACK		HISPANIC		ASIAN		AM. INDIAN						MINORITY		FEMALE		MINORITY	FEMALE
	TOTAL ALL	TOTAL FEMALE	TOTAL MINORITY	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	PERCENT MINORITY	# MINORITY TO GOAL	PERCENT FEMALE	# FEMALE TO GOAL	NUMBER	% OF OPPORTUNITY	NUMBER	% OF OPPORTUNITY	YEARS TO FINAL GOAL	YEARS TO FINAL GOAL

[FR Doc.75-22250 Filed 8-22-75;8:45 am]

Food and Drug Administration

[DESI 9955; Docket No. 75N—0139 (formerly FDC-D-568); NDA 9-955 etc.]

ORAL PROTEOLYTIC ENZYMES

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

Correction

In FR Doc. 75-19202, appearing at page 30995, in the issue of Thursday, July 24, 1975, the following changes should be made:

1. In the middle column on page 30996, the 27th line of the paragraph headed "*Rhinoplasty or Mainly Rhinoplasty.*", the figure "85%" should read "84%".

2. In the first column on page 30997, the next to last line of the first full paragraph, the figures "(a)(2)(ii)(*a*)(3)" should be changed to read "(a)(5)(ii)(*a*)(3)").

3. In the first column on page 30997, the 18th line of the second paragraph, the figure reading "(*iii*Q", should be changed to read "(*iii*)".

4. In the middle column on page 30997, the word "responsible", in the 5th line from the bottom of the page, should read "response".

5. In the third column on page 31003, the third complete paragraph, the thirteenth line, the word "breaking" should be inserted between the words "whether" and "the".

6. In the third column on page 31004, the last paragraph, the next to last line from the bottom of the page, the figure "(g)" should be changed to read "(5)".

7. In the third column on page 31006, the 36th line from the top of the page, the figure "(i)" should read "(ii)".

8. In the second column on page 31007, the first complete paragraph, the 12th line, the figure "(2)" should read "(2)".

9. In the second column on page 31010, the first complete paragraph, the seventh line, the letters "DESHI" should read "DESI".

National Institutes of Health

PULMONARY SPECIALIZED CENTERS OF RESEARCH (SCOR) AD HOC REVIEW COMMITTEE

Notice of Establishment

The National Institutes of Health announces the establishment on August 8, 1975, of the public advisory committee, Pulmonary Specialized Centers of Research (SCOR) ad hoc Review Committee, under the authority of section 222 of the Public Health Service Act (42 U.S.C. 217a). This advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, concerning scientific merit review of competing grant applications and provide technical advice to the National Heart and Lung Advisory Council and to the Director, National Heart and Lung Institute.

Authority for this committee will expire August 31, 1976, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health)

Dated: August 19, 1975.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.75-22402 Filed 8-22-75;8:45 am]

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on September 18, 1975, in the Board Room (51st floor) of the Bank of America Center, 555 California Street, San Francisco, California. The meeting will convene at 9:30 a.m., and adjourn at 3:30 p.m.

The National Council on Educational Research is established under section 405 (b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research. This entire meeting will be open to the public. Among the agenda items to be covered will be:

1. Council action following a consultants' report on policies about the funding relationships of NIE to education research and development institutions and about other NIE policies which would be intended to strengthen the nation's education R&D capacity.

2. NIE Fiscal Year 1977 planning.

3. Director's report on Fiscal Year 1976 budget and program, including actions involving educational labs and centers based on Council policy of July 18, 1975.

Members of the public are invited to attend the meeting. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to address the Council meeting should be submitted in writing to the Chairman and Executive Secretary at least ten days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Minutes require approval by the Council at a subsequent meeting and are available to the public within five days after Council approval.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Mrs. Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, Telephone: 202-254-7900.

Dated: August 20, 1975.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.75-22414 Filed 8-22-75;8:45 am]

Office of the Secretary

NATIONAL INSTITUTE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 12 of the Statement of Organization, Functions, and Delegations of Authority for the National Institute of Education of the Department of Health, Education, and Welfare, published in the FEDERAL REGISTER (40 FR 22019, May 20, 1975), is amended to provide for additional organization substructure and to make other minor changes. The amended statement reads as follows:

Section 12.00 Mission. The National Institute of Education carries out the policies set forth by Congress in the General Education Provisions Act, (GEPA), as amended, as follows: to provide every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class; to help solve or to alleviate the problems of, and promote the reform and renewal of American education; to advance the practice of education, as an art, science, and profession; to strengthen the scientific and technological foundations of education; and to build an effective educational research and development system.

The Director of the Institute, through the Institute, conducts educational research; collects and disseminates the findings of educational research; trains individuals in educational research; assists and fosters such research, collection, dissemination, or training, through grants, technical assistance to, or jointly financed cooperative agreements with, public organizations, institutions, agencies or individuals; promotes the coordination of such research and research

support within the Federal Government; and constructs or provides (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. The term "Educational Research" as used in Section 405 (e)(1) of GEPA includes "Research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments and demonstrations in the field of education (including career education)."

Section 12.10 Organization. The National Institute of Education consists of a National Council on Educational Research (NCER) and a Director of the Institute. The Director is responsible to the Assistant Secretary for Education, and reports to the Secretary through the Assistant Secretary for Education. The organization responsible to the Director is as follows: Office of the Director; Office of Government and External Relations; Office of Public Affairs, NCER Staff; NIE Fellows Program Staff; Office of Planning, Budget and Program Analysis; Office of Administration and Management; Dissemination and Resources Group; Basic Skills Group; Finance and Productivity Group; School Capacity for Problem-Solving Group; Education and Work Group; and Educational Equity Group.

Section 12.20 Functions. A. The National Council on Educational Research: Establishes general policies for, and reviews the conduct of the Institute; advises the Assistant Secretary for Education and the Director of the Institute on the development of programs to be carried out by the Institute; presents to the Assistant Secretary for Education and the Director such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research, and ensuring the implementation of educational renewal and reform based upon the findings of educational research; conducts such studies as may be necessary to fulfill its functions; prepares an annual report to the Assistant Secretary for Education on the current status and needs of educational research in the United States; submits an annual report to the President on the activities of the Institute, and on educational research in general which (1) shall include such recommendations and comments as the Council may deem appropriate, and (2) shall be submitted to the Congress not later than March 31 of each year.

B. The Office of the Director: Coordinates and directs the activities of the Institute.

C. Office of Government and External Relations: Carries out responsibilities for coordinating and improving NIE relations with Congress, State and local governments, minority communities, and special interest groups in education to increase understanding of NIE's activities and the policies of the National Council on Educational Research.

D. Office of Public Affairs: Carries out responsibilities for planning, developing and implementing a coordinated media relations, internal communications, publications, and public information program for NIE and the National Council on Educational Research.

E. NCER Staff: Carries out responsibilities for the preparation of policy recommendations, statements, and reports about education issues and NIE programs for the National Council on Educational Research; for communicating and interpreting NCER policies and interests to NIE, other government officials, and the public; for advising the Council and its individual members in their duties; for overseeing the preparation of the NCER annual report; and for providing administrative support to the NCER.

F. NIE Fellows Program Staff: Carries out responsibilities for a residential scholars program to affiliate senior level researchers and practitioners with NIE to address special needs and provide expertise to the Institute in various areas.

G. Office of Planning, Budget and Program Analysis: Carries out responsibilities for the preparation, presentation, and execution of the Institute's annual budget; for the development and operation of the Institute's annual and long-range program planning process; for program review and analysis; for overall program evaluation policies and procedures; for coordination of NIE's participation in international education research and development activities; for analysis and development of Institute and Federal education policy; for programmatic coordination within the Institute and with other Federal agencies; and for preparing with the assistance of the Committee on Equal Educational Opportunity (with Institute-wide membership) descriptions and analyses of the Institute's programs as they relate to equality of educational opportunity. The Office has two Divisions as follows:

1. Budget Division: Formulates NIE budget estimates; presents the budget to examining, reviewing, and appropriations authorities and provides testimony as required; executes approved budgets; allocates funds; establishes funding controls; and exercises oversight with respect to all budget activities in the Institute.

2. Planning, Program and Policy Analysis Division: Coordinates the development of annual and long-range planning for NIE; reviews, analyzes, and evaluates NIE programs; coordinates education research and development activities with other agencies; coordinates NIE activities related to international education research and development including liaison with the Center for Educational Research and Innovation; develops alternative strategies and program initiatives; and prepares policy analyses and recommendations on the role of education research and development at the Federal level.

H. Office of Administration and Management: Carries out responsibilities for administrative and managerial systems required for the operation of the Institute including forms clearance; for the internal review of functions related to the fiscal operations of the Institute; for the development of standards and guidelines for the administration of Institute programs; for the review and coordination of regulations development for new activities; and for ensuring that the Institute in its internal operations is sensitive to the concerns of minorities and women by pursuing equal employment opportunity. This Office has six Divisions and one staff unit as follows:

1. Equal Employment Opportunity Staff: Ensures equality of opportunity for all employees and applicants for employment at the Institute, with particular emphasis on the problems of minority group individuals, women and low income groups, and the handicapped as they relate to employment and other personnel policies, procedures, and practices within NIE.

2. Personnel Division: Plans, develops, and directs programs in employment, position classification, labor-management relations, employee relations, and training and employee development.

3. Finance Division: plans, develops, and implements an integrated system of financial policies, procedures, and standards for NIE operations; maintains a central accounting of transactions for all Institute funds; and provides fiscal services for the Institute.

4. General Services Division: Plans, develops, and provides administrative support services including property and facility management, communications, purchasing and supply records management, printing, mail, messenger and other related services.

5. Management and Data Systems Division: Develops and evaluates administrative, management and data systems; provides computer systems design, programming, and data processing services; develops management information systems; analyzes manpower requirements and develops plans for manpower allocation and utilization; and develops and executes the administrative budget for NIE.

6. Contracts and Grants Management Division: Plans, develops, and directs a comprehensive program of negotiation, award, and technical management of contracts and grants; and formulates and implements contracts and grants policies and procedures.

7. Educational Resource Division: Provides material, data, and relevant information about education to NIE staff and other users through on-line computer capabilities of the Education Reference Center; provides technical assistance and training in the techniques of information use, storage, and retrieval; directs the library for the DHEW Education Division; and directs the NIE Proposals Clearinghouse which ensures the conduct and completion of internal review procedures for grant proposals received by the Institute.

I. Dissemination and Resources Group: Responsible for improving the dissemination and use of knowledge for solving educational problems, and for activities to study, evaluate, and improve

the capabilities of institutions and individuals to produce and use knowledge in improving education. This Group has three Divisions as follows:

1. Information and Communications Systems Division: Carries out programs to provide access to documents and data about education to reesarchers, teachers, administrators, and others concerned with educational improvement and to build capacity for the dissemination and utilization of education knowledge. The Division operates the Educational Resources Information Center (ERIC); supports research and development activities intended to improve educational information systems; stimulates the linkage between local educators and national information sources; and generates the development of information products which can be used to make and implement educational decisions.

2. School Practice and Service Division: Carries out programs to insure the use of research and development outcomes and methods to improve educational practice. The Division provides implementation support to educators adopting or adapting verified products and practices; synthesizes, analyzes, and communicates R&D based policy information; collates, analyzes, transforms, and communicates consumer-oriented information on educational research and products; monitors products and verifies information on them; reports on effective programs; supports exchange mechanisms among the R&D resource base, State educational service agencies, and local schools and school districts to insure effective use of R&D outcomes; and assists other NIE organizations to design and implement strategies for disseminating and diffusing the results of NIE development, including the management of the NIE copyright program.

3. Research and Development System Support Division: Carries out programs to help strengthen the educational R&D system. The Division conducts a range of surveys, analyses, and policy studies concerned with the status and requirements of educational R&D with a view toward current and future government policy with regard to the system; and supports interventions to improve the R&D system, with particular attention directed toward national R&D capacity, the availability of an adequate pool of trained personnel for educational R&D, and the improvement of technology for educational R&D.

J. Basic Skills Group: Responsible for carrying out research on the teaching and learning of basic subjects (primarily reading and mathematics) and on the measurement of student progress in these areas. Through the application of research findings and new developments to classroom instruction, the Basic Skills Group expects to provide a sound basis for the improvement of education and for equal educational opportunity. This Group has three Divisions as follows:

1. Learning Division: Supports research on how children learn with an initial focus on reading comprehension and individualized learning.

2. Teaching Division: Supports research on improving the teaching and reading of mathematics with a focus on defining and measuring teacher competencies as related to student performance; and explores the impact of mission oriented or highly structured teaching on children.

3. Measurement Division: Supports research to improve the measurement of reading and mathematics learning and teacher performance in basic skills instruction, with a focus on the development of measures that overcome test bias in measuring minority student performance, as well as to improve methodology available to measure educational practice.

K. Finance and Productivity Group: Responsible for carrying out a program to improve the effectiveness and efficiency of our educational institutions through a program of policy studies; research and development in areas of finance, management, organization, and alternative delivery systems; and the application of competency concepts. This Group has five Divisions and one program staff unit as follows:

1. School Finance and Management Division: Conducts studies and analyses of alternative financing reforms to assist state and local decision-makers in achieving a more equal standard of educational equality for all students; and develops and field-tests alternative financing and management arrangements to improve institutional responsiveness.

2. Technological Applications Division: Develops technological applications in data management systems to improve the effectiveness and efficiency of educational institutions, and of instructional systems to improve access for special populations whose need are not presently being met, such as the handicapped and geographically isolated.

3. Productivity Division: Conducts policy studies, and research and development in competency concepts, the economics of education, and organizational behavior aimed at improving the efficiency of American education.

4. Assessment of Innovative Developments Division: Conducts research, development and application of new assessment methodologies to improve our understanding of the effectiveness of educational practices with an emphasis on increased productivity.

5. Experimental Schools Division: Plans, organizes, administers, and evaluates multi-year projects that test the effects of changes to schools and school systems which involve a wide spectrum of components including but not limited to curriculum, administration, instruction, and governance.

6. Post-Secondary Finance and Organization Staff: Studies and analyzes the effect of alternative forms of public support on institutional viability and equality of educational opportunity; and conducts policy studies on the impact of developing competency concepts on governance, organization, institutional responsiveness, and equality of educational opportunity.

K. School Capacity for Problem-Solving Group: Responsible for identifying and understanding how school systems develop the capacity for problem-solving and for finding ways of helping other schools to do so. This Group will study the workings and assess the effectiveness of selected organizational strategies in initiating and sustaining school improvements; identify and study policy and basic research issues involved in the development and implementation of such strategies; and develop ways of utilizing the knowledge generated by the study of policy and basic research issues to help schools and school systems to employ various strategies.

L. Education and Work Group: Responsible for carrying out a program to improve the preparation of youth and adults for entering and progressing in careers. This Group will develop and test projects that increase understanding of the issues and problems associated with education and work; support programs that will develop the skills and abilities necessary for successful entry and profession in careers; and conduct policy studies to determine how to ensure effective dissemination and implementation of the results of Education and Work programs and projects, and to determine directions for new activities. This Group has four Divisions as follows:

1. Career Awareness Division: Carries out a program concerned with how children's early attitudes and aspirations about the world of work are formed; how these attitudes and aspirations affect later education and occupational decisions; and how educational programs can most effectively intervene in this process. This Division supports research on socialization and decision making processes as they affect career development, and supports the development, evaluation, and dissemination of products and programs which enhance individual career awareness.

2. Career Exploration Division: Carries out a program concerned with how youth can learn to explore careers more effectively; how to improve the transition from school to work; and how in-school work experiences can become more effectively integrated into the secondary school curriculum. The Division supports research to improve the understanding of career development; evaluates ongoing career exploration programs; conducts policy studies to determine how effective career exploration programs can be stimulated for diverse segments of society; and supports the development and dissemination of programs, materials, and products which help schools and other educational institutions offer exploratory career experience to students and young adults.

3. Career Preparation Division: Carries out a program concerned with determining what abilities and skills youth and adults need to prepare for work and their chosen future careers, and how these abilities and skills can best be learned and/or provided for. The Division supports the development and testing of various projects directed to-

ward enhancing skills of adults and youth; designs and executes policy studies aimed at determining the role the Federal government should play in fostering such skill acquisition; and conducts research on the character and manner of skill acquisition and credentials necessary for career entry and progression.

4. Career Access Division: Carries out a program concerned with increasing an individual's life long access to school and work; determining what structural and systematic barriers impede that access; and determining what education can do to remove such barriers. The Division supports the development and testing of various projects to increase knowledge of the barriers faced by different target populations in receiving education; determines through program development the most effective ways of delivering these services to target populations; and determines through policy analysis the most appropriate role for Federal, State, and local interventions in the provision of these services.

M. Educational Equity Group: Responsible for carrying out programs to investigate and develop means to help educators meet their responsibilities to provide a high quality education for students whose opportunities have been limited because of their home language, culture, race, ethnicity, sex, socioeconomic background or student conduct problems, or because they are not profiting from a typical school environment. The Group will also conduct research and development into new areas of special concern associated with educational equity as they are identified. This Group has two Divisions and three program staff units as follows:

1. Compensatory Education Division: Carries out comprehensive studies and evaluations of compensatory education programs such as Title I of the Elementary and Secondary Education Act and programs being carried out by States to deal with the disadvantages of students with low socioeconomic backgrounds.

2. Multicultural/Bilingual Division: Carries out a program to address the problems of students whose native languages are not English, who speaks a non-standard dialect of English, or whose culture differs significantly from the majority of American students. The Division administers a program of research and development into instructional processes such as curriculum, teaching, and student assessment, as well as into social/cultural processes which influence education for multicultural/bilingual students.

3. Women's Research Staff: Carries out a program to address the problems faced by women in obtaining equal educational opportunities by investigating the processes by which these inequalities occur and seeking solutions for the elimination of these inequalities.

4. Desegregation Studies Staff: Carries out a program to investigate problems associated with school desegregation and to seek solutions to help educators determine the best means of educating students in desegregated settings.

5. School Discipline Studies Staff: Carries out a program to investigate and seek solutions to problems associated with disruption, crime, and student conduct problems in schools.

Section 12.30 Vested and Delegated Authority. The Director of the National Institute of Education has program authority directly vested in him by the Education Amendments of 1972, as amended as well as certain delegated program authorities as follows:

A. In order to accomplish the functions set forth in Section 12.20 of this amendment, Section 408(a) of the General Education Provisions Act, as amended, authorizes the Director of the Institute (1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the agency; (2) in accordance with those provisions of Title 5, United States Code, relating to the appointment and compensation for personnel and subject to such limitations as are imposed in this part, to appoint and compensate such personnel as may be necessary to enable the agency to carry out its functions; (3) to accept unconditional gifts or donations of services, money, or property (real, personal, or mixed; tangible or intangible); (4) without regard for Section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary for the conduct of the agency; (5) with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions vested in him or in the agency of which he is head, and to acquire and dispose of property; and (6) to use services of other Federal agencies and reimburse such agencies for such services.

B. Pursuant to the Delegations of Authorities, dated June 19, 1973, and approved by the President on July 6, 1973, from the Director-designate of the Office of Economic Opportunity (OEO) to the Secretary of Health, Education, and Welfare, the Secretary's redelegation of July 11, 1973 to the Assistant Secretary for Education, and the Assistant Secretary's redelegation, the Director of the National Institute of Education is authorized to administer those grants, contracts, or other agreements made or entered into which constitute the program described in paragraph three (3) clause five (5) of the document ("educational voucher demonstrations and other projects designed to study or test ways to improve educational opportunities for the disadvantaged.")

Section 12.40 Order of Succession. In the absence of the Director or in the event that there is a vacancy in that office, the Deputy Director shall serve as the Acting Director. In the event that both the Director and Deputy Director are absent or there is a vacancy in both offices, the following shall serve as Acting Director in the order indicated: Associate Director for Planning, Budget and Program Analysis; Associate Director for Administration and Management.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

AUGUST 18, 1975.

[FR Doc.75-22442 Filed 8-22-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. D-75-363]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority

By a Delegation of Authority, which is published simultaneously herewith, the Secretary has delegated to the Assistant Secretary for Community Planning and Development the authority to make reviews necessary for the Secretary's making adjustments in grant amounts pursuant to Section 104 of the Housing and Community Development Act of 1974. It has been determined that this authority should be redelegated to Regional Administrators and their subordinates. However, no amendment to the present redelegation is necessary to effectuate this determination.

The present Redelegation of Authority (40 FR 5386) authorizes Regional Administrators and their subordinates to adjust grant amounts pursuant to Section 104(d). It has been determined that such authority should be retained by the Assistant Secretary for Community Planning and Development. Accordingly, the Delegation of Authority of February 5, 1975, published at 40 FR 5386, is amended by deleting the period at the end of Section B.1 and adding "and adjust the amount of grants pursuant to Section 104(d)."

Effective date: This Redelegation of Authority is effective August 25, 1975.

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

[FR Doc.75-22386 Filed 8-22-75;8:45 am]

Office of the Secretary

[Docket No. D-75-362]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

Delegation of Authority

The delegation of authority of February 5, 1975, published at 40 FR 5385, did not authorize the Assistant Secretary for Community Planning and Development to make the reviews necessary for the Secretary's making adjustments in grant amounts pursuant to Section 104(d) of the Housing and Community Development Act of 1974. It has been determined that the Assistant Secretary and his Deputy should have such authority. Accordingly, the delegation of authority of February 5, 1975, published at 40 FR

5385, is amended by deleting the words "and reviews" in line 6 of Section B.4.

Effective date: This delegation of authority is effective August 25, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-22387 Filed 8-22-75;8:45 am]

[Docket No. D-75-361]

FEDERAL INSURANCE ADMINISTRATOR

Delegation of Authority

Section 7(1)(6) of the Department of Housing and Urban Development Act, Public Law 89-174, 42 U.S.C. 3531 *et seq.*, authorizes the Secretary of the Department of Housing and Urban Development to "include in any contract or instrument such other convenants, conditions, or provisions as he may deem necessary." Pursuant to this authority, a provision requiring safeguarding of program assets by program participants through insurance or bonding has been included in contracts used in several of the programs of this Department. In order to assure that this safeguarding is adequately carried out at a minimal cost to the program participant, and therefore the Department, the Department provides professional and technical advice and guidance on insurance and bonding matters to program participants. Related to the contract requirements, the Department also provides approval of non-Federal insurance contracts as meeting the contract requirement and endorsement of insurance checks, including loss claim checks, on which the United States of America, the Department, or any predecessor of the Department is a joint payee. These functions until now have been carried out by headquarters and field personnel of the Assistant Secretary for Housing Management. With the development of insurance expertise in the Federal Insurance Administration, the Secretary has determined that these functions should be carried out by that office. Accordingly, the delegation of these functions to the Assistant Secretary for Housing Management is revoked, and the authority for carrying out all aspects of the Department-wide program insurance and bonding function is being delegated to the Federal Insurance Administrator.

Section A. *Authority Delegated.* The Federal Insurance Administrator is, except as provided in section B, delegated the authority and responsibility of the Secretary for all aspects of the Department-wide program insurance and bonding function with respect to the following programs:

(1) Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949 (42 U.S.C. 1450-1468), and Section 312 of the Housing Act of 1954 (42 U.S.C. 1450 Note).

(2) Program of Loans for Housing of the Elderly or Handicapped under Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(3) College Housing under Title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c).

(4) Low-Rent Public Housing Program under the United States Housing Act of 1937 (42 U.S.C. 1401 *et seq.* and 42 U.S.C. 1430 *et seq.*).

(5) New Communities Program under the Housing Act of 1968 (42 U.S.C. 3091 *et seq.*).

(6) Comprehensive Planning, 701 Program under the Housing Act of 1954 (40 U.S.C. 461).

This authority and responsibility shall include the following:

1. The authority and responsibility for rendering professional and technical advice and guidance on insurance and bonding matters, including the development and selection of all procedures and training materials.

2. The authority and responsibility for the making of policy with respect to the insurance and bonding matters involved in this delegation.

3. The authority and responsibility for review and evaluation of field office performance of the insurance and bonding function, as well as for recommendations for appropriate corrective actions where needed.

4. With respect to master contracts for insurance and bonding, the authority and responsibility for appropriate bid requests, openings and recordings, analysis, awarding of contracts, ongoing administrative functions (including servicing) with respect to the contracts, and liaison between Area and Insuring Offices, local HUD program participants, and private insurers who issue policies under the contracts.

5. The authority and responsibility to approve or disapprove non-Federal insurance contracts and to execute endorsements on insurance checks, including loss claim checks, on behalf of the Department of Housing and Urban Development on which the United States of America, the Department of Housing and Urban Development or any predecessor agency of the Department of Housing and Urban Development is a payee (joint or otherwise).

Section B. *Authority Excepted.* There is excepted from the authority delegated under section A the power to sue and be sued.

Section C. *Authority to Redelegate.* The Federal Insurance Administrator is authorized to redelegate to the employees of the Department any of the authority delegated under section A.

Section D. *Delegation Revoked.* This delegation revokes paragraph 18 of section A of the delegation of authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Management with respect to the approval of non-Federal insurance contracts and the endorsements on behalf of the Department of insurance checks, published at 36 F.R. 5006, March 16, 1971. (Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Effective Date. This delegation of authority is effective as of August 19, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-22388 Filed 8-22-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-19; Notice 2]

ELECTRIC FUEL PROPULSION CORP.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

The National Highway Traffic Safety Administration has decided to grant Electric Fuel Propulsion Corporation ("EFP") of Detroit, Michigan, a temporary exemption from eight Federal motor vehicle safety standards, one expiring September 1, 1976 and the remainder on August 1, 1977.

Notice of the petition was published on June 20, 1975 (40 FR 26054), and an opportunity afforded for comment.

EFP intends to convert to electric power a conventionally-powered American intermediate-size passenger car that is certified as conforming to all applicable Federal motor vehicle safety standards. The modification it performs includes removal of the internal combustion engine, gas tank, and associated hardware. Springs, shock-absorbers, sway bars, tires, tubes, and other miscellaneous chassis components are removed and replaced with new, heavier-duty equipment, and the frame is reinforced. In addition to the electric propulsion system, a gasoline-defroster unit is installed in the trunk with a small gasoline tank. These modifications increase vehicle weight from approximately 4,000 pounds to something over 6,000 pounds.

EFP does not yet know whether the increase in weight will affect conformity with portions of the following Federal motor vehicle safety standards: S4.1 and S4.2.1 of No. 105 and corresponding portions of No. 105-75, *Hydraulic Brake Systems*, S3.1 through S3.3 of No. 201, *Occupant Protection in Interior Impact*, S4.1 of No. 204, *Steering Control Rearward Displacement*, and S4.1.2 and S4.1.3 of No. 208, *Occupant Crash Protection*. In addition it requested complete exemption from the following standards: No. 212, *Windshield Mounting*, No. 215, *Exterior Protection*, and No. 216, *Roof Crush Resistance*. Finally, because of the gasoline-fueled heater-defroster unit, it requested an exemption from Standard No. 301/301-75, *Fuel System Integrity*. The exemptions were requested for 2 years. While they are in effect EFP would conduct testing to determine the extent

of conformance. If nonconformances are discovered they would be corrected by the end of the exemption period. The company argued that an exemption is in the public interest as its vehicles "reduce air pollution at street level and lessen the dependence of the United States on importation of petroleum."

No comments were filed opposing the petition. A comment by Sebring-Vanguard, Inc., a manufacturer of electric vehicles, supported it. The Administrator to date has granted temporary exemptions to four manufacturers of electric vehicles: Sebring-Vanguard, Zagato/Elcar, AM General, and C. H. Waterman Industries. The products of these manufacturers are small, relatively lightweight motor vehicles intended primarily for urban use. EFP's vehicle, on the other hand, is a conventional-sized passenger car, intended for both urban and highway use. The data derived from operation of a vehicle of this size should enable its manufacturer to determine whether heavy, full-sized electric vehicles are feasible and marketable using present technology, and under today's socio-economic conditions. Further, the effect of an exemption upon motor vehicle safety is probably minimal, since the basic vehicle is one produced by a major American manufacturer and certified, before its modification, as meeting the Federal safety standards. EFP has no actual knowledge that the vehicle fails to conform with any standard from which exemption is requested. The exemptions will expire August 1, 1977, except for S4.1.2 of Standard No. 208, which expires September 1, 1976. In a separate rulemaking action the NHTSA is extending the life of S4.1.2 from August 14, 1975 to August 31, 1976. Because of the importance of occupant crash protection the NHTSA believes that EFP should devote its initial compliance efforts to resolving any uncertainties that may exist with respect to Standard No. 208.

For the reasons described above the Administrator has determined that a temporary exemption would facilitate the development and field evaluation of a low-emission motor vehicle, and would not unreasonably degrade the safety of the vehicle. Accordingly EFP is granted NHTSA Exemption No. 75–19, from S4.1.2 of 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, expiring September 1, 1976, and from the following Federal motor vehicle safety standards or portions thereof, expiring August 1, 1977: S4.1 and S4.2.1 of 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems*, and corresponding portions of 49 CFR 571.105–75; S3.1 through S3.3 of 571.201, Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact*, S4.1 of 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement*, 571.212, Motor Vehicle Safety Standard No. 212, *Windshield Mounting*, 571.215, Motor Vehicle Safety Standard No. 215, *Exterior Protection*, 571.216, Motor Vehicle Safety Standard No. 216, *Roof Crush Resistance*, and 571.301/301–75, Motor Vehicle Safety Standard No. 301/301–75, *Fuel System Integrity*.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159

Issued on August 15, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–22437 Filed 8–22–75;8:45 am]

[Docket No. EX75–23; Notice 1]

SBARRO REPLICA BMW 328

Petition for Temporary Exemption from Federal Motor Vehicle Safety Standards

The manufacturer of the Sbarro Replica BMW 328, Ateliers d'Etudes de Construction Automobiles S.a.r.l. of Yverdon, Switzerland, has petitioned for temporary exemption from several Federal motor vehicle safety standards on the basis that compliance would cause it substantial economic hardship.

Petitioner manufactured 24 Sbarro Replica BMW 328 passenger cars in 1974 and has manufactured only 42 automobiles in all since commencing manufacturing in 1965. The vehicle for which it seeks exemption is an open-bodied two-seater replica of the German BMW 328 sports car manufactured in the 1930's. The company seeks a 1-year exemption from portions of Motor Vehicle Safety Standard No. 101, *Control Location, Identification and Illumination*, (requirements for illumination of head lamps, hazard warning, and windshield wiper controls) and Standard No. 114 (audible warning requirements). It wishes a 2-year exemption from portions of Standard No. 108 (photometric requirements for front side marker lamps, backup lamp) and Standard No. 208 (audible and visible warnings). It requests a 3-year exemption from eight additional standards: No. 201, *Occupant Protection in Interior Impact*, No. 202, *Head Restraints*, No. 203, *Impact Protection for the Driver from Steering Control System*, No. 204, *Steering Control Rearward Displacement*, No. 206, *Door Locks and Door Retention Components*, No. 212, *Windshield Mounting*, No. 214, *Side Door Strength*, and No. 215, *Exterior Protection*.

In support of its petition, it states that it will comply with Standards Nos. 101, 108, 114 and 208 at the end of the exemption period. It needs the time to develop complying parts and to exhaust its inventory. To require immediate compliance would cause a loss of $55,000. With respect to the standards for which a 3-year exemption is requested, it states that "we must face the conclusion that our replica cannot be engineered or tested to comply with these standards due to its appearance and our finances and construction capacities. A 1930's automobile does not lend itself to these crash tests". The company has however, incorporated the following safety items in an attempt at least partially to meet the standards indicated: full interior padding (No. 201); double joint steering shaft tube and Volkswagen collapsible steering column assembly (No. 203, No. 204), lock striker plates mounted within door jamb, encased in steel (No. 206); and construction of front and rear sections of vehicle from laminated polyester (No. 215). The car utilizes an upper-torso restraint, not required by Standard No. 208 for open-bodied cars. The company had a net income of $5,884 in 1974. Denial would cost it an opportunity to enter the American market.

It argues that an exemption is in the public interest as the vehicle will be powered by propane, qualifying it for exemption also as a low-emission motor vehicle.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of the Sbarro Replica BMW 328 described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comments closing date: September 24, 1975.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on August 18, 1975.

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

[FR Doc.75–22439 Filed 8–22–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28028]

ANDREWS INTERNATIONAL, INC., ET AL.

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on September 24, 1975, at 10:00 a.m. (local time) in Room 1031N, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., August 19, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–22444 Filed 8–22–75;8:45 am]

[Docket 27702; Order 75-8-101]

BRANIFF AIRWAYS, INC.

Order Dismissing Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1975.

Application of Braniff Airways, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

On April 4, 1975, Braniff Airways, Inc., filed an application for exemption authority, pursuant to section 416(b) of the Federal Aviation Act, to carry local traffic between domestic terminals served on its international flights.[1] In support of its application, Braniff alleges that the maintenance of the "closed-door" restriction on the domestic portions of its international operations is anachronistic, that it forces U.S.-flag carriers to operate flight sectors which are destined by the certificate restrictions to be uneconomic, underutilized, and wasteful of fuel, and that elimination of the restriction would benefit Braniff and would otherwise be in the public interest. In order to minimize potential diversion from incumbent carriers and to avert a hearing or series of hearings to consider competing applications, Braniff suggests seven conditions which it would be willing to accept upon its exemption authority. Most of these would limit, in one way or another, the capacity to be available and the amount of traffic to be carried pursuant to the exemption.

The U.S. Department of Commerce filed an answer in support of the application. Commerce recognizes that there will, in some markets, be substantial diversion from incumbents and suggests that the Board grant relief for a trial period of 1 year in those markets in which it is clear that the impact on other carriers will be minimal but defer decision pending hearings with respect to the other markets.

Answers in opposition have been received from seven certificated carriers[2] and the U.S. Department of Justice (DOJ). DOJ supports the objective of reassessing Braniff's certificate restrictions, but asserts that changes should be based upon an evidentiary record after a route proceeding conducted under section 401 of the Act. DOJ also argues that the application fails to satisfy the statutory criteria of section 416(b). As in the case of Pan American World Airways' request in docket 27626 for similar exemption authority, the opposition of the air carrier respondents generally follows one or more of three lines: (1) the Board cannot legally grant the relief requested under section 416(b) of the Act; (2) the issues are far too complex and controversial for processing under nonhearing procedures; and (3) Braniff has failed to submit any of the supporting evidence required by Rule 402(c) of the Rules of Practice, 14 CFR 302.402(c). National suggests that due to Braniff's failure to comply with Rule 402(c) the application should be dismissed.

Braniff has filed a reply arguing that the extent of its proposed operations is much more limited than Pan American's since it involves no new flights and that the information requirements of section 302.402(1) are plainly inapplicable in this case, but that Braniff will submit additional information if the Board so directs.

Upon consideration of the pleadings, we have decided to dismiss Braniff's application. Rule 405 initially gives the Board the option of dismissing an exemption application "which fails in any material respect to comply with the requirements" of subpart D of the Rules of Practice. If the application is not materially deficient, the Board may request additional data from the applicant or any other party in interest. Braniff advocates the latter course in lieu of the former; we do not agree. Of the five basic categories of economic and operating data required to be supplied by Rule 402 (c), only one (*i.e.*, that pertaining to schedules) has been satisfied by this application. Braniff has supplied the Board with so little factual information to support a complex proposal which would effect fundamental changes in its international system that no alternative but dismissal can be justified.

Accordingly, it is ordered That: The application of Braniff Airways, Inc., in docket 27702, be and it hereby is dismissed.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-22450 Filed 8-22-75;8:45 am]

[1] The markets at issue are: New York-Miami; New York-Washington, D.C.; Washington, D.C.-Miami; Houston-New Orleans; and Los Angeles-San Francisco. As of July 1975, Braniff operated the following weekly one-way frequencies in the above markets: New York-Miami (12); New York-Washington, D.C.-Miami (4); Los Angeles-San Francisco (8); and Houston-New Orleans (2)—for a total of 34 city-pair, weekly frequencies.

[2] Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Texas International Airlines, Trans World Airlines, and United Air Lines.

[Docket 26494, Agreement C.A.B. 25333 R-1 through R-3; Order 75-8-102]

TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION RELATING TO PROPORTIONAL FARES

Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of August 1975.

An agreement has 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 Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a proportional-fares meeting held in New York, July 14–15, 1975, and is proposed for effectiveness October 1, 1975.

The agreement, insofar as it has direct application in air transportation as defined by the Act, would amend North Atlantic, North/Central Pacific and South Pacific proportional fares used for construction of through international fares to/from U.S. interior points, to reflect recent changes in U.S./Canada trans-border fares.

Pursuant to the Federal Aviation Act of 1958 and particularly section 102, 204 (a) and 412 thereof, the Board does not find that the following resolutions, incorporated in Agreement C.A.B. 25333, R–1 through R–3, are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25333:			
R-1	015	North Atlantic Proportional Fares, North American (Amending)	1/2
R-2	015a	South Pacific Proportional Fares, North American (Amending)	3/1
R-3	015b	North and Central Pacific Proportional Fares, North American (Amending).	3/1

Accordingly, it is ordered That:

Agreement C.A.B. 25333, R–1 through R–3, be and hereby is approved subject to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-22451 Filed 8-22-75;8:45 am]

[Docket 27758]

DETROIT-BOSTON NONSTOP ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing will be held in the above-entitled proceeding on October 15, 1975, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW.,

Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 19, 1975.

[SEAL] WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.75-22445 Filed 8-22-75;8:45 am]

[Docket 28163]

INTERNACIONAL DE AVIACION, S.A. (INAIR)

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 4, 1975, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., August 20, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-22447 Filed 8-22-75;8:45 am]

[Docket 27971; Order 75-8-98]

PIEDMONT AVIATION, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1975.

Application of Piedmont Aviation, Inc., pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to amend its certificate for route 87 so as to redesignate the separate intermediate points Goldsboro and Kinston, N.C., as Kinston-Goldsboro-Greenville, N.C.

On June 19, 1975, Piedmont Aviation, Inc. (Piedmont), filed an application (docket 27971) to redesignate the separate intermediate points Kinston and Goldsboro, N.C., on route 87, as a hyphenated point Kinston-Goldsboro-Greenville, N.C., by show-cause procedures.

In support of its application, Piedmont alleges, *inter alia*, that: by order 75-3-44, the Board authorized Piedmont to serve Goldsboro through Stallings Field at Kinston; on May 1, 1975, Piedmont ceased operations to Seymour Johnson Air Force Base near Goldsboro and presently provides service to Goldsboro through Stallings Field; its request herein is designed to conform Piedmont's certificate authority to the service which is now being provided; Greenville, located approximately 34 miles and 40 minutes' driving time north of Stallings Field, has historically used the latter airport to meet its certificated airline needs; and it would, therefore, be helpful to the community, Piedmont, and travelers to and from Greenville if that city were included as a designated point in Piedmont's certificate. In addition, the carrier states that, in view of the facts that the change in service has already been made, that there is no other carrier certificated to serve these points, that Piedmont's authority is unrestricted at both Kinston and Goldsboro, and that an *ad hoc* adjustment has been made in Piedmont's subsidy, its request is simply a technical matter of conforming the certificate to conditions as they exist today.

No answers to the application have been received.

Upon consideration of the application and all the relevant facts, we tentatively find and conclude that the public convenience and necessity require the amendment of Piedmont's certificate for route 87 so as to redesignate the separate intermediate points Goldsboro and Kinston as Kinston-Goldsboro-Greenville.[1]

In support of our ultimate conclusion, we tentatively find that the requested redesignation will benefit the traveling public by specifying more accurately the points served through Stallings Field; that no other carrier is certificated to serve these points; and that the proposed action herein is simply a technical matter of conforming Piedmont's certificate to conditions as they actually exist today.

Finally, we tentatively find and conclude that the redesignation of the separate intermediate points Goldsboro and Kinston as Kinston-Goldsboro-Greenville does not constitute a major Federal action significantly affecting the quality of the human environment within the terms of the National Environmental Policy Act of 1969 (NEPA). Since service to Goldsboro is already provided through Stallings Field at Kinston, the level of service should remain unchanged; thus, redesignation of the points should have a minimal, if any, impact upon the human environment.

Interested persons will be given 30 days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Piedmont's certificate of public convenience and necessity for route 87 so as to redesignate the separate intermediate points Kinston and Goldsboro, N.C., as Kinston-Goldsboro-Greenville, N.C.;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objection;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the Governor, State of North Carolina; the North Carolina Department of Transportation; Mayors of Goldsboro, Kinston, and Greenville, N.C.; the Goldsboro-Wayne Airport Authority; the Airport Manager, Stallings Field; Piedmont Aviation, Inc.; and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-22448 Filed 8-22-75;8:45 am]

[Dockets 28036, 26321, 28104, 28105, 28100, 27217; Order 75-8-100]

CONTINENTAL AIR LINES, INC., ET AL.

South Pacific Service Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1975.

By Order 75-6-153, April 18, 1975, the Board instituted an investigation into the need for additional service in the U.S.-South Pacific markets.[1] The proceeding was limited to a consideration of new authority between a Mainland point or points and Hawaii, on the one hand, and American Samoa, Fiji, New Zealand and Australia, on the other. However, the Board decided to defer a decision as to which Mainland terminals or coterminals would be included in the scope of the proceeding until after interested parties had had an opportunity to state

[1] We tentatively conclude also that Piedmont is fit, willing, and able properly to perform the proposed service and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[1] The Board, by contemporaneous action, approved an agreement between American Airlines and Pan American World Airways for the exchange of various Pacific, Bermuda and Caribbean routes (Order 75-6-152, approved by the President on June 30, 1975). The Board noted in Order 75-6-153 that one effect of its approval of the route exchange agreement was to eliminate U.S.-flag competition between the Mainland and Hawaii and points in the South Pacific.

their views.[3] The time for the filing of the motions and petitions and answers to such pleadings has now passed and the Board is ready to address the remaining questions concerning the scope of the *South Pacific Service Case*.

Petitions for reconsideration of Order 75–6–153 have been filed by Continental Air Lines,[3] United Air Lines [4] and the Washington Parties.[5]

Petitions for consolidation of applications for South Pacific authority have been filed by Continental,[6] Hawaiian Airlines,[7] National Air Lines [8] and Pan American World Airways.[9]

Continental filed a consolidated answer opposing the motions of National and Pan American for consolidation of their applications; Houston and the Houston Chamber of Commerce filed an answer in support of the National and Pan American motions; the City and Chamber of Commerce of New Orleans and the Utah Agencies filed answers in support of the petition and motion of the Washington Parties; Northwest and Flying Tiger Line filed answers in opposition to the pleading of the Washington Parties and Pan American to that portion requesting consolidation of Dockets 27217 and 28036; the Territory of American Samoa filed a response in support of Continental's petition for reconsideration; the Las Vegas Parties support National's motion to consolidate; Pan American filed an answer in opposition to Continental's motion for reconsideration; and Northwest filed an answer in support of the suggestion that the proceeding be limited to the Hawaii-South Pacific markets.

Upon consideration of the above pleadings and of all the relevant facts, we have decided to amend ordering paragraph 1 (a) of Order 75–6–153 to read as follows:

(a) Whether the public convenience and necessity require additional service between one or more of the following points, on the one hand: Los Angeles and San Francisco, California, and Honolulu, Hawaii, and one or more of the following South Pacific areas, on the other: American Samoa, Fiji, New Zealand and Australia;

We have decided to limit consideration of the Mainland coterminals to Los Angeles and San Francisco in light of the fact that, of the Mainland points proposed for inclusion, only those cities exchange more than minimal levels of traffic with any of the Pacific points placed in issue by Order 75–6–153.[10] Of course, our decision not to include other Mainland points as coterminals will not foreclose any carrier from proposing beyond services to other Mainland points to the extent it could tack its current authority to the authority in issue.

Further, in view of the fact that the predicate for the institution of the instant proceeding, as indicated in Order 75–6–153, was the desire to consider the need for U.S.-flag competition between the Mainland and Hawaii and specific points in the South Pacific in the context of the cessation of such competition upon implementation of the American-Pan American Route Exchange, we will not accede to the requests either to exclude Mainland points altogether from consideration or to expand the proceeding to consider additional Pacific points.[11] In particular, the requests of the Washington Parties for the consideration of points outside of the South Pacific, of Continental for consideration of interisland routes, and of Pan American for new Mainland-Hawaii authority on its route 117, which route does not involve points beyond Hawaii, would greatly add to the complexity of and fundamentally alter the very nature of the instant proceeding.[12]

Finally, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one, all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should additional service be authorized. Pan American currently offers a single round trip between Los Angeles and Pago Pago, American Samoa, six days per week, and UTA/Air France offers a single weekly round trip. San Francisco-American Samoa is served only by connecting service.[13] In

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[2] Two pretrial restrictions were imposed on any new award, so as to focus the case on South Pacific service needs: (a) no single-plane service between the mainland or Hawaii and any point not in American Samoa, Fiji, New Zealand or Australia will be permitted, and (b) Mainland-Hawaii flights will be required to continue to one of the named South Pacific points, subject to a possible modification of this long-haul restriction of the type formerly enjoyed by American (see Order 75–6–153).

[3] Continental, in its petition for reconsideration seeks to alter the scope of the instant proceedings to (1) include New Hebrides and New Caledonia as coterminals; (2) include consideration of service between American Samoa and other points in the South Pacific and deletion from Pan American's route 115 of West Samoa, Fiji, New Caledonia, New Hebrides, Tonga and the Cook Islands; and (3) limit the U.S. coterminals to Honolulu; Continental also seeks clarification of the pretrial restrictions in Order 75–6–153.

[4] United seeks to limit the proceeding to service between Hawaii and the South Pacific points or, in the alternative, if Mainland points remain in consideration, seeks the imposition of pretrial restrictions precluding local traffic rights over the Mainland-Hawaii portion of any new U.S.-South Pacific route, barring Mainland-Hawaii authority to any carrier not already certificated to Hawaii and limiting Mainland points to West Coast gateways.

[5] The City and Chamber of Commerce of Seattle; the City and Chamber of Commerce of Tacoma; the Washington Utilities and Transportation Commission; the Puget Sound Traffic Association, the Port of Seattle and King County, Washington. These parties request that their petition in Docket 27217, filed along with the Dallas/Fort Worth, Las Vegas, New Orleans and St. Louis Parties, for new or improved service between various Mainland points and Japan and beyond be considered in a hearing contemporaneous with the South Pacific Service Case, or be consolidated with that case or be granted an expedited hearing of its own.

[6] Continental's application, in Docket 26321, requests authority between the terminal point Los Angeles/Long Beach/Ontario, the intermediate points Hilo and Honolulu, and intermediate points in American Samoa, Tahiti, New Hebrides, New Caledonia, Fiji and New Zealand and an intermediate and a terminal point in Australia.

[7] Hawaiian's application, in Docket 28104, requests authority between the terminal point Honolulu, the intermediate point Pago Pago, American Samoa, and the terminal point Nandi, Fiji.

[8] National's application, in Docket 28105, requests authority between the coterminal points Miami, Tampa, Atlanta, New Orleans, Houston, Las Vegas, Los Angeles and San Francisco, the intermediate point Honolulu, and points in American Samoa, Fiji, New Zealand and Australia.

[9] Pan American's application in Docket 28100 requests that Houston be added as a coterminal point to its certificates for routes 130 and 117, which contain, respectively, its South Pacific and Hawaii authority.

[10] For instance, Atlanta's true O&D traffic with the South Pacific points in 1974 ranged from a high of only 410 passengers with Sydney to 10 with Fiji; Houston's 490 with Sydney to zero with Fiji; Miami's 540 with Sydney to zero with Fiji. None of the proposed Mainland coterminals other than Los Angeles and San Francisco exchanges more than 3 passengers a day with all of the designated South Pacific points combined.

[11] Nor will we adopt United's alternative request for further pretrial restrictions precluding local traffic rights over the Mainland-Hawaii portion of any new U.S.-South Pacific route and barring Mainland-Hawaii authority to any carrier not already certificated to Hawaii. United will be free to argue for the imposition of these restrictions at the hearing but we will not impose such limitations at this time.

[12] Thus, we will not consolidate Pan American's application and we will consolidate the applications of Continental and National only to the extent that they conform to the scope of the proceeding. We will deny the petitions for reconsideration of United and the Washington Parties and grant that of Continental only to the extent that we will accede to its request for clarification of the pretrial restrictions contained in Order 75–6–153.

Continental asks whether the restriction prohibiting single-plane service between the Mainland or Hawaii and any point not in American Samoa, Fiji, New Zealand or Australia, would bar Continental from tacking any new Honolulu-American Samoa authority with its existing American Samoa-Trust Territory authority. The answer is that, by the restriction's plain terms, such tacking would be prohibited. As for the restriction requiring Mainland-Hawaii flights to serve at least one of the designated South Pacific points, it is limited to any new authority granted in the instant proceeding and is not intended to restrict the Mainland-Hawaii flights of the present incumbents in that market.

The alternative requests of the Washington Parties for contemporaneous or expedited hearing of their petition in Docket 27217 will be considered in a separate order.

[13] OAG (International), August 1, 1975.

view of the modest size of these markets,[34] it is unlikely that any successful candidate for new West Coast-South Pacific authority will more than double the combined Pan American-UTA number of flights and it is likely that a new entrant will initially fail to provide even daily Los Angeles-Pago Pago service. As for the smaller San Francisco-Pago Pago market, it is likely that it will be served by the same flights serving Los Angeles or, at most, by a few weekly flights of its own.[35] Thus, while the specific service proposals which the carriers will make are not now known, the realities of the markets in question nonetheless leave little doubt that, whatever the ultimate proposals for added flights may be, they will not represent a level of new service which could lead to more than very minor environmental changes. This is clear from looking at the large overall level of traffic at Los Angeles, San Francisco and Honolulu.[36] Of course, Pago Pago is a much smaller generator of traffic (an estimated 3,458 scheduled departures and arrivals for the 12-month period ending August 31, 1975).[37] However, while the entrance of a new carrier into the Los Angeles/San Francisco-Pago Pago markets could lead to a percentage increase in aircraft activity in American Samoa of more significance than a similar number of flights would yield at Los Angeles-San Francisco or Honolulu, the absolute number of new flights would still be small and unlikely to produce environmental changes of a size cognizable under NEPA.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered That:

1. Ordering paragraph 1(a) of Order 75-6-153 be and it hereby is amended to read as follows:

(a) whether the public convenience and necessity require additional service between one or more of the following points, on the one hand: Los Angeles and San Francisco, California, and Honolulu, Hawaii, and one or more of the following South Pacific areas, on the other: American Samoa, Fiji, New Zealand and Australia.

2. Insofar as they conform to the scope of the proceeding set forth in ordering paragraph (1) of Order 75-6-153, as amended by paragraph (1) above, the applications of Continental Air Lines, Inc., in Docket 26321 Hawaiian Airlines, Inc., in Docket 28104, and National Airlines, Inc., in Docket 28105, be and they hereby are consolidated with the proceeding instituted by ordering paragraph (1) of Order 75-6-153; to the extent not consolidated the foregoing applications be and they hereby are dismissed without prejudice;

3. The motion to consolidate by Pan American World Airways, Inc., in Docket 28100, be and it hereby is denied;

4. The petitions for reconsideration by Continental Air Lines, Inc., United Air Lines, Inc., and the Washington Parties, be and they hereby are granted to the extent indicated herein and denied in all other respects;

5. Petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service of this order and answers to such pleadings shall be filed no later than 10 days thereafter; and

6. A copy of this order shall be served on all parties in Docket 26245, and on Hawaiian Airlines, Inc. and National Airlines, Inc.

A copy of this order shall be placed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-22449 Filed 8-22-75;8:45 am]

[Docket 28036]

SOUTH PACIFIC SERVICE CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 11, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 3, 1975, and the other parties on or before September 9, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., August 19, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-22446 Filed 8-22-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of September 17, 1973, FR Doc. 73-19660 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Special Assistant to the Secretary for Policy Development, Office of Policy Development, Office of the Secretary. This is notice that the title of this position is now being changed to Director, Office of Policy Development, Office of the Secretary.

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

[FR Doc.75-22421 Filed 8-22-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10 a.m. on Wednesday, September 10, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of ex-

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[34] True O&D traffic for the Los Angeles-Pago Pago market in CY 1974 amounted to 4,710 passengers, for San Francisco-Pago Pago 3,140.

[35] We assume that any new Los Angeles/San Francisco-American Samoa service will be via Honolulu.

[36] In 1973 there were 497,000 aircraft operations at Los Angeles International Airport, with 600,000 projected for 1975 and 610,000 for 1976. The comparable totals for San Francisco International are 360,000, 367,000 and 374,000 aircraft operations. The figure for Honolulu was 303,000 in 1973, with 309,000 projected for 1975 and 315,000 for 1976. *Terminal Area Forecast, 1975-1985,* Department of Transportation, FAA Office of Aviation Economics, Aviation Forecast Division, July 1973, pages WE 17, WE 23 and PC 5. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

[37] The number of departures and arrivals has been obtained by doubling the figure for scheduled departures done. Source, Official Airline Guide, International edition. The number of flights derived herein is used without adjustment for nonscheduled service or for performance factors in scheduled service. Data contained in S.A.R.C. charter operations reports (including U.S.- and Foreign-Flag scheduled and supplemental operators) and the CAB/FAA publication, "Airport Activity Statistics," indicate no significant charter activity at Pago Pago during 1974 or 1973. Therefore, it is assumed that the number of scheduled flights not performed and the number of nonscheduled flights performed are approximately offsetting.

changes of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the Presidents' Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-22422 Filed 8-22-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10 a.m. on Wednesday, September 17, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-22423 Filed 8-22-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10 a.m. on Wednesday, September 24, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-22424 Filed 8-22-75;8:45 am]

NATIONAL LABOR RELATIONS BOARD

Grant of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Labor Relations Board to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-22420 Filed 8-22-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

AUGUST 21, 1975.

On August 21, 1975, there was published in the FEDERAL REGISTER (40 FR 36616) a letter dated August 18, 1975 from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs announcing that the Governments of the United States and Mexico had agreed on a revised visa format to authorize entry or withdrawal from warehouse for consumption in the United States of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico. The effective date for the implementation of this directive is September 8, 1975. The Government of Mexico is already issuing this new visa. Through September 3, 1975 any U.S. importers whose goods may be denied entry for lack of a valid visa should make a written request for a visa waiver to the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Requests should indicate the port at which the goods are to be entered, the textile categories involved, the quantities for each category in proper units, and the broker and his telephone number. Each request must contain a copy of the Special Customs Invoice as well as the visa issued by the Mexican Government.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75-22497 Filed 8-22-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660, RM-690]

INTERNATIONAL RECORD CARRIERS

Order Extending Time

In the matter of International Record Carriers' Scope of Operations in the Continental United States (40 FR 33717) Including Possible Revisions to the Formula Prescribed under section 222 of the Communications Act.

1. By Order in the above-captioned matter released July 14, 1975, we specified August 14, 1975 as the date for the filing of replies to the supplemental comments in our inquiry into the formula for distribution of outbound unrouted international message telegraph traffic (formula), 43 F.C.C. 2d 1174 (1973).

2. We have received from RCA Global Communications, Inc., (RCA) a request for extension from August 14, 1975, until August 28, 1975 of the time in which to file reply comments. RCA states that the extension is needed to permit analysis of the proposal made by Western Union International, Inc., (WUI) in its supplemental comments. RCA states that the complexity of the WUI proposal and the need for determining its effect on the present distribution under the formula makes the additional time necessary. RCA further states that the other parties have raised no objection to the requested extension.

3. We believe that RCA has shown good cause for grant of its request. Since this is the last round of comments in this proceeding, it appears that the extension will not unduly delay resolution of the matter. Therefore, we will grant an extension of two weeks.

4. Accordingly, *it is ordered*, pursuant to § 0.303(c) of the Commission's rules and regulations, that the time for filing reply comments in the above-captioned proceeding is extended until August 28, 1975.

Adopted: August 14, 1975.

Released: August 19, 1975.

[SEAL] JOSEPH A. MARINO,
Acting Chief, Common Carrier Bureau.

[FR Doc.75-22436 Filed 8-27-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 125—MLS Implementation. It is to be held on September 17-18, 1975, in Conference Room 3201, FAA Transpoint Building, 2100 Second Street, S.W., Washington, D.C., commencing at 9:30 a.m.

The Agenda is as follows:

1. Welcome by Chairman.
2. Summary and Approval of July 9-10, 1975, meeting by Secretary.
3. Introduction of new members and guests.
4. Introduction of FAA MLS Program Manager.
5. Report on Executive Management meeting.
6. Reports of special ad hoc Groups:
   a. Benefits.
   b. Military and Planning Costs.
   c. Civil Costs.
   d. Airborne Systems Operational Capabilities.
   e. Implementation Strategies.
   f. Pert Chart.
7. Interim Report.
8. FAA Implementation Status Report.
9. Update discussion of Strawman.
10. Special Assignments.
11. Announcements.
12. Other Business.
13. Date and place of next meeting.

Meetings of Special Committee 125 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, N.W., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-22431 Filed 8-22-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 130—Reliability Specifications for Airborne Electronics Systems. The meeting is to be held on September 23-24, 1975, in RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. The meeting will commence at 9:30 A.M.

The Agenda is as follows:

1. Report from *ad hoc* Group on establishment of SC-130 position.
2. Report from attendees at Air Worthiness Review.
3. Frank Rock, FAA, will give a report from Aircraft Systems Working Group on the proposed System Design Analysis Advisory Circular.
4. Assess the significance of specifying MTBR and MTBF for safety of flight electrical and electronic equipment.
5. M. Huck, AOPA, will present a report on the relationship of reliability to service life.
6. L. Edwards will brief the Committee of the status of related United Kingdom requirements and specifications.

Meetings of Special Committee 130 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, N.W., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-22432 Filed 8-22-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 127—Emergency Locator Transmitters. The meeting is to be held on September 24-25, 1975, in Conference Room 6200, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. The meeting will commence at 9 a.m.

The Agenda is as follows:

1. Opening Comments by Chairman.
2. Administrative Announcements.
3. Review and approval of Minutes of the meeting of August 6, 1975.
4. Review of Strawman Draft of Minimum Performance Standards.
5. New Business.
6. Date and place of next meeting.

Meetings of Special Committee 127 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, N.W., Washington, D.C. 20006, or telephone Area code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-22433 Filed 8-22-75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01069	Oglebay Norton Co.: *William A. Reiss.*
01152	Neptune Maritime Co. of Monrovia: *Melete.*
01252	Aktieselskapet Havtor: *Havbor, Havbjorn.*
01324	Rederiet Lindinger A/S: *Lindinger Satellite, Lindinger Surveyor.*
01360	Midland Enterprises, Inc.: *CH 2084X, CH 1882X, CH 2784, CH 2783, CH 2082X, CH 1881X, CH 2083X.*
01466	Common Brothers (Management) Ltd.: *Iranian Progress.*
01707	O. Ditley Simonsen Jr.: *Vinstra.*
01832	Aruba Tankers Corp.: *World Duke.*
01854	Southern Towing Co.: *NBC-801, STC-2005.*
02037	Shosen Mitsui Kyakusen K.K.: *Seven Seas.*
02238	John T. Essberger: *Heinrich Essberger, Wilhelmine Essberger.*
02296	Naviera Pierro S.A.: *Playa de Riazor.*
02367	Canadian Pacific (Bermuda) Ltd.: *Fort Nelson.*
02429	G & C Towing Inc.: *Duncanbruce.*
02418	Sidermar S.P.A.: *Hydrus.*
02551	Ellerman Lines Ltd.: *City of Corinth.*
02579	Gadot Yam Ltd.: *Chemical Challenger.*
02836	The Scindia Steam Navigation Co., Ltd.: *Jalavijaya.*
02877	Nippon Yusen Kabushiki Kaisha: *Chikuho Maru.*
03077	Bulk Food Carriers, Inc.: *Henry O.*
03438	Inui Kisen Kabushiki Kaisha: *Kishu Maru.*
03441	Japan Line K.K.: *World Azalea.*
03482	Ryutsu Kaiun K.K.: *Ryujin Maru, Ryufuku Maru.*
03484	Sanko Kisen K.K.: *Alps Maru.*
03506	Taiheiyo Kaiun K.K.: *Heiwa Maru.*
03516	Toko Kaiun K.K.: *Toho Maru.*
03614	A/S Kristian Jebsen Rederi: *Bravenes, Ramnes, Refsnes, Rossnes.*
03694	Port Allen Marine Service Inc.: *PA 876.*
03879	Zapata Haynie Corp.: *Smith Island, Tangier Island.*
03918	Mobil Shipping & Transportation Co.: *Mobil Falcon.*
04080	Port Arthur Towing Co.: *Patco 100, Triton.*
04215	State Shipping Corp. (Black Star Line): *Offin River.*
04240	Petroleo Brasileiro S.A.: *Petrobras II.*
04504	Sumiyoshi Gyogyo K.K.: *Sumiyoshi Maru No. 55.*
04553	Hokoku Suisan Kabushiki Kaisha: *Eiho Maru, Rikuzen Maru.*

Certificate No.	Owner/operator and vessels
04601	American Tunaboat Association: *Elizabeth C. J.*
04676	Naviera de Canarias, S.A.: *Jose Maria Ramon, Pedro Ramirez.*
04844	Sloman Neptun Schiffahrts Aktiengesellschaft: *Deltagas.*
04875	Letasa S.A.: *Mercedes Maria.*
04891	Ab A.K. Fernstroms Granitindustrier: *Emma Fernstrom.*
05098	Esso Tankers Inc.: *Esso Coral Gables.*
05122	Sanyu Kisen K.K.: *Bougainville Maru, Nichiyu Maru, Sanno Maru, Sansei Maru.*
05204	Steuart Transportation Co.: *STC-412.*
05273	Cia Maritima Gulf, S.A.: *Arteaga.*
05425	Georgia Transporters, Inc.: *GT 111.*
05471	Belcher Oil Co.: *Belcher No. 28.*
05528	Nakamura Kisen K.K.: *Meiho Maru.*
05549	Polska Zegluga Morska: *Ziemia Opolska, General Swierczewski.*
06575	Chiba-Ken: *Chishio Maru.*
05578	Baltic Shipping Co.: *Petrodvorets.*
05704	Murmansk Shipping Co.: *Nina Kukoverova.*
05736	Flota Cubana de Pesca: *Rio Jobabo.*
05743	Reederei Barthold Richters: *Ilri.*
05847	Lundeberg Maryland Seamanship School, Inc.: *Defiant.*
05892	Luedtke Engineering Co.: *Derrickboat No. 10, Derrickboat No. 12, Derrickboat No. 16.*
05974	Slobodna Plovidba: *Skradin.*
06038	Suomen Hoyrylaiva Osakeyhtio Finska Angfartygs Aktiebolaget: *Hebe.*
06359	Malaysian International Shipping Corp. Berhad: *Bunga Kesumba.*
06903	Sun Shipbuilding & Dry Dock Co.: *Great Land.*
06995	Noverossiisk Shipping Co.: *Groznyy.*
07075	Federal Off Shore Services Ltd.: *Federal 7.*
07366	Compagnie Maritime des Chargeurs Reunis: *Atlantica Iberia.*
08071	Anglo Nordic Bulkships (Management) Ltd.: *Nordic Rider, Nordic Runner.*
06400	Pacific Sunrise Navigation Panama Corp. S.A.: *Pacific Sunrise.*
08414	I.F.R. Services Ltd.: *Newcastle Clipper.*
08457	Louisiana Towboat Co. Inc.: *Mr. Aldo.*
08777	Jebsens (U.K.) Ltd.: *Risnes.*
08833	General Metals of Tacoma Inc.: *Oneida.*
08948	Veb Deutfracht/Seereederei: *Heinrich Heine.*
09004	Berman Enterprises Inc.: *Lindsey Frank.*
09049	Vitamar S.A. Panama: *Vitamar.*
09088	Dong Won Fisheries Co. Ltd.: *Dong Won No. 601.*
09149	Rheederi M. Jebsen A.S.: *Carl Offersen.*
09206	Societe Navale Chargeurs Delmas-Vieljeux: *La Pallice.*
09225	Trade Wind Marine Corp. of Panama: *Trade Wind.*
09252	Ocean Victory Ltd.: *Pearl River.*
09391	The New Smith Meal Co., Inc.: *Palm Beach.*
09610	Seaward Carriers Corp. Ltd.: *Aries Carrier.*
09766	Shing On Shipping Co., S.A.: *Sun Orion.*
09785	San Diego Transportation Co.: *417.*
09870	Corco Transportation Co., Inc.: *Guayanilla.*
09886	John Helmsing Schiffahrtsgesellschaft M.B.H.: *Mariann, Therese.*
09891	Reidar Rods Rederi A/S: *Columbia.*
09895	Sunda Strait Shipping Inc.: *Cythera.*
10032	Dow Badische Co.: *TCB-314.*
10041	Toa Shipping Agencies, Ltd.: *Enterprise.*
10095	Escobal Naviera Co., S.A.: *Shunoh.*
10125	Kaigai Gyogyo Kabushiki Kaisha: *Kaisei Maru No. 1, Seishu Maru No. 3.*
10211	Litton Systems, Inc.: *Launch Pontoon.*
10237	Quasars Navigation Corp.: *Kentucky Home.*
10253	Tenn-Tom Towing, Inc.: *BB 796, BB 797.*
10266	Radmar Tankers Ltd.: *Astral.*
10269	Golden Horizon Steamship Inc.: *Golden Horizon.*
10270	State Economic Enterprise Okeanski Ribolov: *Feniks, Albatros, Burevestnik, Chaika, Pelikan, Lebed, Fregata, Baklan, Alka, Glarus, Pinguin, Olusha, Flamingo, Bekas, Melanita, Kondor, Limoza, Zikonia, Lorna, Ralida, Afala, Alfeus, Aurelia, Aktinia, Ofelia, Slanchev Braig, Zlatni Piasatzi, Lazuren Briag, Albena, Kiten, Khan Omurtag, Pleven, Argonaut.*
10291	Demco Shipping S.A.: *Constantia.*
10299	Productos Alimenticios del Mar S.A.: *Quo Vadis.*
10311	British Columbia Steamship Co. (1975) Ltd.: *Princess Marguerite.*
10318	Tolmiros Shipping Corp: *Tolmiros.*
10330	United Car Transport Corp. S.A.: *Pacific Wing.*
10333	United River Lines, Inc.: *10, 21, 22, 24, 50, 51, Orange.*
10336	Lumin Compania Naviera S.A.: *Lucona.*
10337	Captain Steven Scott, Inc.: *Captain Steven Scott.*
10345	International Marine Operations, Inc.: *Neptun.*
10346	Marine Service of Liberia Inc.: *Global Gas.*
10347	Dravo Lime Co.: *Shirley B.*
10350	Craig Leasing Service, Inc.: *Norman S. Craig.*
10351	Sun Line Ltd.: *Carib Star.*
10352	Anglomar Supertankers Ltd.: *Windsor Lion.*
10354	Flipper Shipping Co. Ltd.: *Hippo Carrier, Hippo Lady, Hippo Sailor.*
10355	Agnes Shipping Corp.: *Carolyn Jane.*
10356	Boom Transport Corp.: *Rita Maersk.*
10357	Coral Co. Inc.: *Skopelos.*
10358	Petrola Hellas S.A.: *Ennea, Epta.*
10359	Liberian Cupid Transport, Inc.: *World Courage.*
10361	Moonbeam Shipping Co., S.A. Panama: *Methodic.*
10362	Boyang Ltd.: *Pine March.*
10363	Gardenia Shipping, Inc.: *Gardenia.*
10364	Normar Tanker Corp.: *Jupiter.*
10365	Parley Augustsson A/S: *Balder King.*
10366	Charles M. Talen, Inc.: *T13.*
10367	Caminos y Puentes Federales de Ingresos y Servicios Conexos: *Guaycura.*
10368	Kohosuisan Kabushiki Kaisha: *Koho Maru No. 18.*
10370	Liberian Wisteria Transports, Inc.: *World Ambassador.*
10369	Monarch Cruise Lines Inc.: *Monarch Sun.*
10371	Trident Fishing Co. No. 4: *Elizabeth Anne.*
10372	Monedamarin sa Panama: *Macarena.*
10374	Skyron Maritime Corp. of Liberia: *Skyron II.*
10375	Intersan Marine sa: *Dimitrios B.*
10376	RKS Bulk Tramp: *Heavy Scan, Super Scan, Viggo Scan.*
10377	Lief Hansen: *Bodil Scan, Flemming Scan.*
10378	RKS Unit Tramp: *Atlas Scan, Hercules Scan, Unit Scan.*
10379	RKS Blaes Tramp: *Titan Scan.*
10380	Alander Frachtschiff KG: *Lalli.*
10381	Oceanic Tankers Corp.: *Oceanic Kristin.*
10382	N.V. Scheepvaartmij de Twee Zwanen: *Grube Carolina.*
10383	Transco Maritime Inc.: *Viscount.*
10385	Belleville Marine Co. S.A.: *Matsunaga Maru.*
10386	Prendo Alesund A/S: *Frendo Partnership.*
10387	Noah Shipping Co., Ltd.: *Noah 1, Noah 2, Noah 3, Noah 4, Noah 5.*
10388	World Ocean Co. Ltd.: *Pacific Taio.*
10389	Scan Heavy Shipping Co., N.V. (N.A.): *Thor Scan.*
10390	Seismaris Maritime Corp.: *Euromaster.*
10391	Norman Wooten, Inc.: *Barge No. 17.*
10392	Compania Armadora de Sudamerica S.A.: *Prometheus.*
10393	Partenreederei MS Brunskamp: *Brunskamp.*
10394	Toplou Maritime Ltd.: *Cretan Baby.*
10394	Dae Yang Oil Tanker Co. Ltd.: *Woo Yang No. 107.*
10396	Stila Compania Naviera S.A.: *Omiris.*
10397	Doulia Maritime Co., S.A.: *Marilis.*
10401	Abu Dhabi National Oil Co.: *Al Dhafrah.*
10403	Penny Tankers, Inc.: *Penny Conway.*
10405	J. A. Reinecke K.G.: *Fuldatal.*
10410	Nissho Shipping Corp. S.A.: *Seamaster II.*
10411	Garden Venus Shipping Ltd.: *Garden Venus.*
10412	Channel Bend Corp.: *Texan.*
10414	Stranic Compania Naviera S. A. Panama: *Medjoy.*
10416	Meridian Forestry Products Carrier Ltd.: *Meridian.*
10420	Partrederiet for TT Malmros Mariner: *Malmros Mariner.*
10422	Garza Naviera S.A.: *Garza Ocean.*

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.75-22472 Filed 8-22-75;8:45 am]

JAPAN LINE LTD. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime

Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

JAPAN LINE, LTD.; KAWASAKI KISEN KAISHA LINE, LTD.; MITSUI O.S.K. LINES, LTD.; YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.; JAPAN LINE (USA) LTD.; LILLY SHIPPING AGENCIES; KERR STEAMSHIP CO., INC.; WILLIAMS, DIMOND & CO. WILLIAMS-DIMOND-ROUNTREE AGENCIES, INC.

Notice of Agreement Filed by:

R. Frederic Fisher, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Approved Agreement 9721, as amended, permitted Japan Line, Ltd.; Kawasaki Kisen Kaisha Line, Ltd.; Mitsui O.S.K. Lines, Ltd.; Yamashita-Shinnihon Steamship Co., Ltd.; Japan Line (USA) Ltd.; Lilly Shipping Agencies; Kerr Steamship Co., Inc.; Williams, Dimond & Co. Williams-Dimond-Rountree Agencies, Inc. to establish and operate the Oakland Container Terminal Co., Inc., and the Los Angeles Container Terminal Co., Inc. One of the provisions of approved Agreement 9721 details the method by which shares in the container terminal companies owned by any of the parties may be transferred to others. The method prescribed is that the shares will be transferred to the container terminal company involved for reissue. Agreement 9721-3, here, would permit a departure from that procedure by permitting Kawasaki Kisen Kaisha, Ltd., and Kerr Steamship Co., Inc. to transfer their interest in the Los Angeles Container Terminal Company directly to Japan Line, Ltd., Mitsui O.S.K. Lines, Ltd., and the Yamashita-Shinnihon Steamship Co., Ltd.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

Dated: August 20, 1975.

[FR Doc.75-22471 Filed 8-22-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP74-42, etc.]

ALABAMA-TENNESSEE NATURAL GAS CO., ET AL.

Order Requiring Report

AUGUST 8, 1975.

On June 11, 1975, we issued an order in Docket Nos. RP74-42, et al., establishing procedures for determining the impact of projected curtailment of natural gas deliveries on the systems of the subject pipeline companies during the 1975-1976 winter heating season and for developing any plans to ameliorate the adverse effects of such curtailments. As a necessary corrollary, we should also review the supply situation on each pipeline to ascertain whether curtailment can be ameliorated through increased producer deliveries from certificated sources. We will therefore require each pipeline company listed in Appendix A hereof to file, under oath, responses to the questionnaire attached hereto.[1] The responses will be reviewed by our staff to determine what, if any, further action should be taken in this matter to ameliorate the impact of the impending winter curtailment.

Certain obligations attaches to both producers and pipelines when the Commission issues a certificate for the delivery and receipt of natural gas. Once the producer files for a certificate, and having received either a temporary or permanent certificate, commences delivery thereunder, this Commission's jurisdiction attaches to that sale until such time as abandonment authorization is granted by the Commission. Upon commencement of deliveries, the Commission has authority to investigate negligence of a producer in rendering full service under the certificated contract, or to investigate a deliberate attempt to slow production in order to obtain a more favorable price. Additionally, the staff should examine in depth whether the pipelines are diligently pursuing their contractual remedies against producers to compel maximum deliveries. However, the enforcement authority of the Commission to compel delivery of the certificated volumes is subject to the sales contract conditions unless the Commission has expressly conditioned its certification so as to modify certain of the contractual conditions. However, the condition precedent to such authority is that some service must have commenced under a certificate. Nevertheless, the Supreme Court has held that "the Commission [has] control over the conditions under which gas may be initially dedicated to interstate use." And, ". . . once so dedicated there can be no withdrawal of that supply from continued interstate movement without Commission approval." *Atlantic Refining Co. v. Public Service Commission*, 360 U.S. 378, 387-389 (1960). The former statement is a recognition of the Commission's authority to condition the grant of a certificate, and the latter is a recognition of the Commission's view that all of the contract terms as initially set forth in the certificate application are encompassed within the certificated obligations accepted by the producer once delivery commences thereunder. The latter view was recently restated by the Commission in its Opinion No. 733, *Mitchell Energy Corporation*, Docket No. CI75-296, June 11, 1975, and in its Opinion No. 737, *El Paso Natural Gas Company, et al.*, Docket No. CP75-209, *et al.*, July 11, 1975, wherein it held that the service undertaken by a producer at the time of certification "is like an ancient covenant running with the land" which even binds a certificated assignee to all of the contractual and certificated obligations of the assignor.[2]

The Commission finds:

Good cause exists to require the subject pipelines to file the special report as hereinafter ordered.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly Section 10 thereof, the pipeline companies listed in Appendix A hereof, shall file, under oath, responses to the questionnaire set forth in Appendix B hereto.

(B) The responses required to be filed pursuant to Paragraph (A) above shall be filed with the Secretary (an original and 4 copies) on or before August 28, 1975.

(C) The Secretary shall place one copy of the response in the official Commission files associated with the specific pipeline proceeding and an additional copy in the Commission's Office of Public Information for use by any interested person.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Respondent	*Docket Nos.*
Arkansas-Louisiana Gas Co.	RP71-122.
Cities Service Gas Co.	RP75-62.
Columbia Gas Transmission Corp.	RP72-89.
El Paso Natural Gas Co.	RP72-6.
Panhandle Eastern Pipeline Co.	RP71-119.
Texas Eastern Transmission Corp.	RP71-130 and RP72-58.
Transwestern Pipeline Co.	RP73-101.
Trunkline Gas Co.	RP71-100.
United Gas Pipeline Co.	RP71-29 and RP71-120.

[1] Since Transcontinental Gas Pipe Line Corporation will be required to respond to similar data requests under separate orders, it will not be required to respond to the instant questionnaire.

[2] Judicial review of Opinion No. 733 is presently before the U.S. Court of Appeals for the Fifth Circuit as *Mitchell Energy Corporation* v. *F.P.C.*, No. 75-1118; and Opinion No. 737 is before the same Court as *Southland Royalty Co., et al.*, v. *F.P.C.*, No. 75-2851. Exxon Corporation filed on July 14, 1975, for injunction against the Commission and the Commisisoners in the U.S. District Court for D.C. on Opinion No. 737 in Civil Action No. 75-1118, but withdrew its suit after a hearing before the Court. Circuit Judge Coleman of the Fifth Circuit issued an interim stay order against Opinion No. 737 on July 14, 1975, but vacated the stay that day and substituted in lieu thereof, a consent protective order.

Respondent	Docket Nos.
Alabama-Tennessee Natural Gas Co	RP74-42.
East Tennessee Natural Gas Co	RP75-28.
Eastern Shore Natural Gas Co	RP71-121 and RP72-21.
Lawrenceburg Gas Transmission Corp	RP75-110.

APPENDIX B

A. With the exception of emergency and limited-term, pregranted abandonment purchases, Average Daily Purchases by month for each field from which you have received an average of 5 MMcf gas per day (14.73 psia) or more during any month from January 1970, to date. Identify the field by name and location (County, Parish, or offshore block designation) as well as each producer and rate schedule under which the purchases were made. If such information has been tabulated graphically, copies of such graphs shall also be furnished, properly identified as to field, location and producer rate schedules involved.

B. For each producer from whom you have purchased 5,000 MMcf per year or more during any year since January 1970, list by field and total for each rate schedule:

1. Date of Contract(s).

2. (a) Original and remaining recoverable reserves dedicated to you as of December 31, 1971, 1972, 1973, and 1974.

(b) Original and renegotiated recoverable reserves for same period and the basis for the renegotiated recoverable reserves.

3. Average daily volumes purchased during the years of 1972, 1973, and 1974.

4. Projected average daily volumes purchased based on the Form 16 or similar report filed for the years 1972, 1973, 1974 and 1975.

5. Daily Contract Quantity, Minimum Daily Contract Quantity, Maximum Daily Contract Quantity effective during 1972, 1973, 1974 and 1975. If any of the above have been revised during those years, give the figures before and after such revision and the period of time each was effective and the method used to calculate such obligations.

C. General

1. Describe your company organization as to the management of available gas supplies to meet near term requirements.

2. At what intervals and in what manner are comprehensive gas availability reports prepared and presented to your gas management officials.

3. How are future deliverabilities from producer contracts estimated. Is your principal method of estimating gas availability based on trending actual purchases; well deliverability studies; or some other method. Specify.

4. How often and in what manner are you in contact with producer sellers to gain information on well abandonments, well workovers, new wells or other situations that would change the available gas from a given source of supply.

5. In developing fields, do you seek or are you provided periodic reports from the producer as to the development progress. Does the producer inform you as to the availability and delivery dates of producing platforms, drilling equipment, tubular goods or other producing equipment.

6. In what manner do you determine and how are the gas management officials informed that excess well capability, above what is actually being produced, is available from a given source of producer supply.

7. How and in what manner are you informed that imbalances exist, either overages or underages, from common supply sources, either well unit, unitized sources, gas processing outlets or any point of undivided connection with other purchasers.

8. Are any attempts made to reconcile well production reports to oil and gas regulatory agencies with actual paid purchase volumes from the same properties.

9. How are minimum take requirements, prepayment obligations and make-up volumes subsequent to producer gas purchase contracts determined, accounted for and reported to gas management officials.

10. In cases of purchases from other pipelines, in what manner, at what intervals, and for what time duration are available gas supplies from service agreements projected.

11. In what manner and at what intervals are results of exploratory or development activities, subsequent to advance payment agreements, reported by the producer to your company.

12. From what sources is capital acquired to make advance payments to producers and the percentage for each source.

13. To what extent does your company encourage or work with producers in obtaining special price relief to prevent premature abandonment of production or restore lost productive capacity, cite examples.

14. How often and in what manner are gas dispatchers notified of take limitations, purchase obligations or availability of swing from various supply sources.

15. What latitude does the gas dispatcher have in scheduling the takes of gas from a source of supply. How is the plan under which he operates determined. If a documentary source please supply example.

16. How often and in what manner are gas storage field inventories, company owned or contracted, reported to gas management officials.

17. How often and in what manner are storage capacity volumes, system-wide storage, contracted storage, or unallocated storage capacity reported to gas management officials.

18. Is there currently an inadequacy of pipeline facilities, compression, metering facilities, storage or other physical factors preventing the receipt of any gas that was available from any supply source. If so, please state the circumstances.

19. At any time during the past year, has any customer(s) refusal to take full entitlements during a portion of a curtailment period resulted in a temporary over supply of gas. If so, what actions does your company consider and undertake to eliminate the oversupply.

20. Do you monitor the possibility of a source of supply being shut-in by a regulatory agency because of over-produced allowables. If so, do you attempt to schedule the withdrawals from this source to confine the problem to off-peak seasons.

[FR Doc.75-22340 Filed 8-22-75;8:45 am]

[Docket No. RP74-61; PGA 75-3]

ARKANSAS LOUISIANA GAS CO.

Extension of Procedural Dates

AUGUST 13, 1975.

On August 12, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 28, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, September 23, 1975.
Service of Intervenor Testimony, October 14, 1975.
Service of Company Rebuttal, November 4, 1975.
Hearing, November 25, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22306 Filed 8-22-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Further Extension of Procedural Dates

AUGUST 13, 1975.

On August 11, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 29, 1974, as most recently modified by notice issued July 17, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, September 3, 1975.
Service of Intervenor Testimony, September 16, 1975.
Service of Company Rebuttal, September 23, 1975.
Hearing (unchanged), September 30, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22307 Filed 8-22-75;8:45 am]

[Docket Nos. E-8445, E-8949]

CAMBRIDGE ELECTRIC CO.

Certification of Settlement Agreement

AUGUST 11, 1975.

Take notice that on July 24, 1975, the Presiding Administrative Law Judge certified to the Commission the record and a settlement agreement in these dockets. The settlement agreement purports to settle all issues in these proceedings.

Any person desiring to be heard or to protest said agreement 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 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22320 Filed 8-22-75;8:45 am]

[Docket No. ER76-61]

CAROLINA POWER AND LIGHT CO.

Change in Rate Schedule

AUGUST 14, 1975.

Take notice that on August 8, 1975, Carolina Power and Light Company (CP&L) tendered for filing certain proposed changes in its Rate Schedule FPC No. 102. CP&L states that the changes are a change in the Fayetteville East point of delivery and a corresponding change in the cost of additional facilities and the monthly facilities charge based thereon.

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 September 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22321 Filed 8-22-75;8:45 am]

[Docket No. CP72-15]

CITIES SERVICE GAS CO.

Petition To Amend

AUGUST 14, 1975.

Take notice that on August 4, 1975, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP72-15 a petition to amend further the order of the Commission issued November 1, 1971, as amended, to provide for an additional point for the exchange of natural gas between Applicant and Arkansas Louisiana Gas Company (Arkla), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Applicant requests in the petition to amend that it be authorized to exchange natural gas with Arkla at one additional point of exchange in McClain County, Oklahoma. Applicant alleges the proposed exchange point would augment the exchange of natural gas between Applicant and Arkla by allowing Applicant and Arkla to balance the exchange of gas as already authorized in the instant docket. Applicant states that the balance of natural gas due to Arkla from Applicant under their exchange agreement was approximately 5,583,212 Mcf of gas at the end of June.

The estimated cost of the proposed facility is stated to be approximately $36,280, and would be borne by Applicant from treasury cash.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22322 Filed 8-22-75;8:45 am]

[Docket No. CP73-302]

COLUMBIA GAS TRANSMISSION CORP.

Extension of Time

AUGUST 13, 1975.

On August 8, 1975, Columbia Gas Transmission Corporation (Columbia) filed a motion to extend the date for filing its testimony, as set by order issued August 4, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing testimony by Columbia is extended to August 29, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22308 Filed 8-22-75;8:45 am]

[Docket Nos. RI75-93, etc.]

CONTINENTAL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 15, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Ch. I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI75-93...	Continental Oil Co.	277	23	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	$67	7-21-75		7-22-75	27.5171	27.7725	RI75-93.
RI75-93	do		24	do	1	7-21-75		7-22-75	29.3197	29.3311	RI75-93.
RI76-16...	Union Oil Co. of California.	67	6	do	637	7-17-75		1-17-76	25.5007	52.0214	

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.

[1] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed tax increases of Continental Oil Company exceed the applicable area ceiling in Opinion No. 658 and they are suspended for one day in the same rate proceeding involving the underlying rates.

The proposed "favored-nation" rate increase of Union Oil Company of California exceeds the applicable area ceiling established in Opinion No. 658 and is suspended for five months.

[FR Doc.75-22342 Filed 8-22-75;8:45 am]

[Project No. 2232]

DUKE POWER CO.

Application for Approval of Easement

AUGUST 14, 1975.

Public notice is hereby given that application for approval of an easement over project lands was filed on June 25, 1975, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Duke Power Company (Correspondence to: Mr. William L. Porter, Associate General Counsel, Duke Power Company, Box 2178, Charlotte, North Carolina 28242). The easement would be located inside the boundaries of the Rocky Creek-Cedar Creek Development of constructed Project No. 2232, known as the Catawba-Wateree Project, located on the Catawba River in the Town of Great Falls, Chester County, South Carolina.

The application seeks Commission approval to grant an easement to the Town of Great Falls for construction of a 182.5-foot long submerged effluent line. This line would be constructed of 16-inch diameter ductile iron pipe and would be perforated in the last 60 feet to act as a diffuser.

This line would convey treated waste from a new 1.4 mgd capacity sewage treatment plant to be located outside the project to a point in the Catawba River approximately 1700 feet south of the Great Falls Dam of Project No. 2232 and immediately north of Rocky Creek. The effluent would be discharged a minimum of 20 feet below the normal water surface (elevation 284.4 feet U.S.G.S. datum).

The easement would be 50 feet wide during construction and 20 feet wide thereafter.

The Town of Great Falls has received NPDES Permit No. SC 0021211 from the Environmental Protection Agency and Construction Permit No. 2630 from the South Carolina Department of Health and Environmental Control for the construction and operation of the treatment plant and effluent line.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 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 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. 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 C.F.R. § 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 Section 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22325 Filed 8-22-75;8:45 am]

[Docket No. ER 76-59]

DUKE POWER CO.

Filing of Supplement to Power Contract

AUGUST 14, 1975.

Take notice that on August 8, 1975, Duke Power Company (Duke) tendered for filing a supplement to its power contract with the City of Shelby, North Carolina. The contract is Duke Rate Schedule FPC No. 235. The proposed effective date is September 19, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 September 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22309 Filed 8-22-75;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Order Accepting for Filing and Suspending in Part Proposed Tariff Sheets, Subject to Condition, Denying Waiver, Granting Interventions, and Establishing Procedures

AUGUST 14, 1975.

On June 30, 1975, East Tennessee Natural Gas Company (East Tennessee) tendered for filing certain revised tariff sheets to Sixth Revised Volume No. 1 of its FPC Gas Tariff.[1] East Tennessee states that the proposed rates reflect an increase of $6,569,500 in jurisdictional revenues, based on the test period consisting of the 12 month period ended February 28, 1975, as adjusted for known and measurable changes for the succeeding nine month period. First Revised Sheet No. 42 provides for the elimination of East Tennessee's Rate Schedule S, since East Tennessee does not propose to render service under this schedule in the future. East Tennessee proposes to make these changes effective on August 15, 1975.

Notice of East Tennessee's filing was issued on July 9, 1975, with comments, protests, and petitions to intervene due on or before July 23, 1975. Two petitions to intervene have been filed.[2] We shall grant the intervention of these parties subject to the conditions hereinafter ordered.

East Tennessee states as the principal increases in its cost of service requiring increased rates the following: increases in the cost of materials, supplies, wages, and services required to operate and maintain its pipeline; an increase in taxes; an increase in the required rate of return to 11.22% resulting in a return on equity of 14.00% based on East Tennessee's claimed capitalization as of November 30, 1975; and an increase in its book depreciation rate from 3.36% to 5.5%. In addition, East Tennessee proposes to reflect in its rates the restoration of a claimed deficiency in Account 282, Accumulated deferred income taxes—liberalized depreciation. In this regard, East Tennessee proposed to recover over a ten year period amounts flowed through and amortized during prior periods. East Tennessee also includes construction work in progress in its rate base and proposes to expense, rather than capitalize, construction overheads.

We believe that East Tennessee should be permitted to eliminate its Rate Schedule S effective August 15, 1975. We shall accordingly accept First Revised Sheet No. 42 to East Tennessee's Sixth Revised Volume No. 1 for filing and permit it to become effective August 15, 1975. This acceptance is in recognition that East Tennessee does not propose to render any service under this rate schedule in the future and of the current gas supply shortage in the United States.

[1] Thirteenth Revised Sheet No. 4 and First Revised Sheet No. 42.

[2] See Appendix A.

With regard to the inclusion of construction work in progress, East Tennessee requests waiver of Section 154.63(f) of the Commission's Regulations, relying on our Notice of Proposed Rulemaking in Docket No. RM75-13.[2] East Tennessee states that inclusion of such amounts in rate base would provide needed capital for necessary construction while reducing costs to the consumer. While the proposed rulemaking is currently under review, our present regulations specifically exclude, plant under construction from rate base. We shall therefore provide that East Tennessee shall file a revised tariff sheet eliminating from rate base any plant which is not certificated and in service at the date these rates are permited to become effective, subject to refund. Similarly, our Uniform System of Accounts provides that construction overheads be capitalized and placed in Account 107,[4] while East Tennessee proposed to include these amounts as an item of current expense. In support of this treatment, East Tennessee relies on the risk of underrecovery of these capitalized costs through future depreciation. We believe that East Tennessee's proposal is inappropriate since it is an attempt to charge current customers with the cost of construction prior to the time such construction is placed in service for the benefit of its customers. We shall therefore require East Tennessee to file revised tariff sheets excluding the effect of expensing such construction overheads.

For the purposes of this filing, East Tennessee has used the *Seaboard*[5] method of cost classification. In *United Gas Pipe Line Company*, Opinion No. 671, 50 FPC 1348 (1973), we expressed concern over the worsening gas supply situation, particularly as it existed on United's system. Based on the record in that case we concluded that more weight should be given to the annual use of United's systems than would result under the *Seaboard* method. We therefore assigned 75 percent of fixed transmission and storage costs to the commodity component of United's rates. More recently, we issued a notice of Proposed Rulemaking in Docket No. RM75-19.[6] We believe that all parties should direct their attention to the propriety of the continued use of the *Seaboard* method, as well as to all other matters bearing on cost classification, allocation and rate design.

We believe that the use of the *Atlantic Seaboard* method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from *Seaboard* may be frustrated. To the extent that the rate structure found just and reasonable for East Tennessee after hearing and decision departs from the *Seaboard* methodology used by East Tennessee in its instant filings by assigning additional fixed costs to the commodity component of the rates, undercollections will occur. We believe it would be improper for us to insure East Tennessee protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place East Tennessee on notice that it may be subject to undercollections if after hearing and decision, we find its rate design improper.

In addition to the above and without limiting the issues to be addressed in this proceeding, we direct all parties, including our Staff, to present evidence addressed to all the following matters: the appropriate level of sales volumes to be used to determine the rates; the appropriateness of the claimed 11.22% rate of return and the resulting 14.00% return on equity; specifically, in this regard, evidence relating to the present gas shortage as it may bear on East Tennessee's gas supply and operations, both with regard to the claimed rate of return and the increase in depreciation rate; the adequacy of East Tennessee's stated before and after tax interest coverage of 6.42 and 3.32 times; the effect of current financial and economic conditions on East Tennessee's ability to attract capital and maintain its financial integrity; and the propriety of the use of the statutory tax rate or the effective rate which may be available to East Tennessee on a consolidated basis for the purpose of computing East Tennessee's Federal Income Tax allowance.

For the reasons herein stated, we do not believe that East Tennessee's proposed increased rates have been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, except for the tariff sheet eliminating Rate Schedule S, we shall accept for filing and suspend East Tennessee's tariff sheet as filed herein and suspend its effectiveness for five months, until January 15, 1976, when it will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

The Commission finds:

(1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by East Tennessee in the instant docket, and that the tariff sheet reflecting such increased rates be accepted for filing and the use thereof suspended for five months, as hereinafter ordered and conditioned.

(2) Good cause exists to permit the above-named parties to intervene herein.

(3) Good cause has not been shown to grant waiver of the Commission's Regulations.

(4) Good cause exists to accept for filing and permit to become effective August 15, 1975, that tariff sheet providing for the elimination of Rate Schedule S.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing concerning the lawfulness and reasonableness of the increased rates as proposed herein by East Tennessee shall be held on January 13, 1976, at 10:00 A.M., EST, in a hearing room of the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426.

(B) First Revised Sheet No. 42 is hereby accepted for filing and permitted to become effective August 15, 1975.

(C) Pending hearing and decision as to the justness and reasonableness of the increased rates proposed by East Tennessee herein, Thirteenth Revised Sheet No. 4 is accepted for filing and suspended for five months or until January 15, 1976, when it will be permitted to become effective, subject to refund and subject to the condition that East Tennessee File by January 15, 1976, a revised tariff sheet reflecting the elimination of costs included in the proposed rates associated with facilities which have not been certificated and placed in service by January 15, 1976, and also reflecting the elimination of expensed construction overheads.

(D) On or before December 2, 1975, the Commission Staff shall file its prepared testimony and exhibits. Any Intervenor testimony and exhibits shall be filed on or before December 16, 1975. Tennessee's rebuttal testimony and exhibits shall be filed on or before January 6, 1976.

(E) A Presiding Administrative Law Judge to be designated for that purpose by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearings in these proceedings, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the terms of this order.

(F) The parties mentioned in Appendix A of this order are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Waiver of Section 154.63(f) of the Commission's Regulations is hereby denied.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[2] Notice issued November 14, 1974.

[4] See Gas Plant Instructions 3 and 4, Uniform System of Accounts.

[5] *Atlantic Seaboard Corporation*, 11 FPC 43 (1952).

[6] *End Use Rate Schedules*, issued February 20, 1975.

APPENDIX A

Petitions and Notices of Intervention filed by:
East Tennessee Group, consisting of:

Knoxville Utilities Board
Athens Utilities Board
Citizens Gas Utility District
Cookeville Gas Department
City of Etowah Utilities Department
Fayetteville Gas System
Gallatin Natural Gas System
Harriman Utility Board
Hawkins County Utility Board
Lenoir City Utilities Board
Lewisburg Gas Department
Loudon Utilities Board
Madisonville Gas System
First Utility District of Maury County
Middle Tennessee Utility District
Rockwood Natural Gas Company
Marion Natural Gas System
Sweetwater Board of Public Utilities
Jefferson-Cocke County Utility District
Sevier County Utility District
Volunteer Natural Gas Company
United Cities Gas Company
The Elk River Public Utilities District
Chattanooga Gas Company

[FR Doc.75-22344 Filed 8-22-75;8:45 am]

[Docket No. CP76-37]

EL PASO NATURAL GAS CO.

Application

AUGUST 13, 1975.

Take notice that on July 31, 1975, El Paso Natural Gas Company (Applicant) P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-37 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 50,000 Mcf per day of natural gas and delivery of such quantity to Southwest Gas Corporation (Southwest Gas), on a best efforts basis, at various existing delivery points within the State of Arizona and at the Arizona-Nevada Boundary, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has been advised that Southwest Gas has available for purchase from Northwest Pipeline Corporation (Northwest), pursuant to Commission orders issued February 26, 1975, and July 8, 1975, in Docket No. CP73, quantities of natural gas which may be surplus to Southwest Gas' Northern Nevada Division needs or may not be able to be delivered to Southwest Gas for such division because such quantities may exceed Northwest's capacity to deliver at the existing delivery point in northern Nevada. Applicant states that it has determined that deterioration in deliverability from its existing gas supply sources has resulted in the availability of excess transmission system capacity which can be utilized in rendering a best efforts transportation and delivery of quantities of gas for Southwest Gas. It is stated that Applicant and Southwest Gas have entered into an agreement, dated May 9, 1975, which provides for the best efforts transportation of certain quantities of gas, for the account of Southwest Gas, by means of Applicant's existing interstate system, from a point of receipt by Applicant from Northwest at the Ignacio Gasoline Plant, near Ignacio, Colorado, to various existing delivery points to Southwest Gas on Applicant's system in Mohave, Pinal, Greenlee, and Gila Counties, Arizona, and at unspecified taps. No new facilities would be required to be constructed by either Applicant or Southwest Gas, Applicant states.

It is stated that Southwest Gas would pay Applicant according to rates in effect from time to time under Applicant's FPC Gas Tariff, Original Volume No. 1, or superseding tariff, as follows: for deliveries of gas at the Arizona-Nevada boundary delivery point, Southwest Gas would pay Applicant the rate equivalent to the rate in effect under Rate Schedule A-1-X less the rate in effect under Rate Schedule X-1, which equivalent rate amounts to 18.54 cents per Mcf as of June 16, 1975, and for deliveries of gas at any other delivery point within the State of Arizona, Southwest Gas would pay Applicant the rate equivalent to the rate in effect under Rate Schedule B-1 less the rate in effect under Rate Schedule X-1, which equivalent rate amounts to 18.15 cents per Mcf as of June 16, 1975. Applicant and Southwest Gas have agreed it is stated, that the quantities of gas transported for Southwest Gas would not in any way affect the quantities of gas which Southwest Gas is entitled to purchase and receive from Applicant under the presently effective service agreements dated November 1, 1969, and October 15, 1970, on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22310 Filed 8-22-75;8:45 am]

[Docket No. RM75-6; Order No. 529-A]

GAS EXPLORATION, DEVELOPMENT, PRODUCTION

Order Denying Rehearing

AUGUST 15, 1975.

In the matter of accounting and rate treatment of advances included in account 166, advances for gas exploration, development and production.

On July 17, 1975, United Gas Pipe Line Company (United) filed "petition" for rehearing and clarification of Order No. 529 issued June 17, 1975, in Docket No. RM75-6 which amended Account 166 of the Commission's Uniform System of Accounts relating to advance payments to provide that all advance payment agreements executed after June 17, 1975, provide: (1) that the pipeline making such advance be assured a first call on gas produced; (2) that such gas be committed to long term contracts; (3) that the producer agree to accept a just and reasonable rate as established by the Commission; and (4) that pipelines must pay interest on amounts which must be refunded to the pipeline's customers when deliveries of gas commence but no gas flows to the advancing pipeline.

United argues that the order is ambiguous and will generate disputes over the qualifications of advance payments for rate base treatment. United enters upon a long discourse concerning its opposition to the advance payments program in general, and the position taken by the Commission Staff in particular relating to the Staff's contention in individual pipeline rate cases that amounts advanced which are in excess of monies which will be spent by the producer-recipient within 30 days of the inclusion of the advance in the pipeline's rate base, should be denied rate treatment. United argues that the uncertainty generated by the Staff's allegedly *ad hoc* approach on this matter is detrimental to pipelines making advance payments.

With respect to United's discussion of the so-called "30-day rule" on producer expenditures, we believe it inappropriate to discuss this matter since we have cases pending before us on this matter which we do not wish to pre-judge. Moreover, this issue was not the subject of the notice of proposed rulemaking in Docket No. RM75-6.

United argues that the requirement that a pipeline get a first call on any gas produced, attributable to the advance payment, is too vague. United states that because of the long-term commitments involved, this provision must be clarified.

Although we have attempted to clarify and tighten our advance payments regulations to protect consumers from specific abuses which have arisen, we realize that we cannot cover each and every situation that may arise under these regulations. This is true in the instant case where our intent in putting the first call requirement into Account 166 was to codify the following policy statement relating to this situation set forth in Order No. 465, 48 FPC 1550 at 1554 (1973):

> It should be noted that, in considering rate base treatment for these advances, the Commission shall consider whether or not a sufficient portion of the reserves found or expected to be found as a result of the advance is dedicated to the pipeline making such advance

In discussing this issue in Order No. 529, the Commission stated the following:

> Since the staff has been reviewing the advance payment contracts for rate proceedings under Commission Order Nos. 465 and 499, with one of the requirements in the determination for rate base treatment to be whether a sufficient portion of the gas reserves found are dedicated to the pipeline making the advance, we believe the "first call" provision to be reasonable. If the ultimate consumer is going to pay the financing charges, then, in all equity, he should have the Commission's assurance that he will be the first party to receive, in proportion to the advance made, any gas produced, or, at least, all the gas that the producers receiving the advances and their co-interest holders have available for sale, which is attributable to the advance.
>
> The question of whether an independent producer would have the right to refuse a Certificate of Public Convenience and Necessity containing conditions (the "first call" requirement) more onerous than that being imposed by the Commission with respect to other independent producers will be considered on a case-by-case basis under the appropriate producer regulations. With respect to equitable-apportioned arrangements between advancing and transporting pipelines or any other reasonable agreements, the staff should continue to consider these on an individual basis as to their just and reasonableness, as they are presented in a rate proceeding.

We believe that the points raised by United would be relevant in a rate proceeding involving the reasonableness and appropriateness of an advance payment. However, to attempt to state with absolute certainty what circumstances will justify compliance with the "first call" provision, would be to set up a regulation so rigid as to be unworkable. However, we wish to assure all parties, consumers and companies alike, that we shall consider all relevant evidence and circumstances and shall not impose a harsh, arbitrary and unreasonable standard on any party with respect to this matter.

United also requests clarification of the condition that

> . . . the selling price of the gas committed by producers whose sales are subject to price regulation shall be governed by and limited to the area rate or national rate or, under appropriate showing of special circumstance, such other rate as may be authorized by the Commission under the provisions of optional pricing and special relief.

Specifically, United asks whether the contract, when executed, must itself establish a rate no higher than will qualify under the above, or whether it is permissible to establish the contract rate at any level and merely provide that the producer cannot reject a certificate on the grounds that the certificate is conditioned to a reasonable rate which is lower than the contract rate he had applied for. If the latter is the case, United asks if the producer is required to accept any rate condition imposed by the Commission, or only a rate condition which is not more onerous than one imposed on similarly situated producers which have or have not received an advance?

In Order 529, we stated (mimeo p. 5) that:

> It was not our intention to expect the advance payment agreements to quote a specific price, but that the agreements should provide that the producer would have to agree to accept the Commission's just and reasonable rate.

We believe this statement is self-explanatory. Consideration, such as rate conditions imposed upon producers who have not received advances as compared with producers who have received advances would be considered in setting the initial rate in the certificate as well as in subsequent rate proceedings under Section 4 or Section 5 of the Natural Gas Act. The important point is that the producer must agree to accept the just and reasonable rate prescribed by the Commission.

United also asks whether advance payment contracts may contain language providing for alternate pricing in the event of full or partial de-regulation of producer prices. We note that we have in the past accepted such language, and, if upon a showing that such language is reasonable and appropriate, we shall continue to allow rate base treatment for advances containing such language.

United claims that the nine percent interest on refunds, when gas deliveries commence but no gas flows to the advancing pipeline, is unreasonable. United further stated that pipeline companies do not obtain any economic advantage by making advances or "time-value" benefit from the revenues received through rate base treatment, but to the contrary, as a result of regulatory lag, they may not even recover their actual costs associated with such advances. United believes that the only circumstances by which a pipeline would voluntarily refuse the right to gas are when the reserves are insufficient to warrant the cost of connection. In addition, United states: "Because of the sums involved, the interest requirement may force pipelines to connect reserves which, on a purely economic basis should not be attached to their system. On the other hand, it would present the grossest of inequities to require the pipeline to pay interest on refunds where gas is not available because the producer refuses to accept a certificate."

The Commission considered these and other arguments before the issuance of Order No. 529. In the interest of the consumer, the Commission believes the interest requirement on refunds under these circumstances is equitable. Moreover, we believe this will provide an additional incentive for pipelines to ensure, by appropriate contractual language, that the gas resulting from the advance will flow to the advancing pipeline.

Finally, in the alternative, United recommends that the Commission terminate the advance payments program. As United is undoubtedly aware, the Commission on April 28, 1975, issued an order instituting an investigation in Docket Nos. R-411 and RM74-4 of the Commission's advance payment program. The issue of terminating the program is an issue in that proceeding and United should file its comments therein.

The Commission finds:

United July 17, 1975, application for rehearing of Order 529 presents no facts or principles of law which warrant modification of Order No. 529.

The Commission orders:

(A) United's July 17, 1975, application for rehearing of Order No. 529 is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-22351 Filed 8-22-75;8:45 am]

[Project No. 1975]

IDAHO POWER CO.

Application for Amendment of License

AUGUST 11, 1975.

Public notice is hereby given that application was filed on May 19, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Idaho Power Company (Applicant) (Correspondence to: Mr. Lee S. Sherline, Leighton and Sherline, Suite 406, 1701 K St. N.W., Washington, D.C. 20006) for amendment of license for constructed Project No. 1975, known as the Bliss Project, located on the Snake River in Elmore, Twin Falls, Lincoln, Jerome, Minidoka, Blaine, Power and Gooding Counties, Idaho.

Applicant seeks an amendment of its license for Bliss Project No. 1975 which would authorize the upgrading of a transmission line from 230 kV to 345 kV.

The section proposed for the uprating is a 78.4-mile portion of the Boise Bench-Brady No. 1 Line from Engineering Survey Station 1262+95, which is located at a point adjacent to the Mid Point Switching Station, to Engineering Survey Station 5318+53, which is located at a point near the Borah Substation.

Applicant states that the proposed uprating is necessary and desirable in order to increase the capacity of Applicant's transmission system between the Midpoint Transmission Switching Station and the Borah Substation, thus enabling transmission of power and energy from the eastern portion of Applicant's

system to a central point within the system. The additional power and energy coming into Applicant's system in the east is due to the influx of power from the Jim Bridger Thermal Generating Project in Western Wyoming.

No new right-of-way would be involved and no new construction or access roads are planned.

The line proposed for uprating runs for 78.4 miles through the Southern Idaho counties of Lincoln, Jerome, Minidoka, Blaine, and Power.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 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 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. 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 C.F.R. § 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 Section 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22326 Filed 8-22-75;8:45 am]

[Docket No. ER76-53]

ILLINOIS POWER CO.

Filing Modification No. 3 to Interconnection Agreement

AUGUST 8, 1975.

Take notice that Illinois Power Company (Illinois Power) on August 4, 1975, tendered for filing proposed Modification No. 3 to the Interconnection Agreement dated March 30, 1973 between Central Illinois Light Company (CILCO) and Illinois Power. Modification No. 3 revises the demand rates for Maintenance, Short-Term Non-Firm Power by five cents per kilowatt-week in Service Schedules C, E and F.

The parties propose to modify the rate under Subsection (a) of Section C3.01 of Service Schedule C (Maintenance Power) and Subsection (a) of Section F3.01 of Service Schedule F (Short-Term Non-Firm Power) from 40¢ per week per kilowatt to 45¢ per week per kilowatt. Provision is also made for reducing said reservation charge in the event that it becomes necessary to curtail delivery.

In addition, the parties propose to modify the rate under Subsection (a) of Section E3.01 of Service Schedule E (Short-Term Firm Power) from 50¢ per week per kilowatt to 55¢ per week per kilowatt.

The parties have requested that Modification No. 3 revising Service Schedule C, E and F, be permitted to become effective September 1, 1975.

Any person desiring to be heard or to protest said Application should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22327 Filed 8-22-75;8:45 am]

[Docket No. E-9329]

INDIANA AND MICHIGAN ELECTRIC CO.

Extension of Procedural Dates

AUGUST 15, 1975.

On August 12, 1975, Indiana and Michigan Electric Company filed a motion to extend the procedural dates fixed by order issued June 13, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, September 2, 1975.
Service of Intervenor Testimony, October 7, 1975.
Service of Staff Rebuttal, October 21, 1975.
Service of Company Rebuttal, November 4, 1975.
Hearing, November 18, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22311 Filed 8-22-75;8:45 am]

[Docket No. E-9374]

KANSAS CITY POWER & LIGHT CO.

Filing of Revision to Supplemental Agreement

AUGUST 13, 1975.

Take notice that on July 25, 1975, Kansas City Power & Light Company (KCP&L) tendered for filing a revised energy charge and fuel adjustment clause applicable to the Municipal Interconnection Agreement between KCP&L and the City of Carrollton, Missouri. KCP&L states that said revised clause conforms to Section 35.14 of the Regulations under the Federal Power Act as amended by Order No. 517.

KCP&L states that the revised energy charge and fuel adjustment clause are based on the twelve-month fuel cost period ended May 31, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22312 Filed 8-22-75;8:45 am]

[Docket No. CI76-70]

KILROY PROPERTIES INC.

Application

AUGUST 13, 1975.

Take notice that on July 31, 1975, Kilroy Properties Incorporated (Applicant), 1908 First City National Bank Building, Houston, Texas 77002, filed in Docket No. CI76-70 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Lake Hatch Field, Terrebonne Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 24,000 Mcf of gas per month for one year at 59.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from 1,000 Btu per cubic foot, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant states that the sale would be made pursuant to a contract dated January 23, 1973, said to be filed with the Commission as Applicant's FPC Gas

Rate Schedule No. 8, as amended May 21, 1975.

Applicant states that all of the gas proposed to be sold is casinghead gas and that in order to maximize the ultimate recovery of oil from the reservoirs into which the oil wells have been drilled Applicant anticipates the need in the near future to use the casinghead gas produced from these wells for repressuring and/or gaslift purposes. Applicant states further that the rate proposed is less than would be the nationwide rate, with adjustments, for the sale of this gas, as set forth in Section 2.56a of the Commission's General Policy and Interpretations (18 CVF 2.56a).

Applicant was heretofore authorized in Docket No. CI73-620 to sell gas from the subject acreage to United Gas Pipe Line Company at 45.0 cents per Mcf of gas at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22314 Filed 8-22-75;8:45 am]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMERS COUNCIL, INC. AND AMERICAN ELECTRIC POWER COMPANY, ET AL.

Postponement of Prehearing Conference

AUGUST 14, 1975.

On August 8, 1975, American Electric Power Company, Inc., and the 30 party respondents filed a motion to postpone the prehearing conference set by order issued July 29, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the prehearing conference is postponed from August 26, 1975 to October 1, 1975, in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22315 Filed 8-22-75;8:45 am]

[Docket No. CP76-36]

MID LOUISIANA GAS CO.

Application

AUGUST 13, 1975.

Take notice that on July 30, 1975, Mid Louisiana Gas Company (Applicant), Twenty-first Floor, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP76-36 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an underground storage service for Transcontinental Gas Pipeline Line Corporation (Transco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has contracted with Transco to provide additional storage services in the period from August 1, 1975, through July 31, 1976, at 29.0 cents per Mcf of gas stored, pursuant to an agreement between Applicant and Transco dated July 30, 1975. Pursuant to said agreement Applicant would accept from and store for Transco up to 2,000,000 Mcf of gas. It is stated that this service would be a lower priority service than the storage service that is presently being performed for Applicant's own customers and the storage service that is presently being performed for Transco.

Under the terms of the agreement, Applicant states, Transco would deliver up to 20,000 Mcf of gas per day to Applicant during the injection season beginning August 1, 1975. It is further stated that if Applicant can make available additional storage capacity, Applicant would accept up to 35,000 Mcf of gas per day and the total volume of gas stored would be up to 2,500,000 Mcf of gas. The total volume of gas stored pursuant to the agreement of July 30, 1975, would not exceed 2,500,000 Mcf. Applicant states that the gas delivered and stored under the instant proposal would be primarily available for redelivery in the period between April 1, 1976, through July 31, 1976, and that any delivery requested by Transco before that time would only on a best efforts basis by Applicant, but deliveries for all purposes would not exceed 100,000 Mcf per day. It is stated that no new facilities are required to implement the instant proposal and that Transco and Applicant would both be benefited by the proposed service. Applicant would make use of existing facilities without impairing existing service, it is stated, and Transco would be able to husband natural gas permitting it more flexibility in the storage of gas and the development of its own storage capacities.

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, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22316 Filed 8-22-75;8:45 am]

[Docket No. E-9480]

MISHAWAKA, INDIANA

Application for Order Directing Physical Interconnection

AUGUST 14, 1975.

Take notice that on June 10, 1975, the City of Mishawaka, Indiana (Applicant) petitioned the Federal Power Commission, pursuant to Part 32 of the Commission's Regulations under the Federal Power Act and Section 202(b) of the Act, 16 U.S.C. 824a(b), for an order directing the Indiana & Michigan Electric Company (I & M) to physically interconnect its system with that of Applicant and commence delivery of power. The application states that Applicant purchases at wholesale from I & M its power requirements and in turn distributes such power to customers within the city.

Applicant has constructed a new substation within the vicinity of an existing 35 kv line owned by I & M. This substation, called the Bercado Substation, was completed in January, 1974 at a cost of $125,000.00 and which station is needed to relieve the load on another of Applicant's substations and will be used for future expanded service within applicant's service area. The application states that the station was built and the investment made by Applicant with the full knowledge of I & M and with the understanding that, once completed, I & M would attach its 35 kv line to the facility. Because I & M has failed to connect its facilities with the Bercado Substation, the application, pursuant to Section 202 (b) of the Act, was filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said Application should on or before September 9, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. This application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22323 Filed 8-22-75;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Filing of Revised Tariff Sheets Pursuant to the Terms of Pending Stipulation and Agreement

AUGUST 15, 1975.

Take notice that on August 8, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, the below listed tariff sheets to be effective September 1, 1975:

THIRD REVISED VOLUME NO. 1

THIRD REVISED Substitute Twenty-fourth Revised Sheet No. 5.

SECOND REVISED VOLUME NO. 2

Substitute First Revised Sheet No. 270.

Natural states that the purpose of this filing is to submit unit adjustments to the proposed settlement rates computed pursuant to the terms of the Stipulation and Agreement in the proceedings in Docket No. RP74-96, and to revise the Winter Service settlement rates to eliminate the carrying charge pursuant to Article XXI of the RP74-96 settlement. (By Opinion No. 738 issued July 18, 1975, the Commission disallowed the carrying charge component of the WS-1 and WS-2 rates.)

The bases and calculations in support of the rate changes underlying the filing were submitted in the following Exhibits:

EXHIBIT I

Summary of unit adjustments to the RP74-96 proposed settlement rates.

EXHIBIT II

Computation in support of reduction in Winter Service rates (WS-1 and WS-2) to reflect elimination of carrying charge.

EXHIBIT III

Derivation of unit adjustments effective September 1, 1975. Unit adjustments effective June 1, 1975, have also been computed pursuant to the terms of the RP74-96 settlement.

EXHIBIT IV

Derivation of unit adjustment effective September 1, 1975 pursuant to the provisions of Article IV of the settlement agreement to reflect the cost of service effective of Advance Payments expended net of recovery through July 17, 1975, that are in excess of the stipulated amount for such expenditures. A statement under oath by a responsible official of Natural as required by Article IV is enclosed.

As a matter of information, there is also included under Exhibit IV, page 5, a schedule showing the cost of service effect of the actual expenditures through July 17, 1975, by Burmah Oil Development, Inc. (agreements dated July 2, 1974) and Mitchell Energy Corp., et al, (agreement dated June 1, 1974). Article X of the RP74-96 settlement provides that the rate treatment for such advances shall be governed by final and nonappealable order issued in the RP73-110 proceedings. In an initial decision issued June 11, 1975 at Docket No. RP73-110, the Presiding Law Judge ordered that such advances be allowed rate base treatment effective September 1, 1974, to the extent actual expenditures have been made by the producer. Natural has filed exceptions to the initial decision and the above schedule is submitted without prejudice to Natural's right to continue to seek reversal of the initial decision.

Natural recognizes that the rate changes, except for the elimination of the carrying charge from the Winter Service rates, as filed herein,[1] will not become effective unless the Commission approves the proposed Stipulation and Agreement in Docket No. RP74-96. This submittal is being made to provide a basis for making rate changes effective under the terms of the settlement. It is requested the Commission's Regulations be waived to the extent necessary to permit the enclosed tariff sheets to become effective as proposed herein.

A copy of the filing has been mailed to Natural's customers and all interested parties to this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Section 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 September 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22328 Filed 8-22-75;8:45 am]

[Docket No. RP71-107 etc. (Phase II)]

NORTHERN NATURAL GAS CO.

Extension of Procedural Dates

AUGUST 13, 1975.

On July 25, 1975, Dyco Petroleum Corporation and Phillips Petroleum Company filed motions to extend the procedural dates fixed by order issued July 7, 1975, in the above-designated matter. On July 30, 1975 and on July 31, 1975, Hoover and Bracken Oil Properties and Banks Oil Companies also filed motions to extend these procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Northern's and Producer's Testimony, September 2, 1975.
Hearing, September 23, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22313 Filed 8-22-75;8:45 am]

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[1] Opinion No. 735 directed that the Winter Service rates be computed exclusive of a carrying charge.

[Docket No. RP75-12-3]

NORTHERN NATURAL GAS CO.

Order Granting Intervention, and Granting Extraordinary Relief

AUGUST 4, 1975.

On May 19, 1975, Northern Natural Gas Company (Northern) filed a petition for extraordinary relief pursuant to Section 1.7(a) of the Commission's Rules of Practice and Procedure. Northern requests authorization to provide up to 750,000 Mcf of natural gas to existing utility customers under its presently effective Agricultural Crop Drying Service, Rate Schedule ACDS-1, in order to make available, on a best efforts basis, volumes of gas for the drying of seed grain and other agricultural crops for the period September 15, 1975, through March 15, 1976.

By Commission orders issued September 28, 1973, and September 20, 1974, at Docket Nos. CP74-63 and RP75-12-1, respectively, Northern was authorized to provide natural gas service to its existing customers under Rate Schedule ACDS-1. Both orders granted extraordinary relief by authorizing Northern to provide up to 750,000 Mcf, on a best efforts basis, for six-month periods ending March 15, 1974, and March 15, 1975. Favorable weather during the last two drying seasons, and less than projected curtailment below contract demand permitted many utilities to satisfy their crop drying requirements under existing firm entitlements. Therefore, crop drying volumes sold under Rate Schedule ACDS-1 totaled 140,078 Mcf during the period September 15, 1973, through March 15, 1974, and 117,735 Mcf during the period September 14, 1974, through March 15, 1975.

Northern estimates that it will again have available a total of 750,000 Mcf under Rate Schedule ACDS-1 for the period September 15, 1975, through March 15, 1976. The volumes would be made available daily, on a best efforts basis, under advance operating agreements. If the volumes nominated exceed the volumes available, seed grain drying will be given top priority. No new facilities or change in rates is proposed.

Petitions to intervene in support of Northern's request were filed by North Central Public Service Company, Division of Donovan Companies, Inc. (North Central); Iowa Public Service Company (IPS); Iowa Southern Utilities Company (Southern Utilities); Iowa Electric Light and Power Company (Light and Power); and jointly by Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin). The interventions of Terra Chemicals International, Inc. (Terra) and Farmland Industries, Inc. (Farmland) appear to request a formal hearing in order to determine the effect of ACDS-1 service upon their own firm service from Northern. Notice of intervention was also filed by the Iowa State Commerce Commission (Commerce Commission).

The ACDS-1 Rate Schedule is designed to provide special relief for Northern's utility customers during the projected crop drying season when curtailment of volume below their firm entitlements would result in irrecoverable losses from inadequate supplies of crop drying fuel. Preservation of feed grain and especially seed grain is recognized as an important link in the food chain. In order to be properly preserved, the moisture content of grains must be reduced below 12 percent, otherwise the grain germ will be destroyed. Crop drying normally begins in mid-September and extends into the late fall and winter season. The service proposed herein will insure adequate service to grain dryers on Northern's system during the season when such operations are at their peak.

Terra and Farmland seem to be concerned with insuring their own firm supplies from Northern for the coming winter heating season rather than objecting specifically to the merits of the request herein. Northern's existing curtailment program requires a complete curtailment of all interruptible consumption in excess of 200 Mcf per day including users served directly by Northern and those served indirectly by its distribution customers, before curtailment can be effected to any direct or indirect firm industrial customers. On July 29, 1975, Terra and Farmland withdrew their requests for hearing, based on assurances by Northern that a grant of this relief will not affect Northern's supply demand projections set forth in Docket No. RP 74-102.

It is not the intent of our action to place deliveries to firm industrial customers in jeopardy. If, therefore, in the unlikely event that such interveners may be affected adversely by the extraordinary relief granted herein, their right to effect termination of ACDS service is not affected. In view of the foregoing, it is not necessary, in our opinion, to institute formal hearings on Northern's request at this time.

The Commission finds:

(1) Applicant, Northern Natural Gas Company, is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) Irreparable injury to the preservation of feed and seed grains would result if Northern is not permitted to provide natural gas service to its existing utility customers under its presently effective Agricultural Crop Drying Service, Rate Schedule ACDS-1.

(3) Participation by the above-referenced interveners may be in the public interest.

The Commission orders:

(A) Permission is granted to Northern Natural Gas Company to provide natural gas service to its existing utility customers up to a maximum of 750,000 Mcf for the period September 15, 1975, through March 15, 1976, under its presently effective Agricultural Crop Dryer Service, Rate Schedule ACDS-1 of Northern's FPC Gas Tariff, Third Revised Volume No. 1.

(B) The above-referenced interveners are permitted to intervene subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-22317 Filed 8-22-75;8:45 am]

[Docket No. E-9305; Project No. 796]

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY AND CITY OF PHOENIX, ARIZONA

Further Extension of Procedural Dates

AUGUST 14, 1975.

On August 7, 1975, Salt River Project Agricultural Improvement and Power District filed a motion to extend the procedural dates fixed by order issued June 17, 1975, as most recently modified by notice issued July 16, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing Conference, September 30, 1975.

Service of Direct Testimony, November 3, 1975.

Service of Rebuttal Testimony, November 25, 1975.

Hearing, December 9, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-22324 Filed 8-22-75;8:45 am]

[Docket Nos. CI61-104, CI68-1146, CI70-102]

SHELL OIL CO.

Settlement Proposal

AUGUST 11, 1975.

On July 22, 1975, Shell Oil Company (Shell) submitted during hearing in this matter a settlement proposal which was copied into the record (Tr. 15). On motion of Shell, the Presiding Administrative Law Judge, on July 24, 1975, certified the settlement proposal to the Commission.

This proceeding involves a request by Shell for release to it of certain escrow funds generated by sales of gas by Shell to Tennessee Gas Pipeline Company (Tennessee) and United Gas Pipe Line Company (United) in the above-captioned dockets. The escrowed amounts were accumulated and held by the pipelines to cover a potential liability for Louisiana state tax, had the acreage producing the gas ultimately been determined to be within the taxing jurisdiction of the State of Louisiana. This controversy was settled in favor of the United States in 1971 by *United States* v.

Louisiana, 404 U.S. 388 (1971). Shell predicates its claim to entitlement of the escrowed funds upon Opinion No. 598, Area Rate Proceeding, *et al.* (Southern Louisiana Area), 46 FPC 86, July 16, 1971, which set the just and reasonable rates for gas from the area involved completely or largely above Shell's rates, including the escrow amounts.

The sale in Docket No. CI61–104, to Tennessee was authorized by a temporary certificate issued November 7, 1963. The initial rate was 20 cents per Mcf, of which .5 cents was placed in the escrow account. Docket No. CI68–1146 concerned a sale to United pursuant to a temporary certificate issued May 27, 1968, which provided for an initial price of 20 cents per Mcf, 1.5 cents of which was to be placed in an escrow account. In Docket No. CI70–102 Shell was permitted, by a temporary certificate issued August 29, 1969, to sell both gas well and casinghead gas to United at an initial rate of 20.0 and 18.5 cents per Mcf, respectively, with 1.5 cents per Mcf held in escrow. The total escrowed amounts involved in these sales now approximates some $.4 million, not including interest on amounts held by United.

By Shell's settlement proposal, Shell would receive all the escrowed funds, would match them with its own money on the basis of $3 from Shell for every $2 of the fund, and would spend all the total over the next two years to explore for and attempt to develop additional gas reserves upon acreage already dedicated to Tennessee and United for sale to these companies at the current rate permitted by the Commission at the time of sale. Any money not so expended by Shell within two years would have to be returned to the pipelines and flowed through to their customers.

Comments to the proposed settlement may be filed with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 10, 1975. Such comments will be considered by the Commission in determining appropriate action, but will not serve to make commenters parties to the proceeding.

The record in this proceeding, including the settlement proposal, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–22329 Filed 8–22–75;8:45 am]

[Docket No. CS76–46, etc.]

SMALL PRODUCER CERTIFICATES[1] Applications

AUGUST 13, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS76–46	July 22, 1975	Kentucky-Piper Gas Co. II, P.O. Box 5104, Evansville, Ind. 47715.
CS76–47	do	Kit Development Corp., P.O. Box 5104, Evansville, Ind. 47715.
CS76–48	July 18, 1975	James W. Witherspoon, P.O. Box 1818, Hereford, Tex. 79045.
CS76–49	July 23, 1975	Byron Oil Industries, Inc., 15991 Trowbridge Rd., Chesterfield, Mo. 63107.
CS76–50	July 25, 1975	Arthur H. Denton, 20 West 6th St., Jamestown, N.Y. 14701.
CS76–51	do	Terese and Alvin S. Lane Foundation, Inc., c/o Alvin S. Lane, 60 East 42 St., New York, N.Y. 10017.
CS76–52	do	The Ruth F. and Henry W. Klein Foundation, Inc., c/o Alvin S. Lane, 60 East 42 St., New York, N.Y. 10017.
CS76–53	July 28, 1975	Bernard T. Heln, 25 East Salem St., Hackensack, N.J. 07601.
CS76–54	do	The Calana Corp., 3633 Lewis Ave., Long Beach, Calif. 90807.
CS76–55	do	XXL, Inc., 4940 Viking Dr., Suite 312, Minneapolis, Minn. 55435.
CS76–56	do	P. & N. Oil Co., 222 West Washington St., Bradford, Pa. 16701.
CS76–57	do	Upper Mississippi Towing Corp., 7703 Normandale Rd., Suite 110, Minneapolis, Minn. 55435.
CS76–58	do	Paladin Corp., 4140 Southwest Freeway, Houston, Tex. 77027.
CS76–59	do	Mayfield Corp., 4140 Southwest Freeway, Houston, Tex. 77027.
CS76–60	July 30, 1975	J. D. Leftwich, 2310 Erskine Rd., Lubbock, Tex. 79428.
CS76–61	July 31, 1975	Chief Drilling Co., Inc., 905 Century Plaza, Wichita, Kans. 67022.
CS76–62	do	William M. Barrett, 8th Floor, Johnson Bldg., Shreveport, La. 71101.
CS76–63	July 25, 1975	Harry Koch, Suite 911, 333 St. Charles Ave., New Orleans, La. 70130.
CS76–64	July 30, 1975	Harry S. Phillips, 433 Citizens Bank Bldg., Tyler, Tex. 75701.
CS76–65	July 31, 1975	Seymour A. Smith, 25 East Salem St., Hackensack, N.J. 07601.
CS76–66	Aug. 1, 1975	Mercedes Candelaria Skidmore, 5814 South Cherokee Cluster, Virginia Beach, Va. 23562.
CS76–67	do	John F. Tatton, 2500 First City National Bank Bldg., Houston, Tex. 77002.
CS76–68	do	Virginia H. Tatton.
CS76–69	do	Ophelia C. Montoya, 4306 Sunningdale NE., Albuquerque, N. Mex. 87110.
CS76–70	do	Dunigan Enterprises, Inc., P.O. Box 2378, Abilene, Tex. 79605.
CS76–71	Aug. 6, 1975	Compressor Systems of Tulsa, Inc., Suite 172, 3005 East Skelly Dr., Tulsa, Okla. 74105.
CS76–72	Aug. 7, 1975	Panhandle Properties, Inc., P.O. Box 742, Pampa, Tex. 79065.
CS76–73	do	Koch Industries, Inc., P.O. Box 2256, Wichita, Kans. 67201.
CS76–74	do	Curran Oil Co., 1801 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS76–75	Aug. 8, 1975	Daube Exploration Co., 107 East Main, Ardmore, Okla. 73401.
CS76–76	Aug. 11, 1975	Vari Enterprises, Inc., 3810 Saturn, Corpus Christi, Tex. 78401.
CS76–77	do	Stevens Oil Co., P.O. Box 1797, Santa Fe, N. Mex. 87501.
CS76–78	do	Walter S. Fees, 2111 Broadway, Grand Junction, Colo. 81501.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.75–22346 Filed 8–22–75;8:45 am]

[Docket No. E–7002]

SOUTHEASTERN POWER AUTHORITY; DEPARTMENT OF THE INTERIOR

Extension of Procedural Dates

AUGUST 8, 1975.

Notice is hereby given that the time within which interventions may be filed in the above matter is extended from August 18, 1975 to September 18, 1975. The public hearing to be commenced with a prehearing conference is postponed from September 3, 1975 to October 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–22332 Filed 8–22–75;8:45 am]

[Docket No. CP76-39]

SOUTHERN NATURAL GAS CO.

Application

AUGUST 13, 1975.

Take notice that on August 4, 1975, Southern Natural Gas Company (Applicant) P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-39 an application pursuant to Section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon by sale to Citadel Cement Corporation (Citadel) facilities downstream of Applicant's Demopolis No. 1 Meter Station near Demopolis, Alabama, and for a certificate of public convenience and necessity authorizing the construction and operation of a meter station in order to continue the presently authorized service to Citadel, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it would sell to Citadel approximately 0.450 mile of 8-inch pipeline lying downstream from Applicant's Demopolis No. 1 Meter Station and the Citadel Meter Station. The stated reason for such abandonment is that it would allow Citadel to rearrange its operations to utilize more effectively its existing property. Applicant states that Citadel would purchase the facilities for the depreciated book value of $10,912 approximately.

Applicant requests certification to construct a meter station to replace the meter station that is proposed to be abandoned. The proposed facility, it is stated, would be located on existing right-of-way of Applicant and would cost approximately $43,600, which cost would be reimbursed by Citadel.

It is stated that the proposed rearrangement through abandonment and construction of meter stations and pipeline would not result in any change in the service rendered. The proposed changes would allow Citadel and Applicant to minimize the potential interference between them due to their activities that may take place, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22319 Filed 8-22-75;8:45 am]

[Docket No. CP76-46]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

AUGUST 13, 1975.

Take notice that on August 8, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-46 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Dan River Inc. (Dan River), an industrial customer of the City of Danville, Virginia (Danville), a customer of Applicant under Rate Schedule CD-2, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement between itself, Dan River, and Danville, it has agreed to transport approximately 1,000 Mcf of natural gas per day on an interruptible basis for Dan River from a proposed delivery point at mile post 27.94, where the Texas and Mexico Railroad crosses Applicant's Conoco-Driscoll 6-inch pipeline in Duval County, Texas, to a point for redelivery for Dan River's account at Applicant's existing delivery points for Danville.

Applicant states that to implement the proposed service, a tap and valve would have to be installed at the proposed delivery point in Duval County, Texas, at a cost of approximately $4,300, which would be reimbursed by Dan River. The rate to be paid to Applicant by Dan River for the proposed service is stated to be 22.0 cents per Mcf at 14.7 psia of gas transported and delivered to Danville. Applicant would retain 3.8 percent of the transportation volumes to compensate for line loss and compressor fuel. The application states that Applicant would not be obligated to transport for Dan River on any day a quantity of gas (less the quantities retained for line loss and compressor fuel), which when added to the quantities of gas transported under similar arrangements for industries served by Danville and quantities delivered under Rate Schedule CD-2, would exceed Danville's authorized daily entitlement under said rate schedule.

Applicant states that it has been advised that Dan River was notified by Danville, its sole supplier of natural gas, that no gas would be available to Dan River for the period of November 16, 1975, through November 15, 1976. Accordingly, Applicant states, that Dan River has entered into an agreement with Lester Moore Tank & Supply Co., Inc. (acting through its unincorporated division Moore Engineering Resources), Jim Ray Wise and Jimmie B. Myers (MER) for the purchase of approximately 1,000 Mcf of natural gas per day from the Double "U" Field, Duval County, Texas. Applicant states further that Dan River would face a total shutdown if the gas to be purchased from MER were not available.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22318 Filed 8-22-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Extension of Procedural Dates

AUGUST 8, 1975.

On July 23, 1975, Staff Counsel filed a motion to extend the procedural dates

fixed by order issued April 30, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 1, 1975.
Service of Intervenor Testimony, October 15, 1975.
Service of Company Rebuttal, October 29, 1975.
Hearing, November 11, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22330 Filed 8-22-75;8:45 am]

[Docket No. RP75-51]

TRANSCONTINENTAL GAS PIPELINE CORP.

Investigation of Revised Curtailment Level on the System

AUGUST 8, 1975.

On January 8, 1975, the Commission issued an order in Docket No. RP75-51, instituting an investigation into the reasons why Transcontinental Gas Pipeline Corporation (Transco) was experiencing a curtailment for the 1974 winter heating season far in excess of the level of curtailment Transco had projected as of September, 1974. Hearings were held in this proceeding and evidence was presented by Transco and some of its suppliers on the issues presented. On July 1, 1975, the Commission issued an order expanding the investigation to determine the need for any curtailment at all by Transco in its deliveries to its resale customers. The Commission Staff was directed to conduct the expanded investigation as required by the order as expeditiously as possible.

Pursuant to our July 1, 1975 order, a special staff team of investigators was formed, comprised of attorneys and technical experts. These investigators have conducted an examination of the supply problem areas, and also spent over two weeks in the Houston, Texas offices of Transco and certain of its producer suppliers. The Commission is advised that the experience of this group leads to the conclusion that a thorough review of each and every producer selling to Transco would require the efforts of a very large staff[1] over an extensive period of time, precluding the utilization of staff for other matters of equal priorities. Such an investigation would necessarily continue past the beginning of the Transco winter heating season some time in November, 1975, which is the beginning of the crucial period for curtailments. Since the purpose of the investigation is to locate, if possible, additional supplies of gas that can be brought on stream prior to the commencement of the coming heating season, a lengthy inquiry would not serve this immediate purpose. Accordingly, it is necessary to alter the procedure employed thus far in order to meet a November deadline.

Accordingly, we have directed the Staff to determine which of its producer-suppliers sell the major portion of the gas to Transco. The 1974 FPC Report Form No. 2 data shows that 19 producers[2] furnished 80.1 percent of Transco's gas supply, while the remaining 19.9 percent is sold to it by 169 producers. Therefore, by focusing our Staff's efforts on these 19 producers, we can facilitate an investigation into curtailment on the Transco system that examines the largest part of the pipeline's supply and can feasibly be concluded prior to the beginning of the coming heating season. In order to concentrate our Staff's best efforts in the areas that require immediate attention, we will hereinafter require the 19 producers to provide the Commission with certain preliminary information.

Section 10 of the Natural Gas Act[3] requires every natural gas company to file such special reports, under oath, as the Commission may by order direct. Pursuant to this statutory authorization, we direct and require the 19 producers listed in Appendix A to complete and submit by August 28, 1975, the report required herein. For those required to report, the companies will be required to submit data on:

(a) All rate schedules covering sales to Transco, with the identification of the field or fields dedicated to each of such sales;

(b) The minimum and maximum delivery obligations for each rate schedule, as originally fixed in accordance with the terms of the sales contract as certificated, and as they may have been subsequently revised; and the method used to calculate such obligations; along with a list of those rate schedules in which the seller is not currently delivering the existing minimum daily contract quantity, and why;

(c) The location of all sources of gas dedicated to a rate schedule and capable of delivery of additional gas volumes at the current stage of development, but not presently delivering such additional volumes, regardless of whether the minimum daily contract quantity is being delivered or not (this would apply to currently completed wells, producing or capable of producing including behind-the-pipe-reserves that are subject of the investigation in Docket No. RI75-112);[4] together with the maximum production capability of the reservoirs under the rate schedule based on the most recent well test, MPR or MER.

(d) A list of any rate schedule where a state or Federal agency with regulatory authority has precluded the delivery of minimum contract obligations for any period, and when; or has precluded the delivery of additional gas volumes capable of delivery in excess of the contract minimum; and

(e) An explanation of any other circumstances such as oil allowable, gas-oil ratio limitations, gas cap maintenance or workover delays that result in deliverability at volumes less than maximum capability under the contracts.

In our order instituting the investigation in Docket No. RI75-112, we observed:

> We need to determine whether non-development has occurred because of engineering and technical constraints, or by reasons of conservation regulations of the Department of the Interior or because transportation capacity, or because of failure of producers to meet or pipelines to enforce contract or certificate obligations because of factors within control of this Commission. The purpose of this investigation is to determine facts, and take such remedial action, if any, which is within our power.

Here, too, although we are addressing more a possible question of nondelivery rather than that of nondevelopment, we must make like determinations.

There can be no question that upon commencement of deliveries, the Commission has authority to investigate negligence of a producer in rendering full service under the certificated contract, or to investigate a deliberate attempt to slow production in order to obtain a more favorable price. We further intend to examine in depth whether the pipeline is diligently pursuing its contractual remedies against producers to compel maximum deliveries. We are aware that the enforcement authority of the Commission to compel delivery of the certificated volumes is subject to the sales contract conditions unless the Commission has expressly conditioned its certification so as to modify certain of the contractual conditions. Nevertheless, the Supreme Court has held that "the Commission [has] control over the conditions under which gas may be initially dedicated to interstate use." And, ". . . once so dedicated there can be no withdrawal of that supply from continued interstate movement without Commission approval." *Atlantic Refining Co.* v. *Public Service Comm.*, 360 U.S. 387-389 (1960). The former statement is a recognition of the Commission's authority to condition the grant of a certificate, and the latter is a recognition of the Commission's view that all of the contract terms as initially

[1] In the Natural Gas Reserve Study of 1970 which involved 171 fields the total professional field effort was 17.3-19.0 man/years. In this proceeding we have involved some 216 fields. Consequently, even with a much larger staff then is available a greater length of time would be required, would require a comparable staff for comparable staff years. In addition, the question of deliverability would require at least as large a staff for the same number of man years. As stated herein we believe that a pragmatic approach of selecting a representative number of producers which have the largest volumes of gas involved will result in an evidentiary basis for Commission determinations consistent with the purposes of the Court order.

[2] See Appendix A.

[3] 15 U.S.C. 717 (1970).

[4] The testimony and evidence adduced in the proceeding in *Certain Producer and Pipeline Respondents*, Docket No. RI75-112, order issued March 20, 1975, relating to gas reserves dedicated to Transco are to be incorporated by the staff herein.

set forth in the certificate application are encompassed within the certificated obligations accepted by the producer once delivery commences thereunder. The latter view was recently restated by the Commission in its Opinion No. 733, *Mitchell Energy Corporation*, Docket No. CI75-296, June 11, 1975, and in its Opinion No. 737, *El Paso Natural Gas Company, et al.*, Docket Nos. CP75-209, *et al.*, July 11, 1975, wherein it held that the service undertaken by a producer at the time of certification "is like an ancient covenant running with the land" which even binds a certificated assignee to all of the contractual and certificate obligations of the assignor.[5]

The Commission further orders that this report must be submitted under oath by the corporate *officer* most directly responsible for, and knowledgeable about the information to be submitted on the report.

These reports will be audited by our Staff on a selective or inclusive basis. In the event of an audit the Staff will advise the particular producer-operator of the rate schedules and field(s) that are to be examined. At this point the corporate officer that submitted the report will be required, under oath, to provide a designated officer of the Commission with names of all company personnel that would have the direct personal knowledge and/or possession of the data necessary to support and explain the assertions made on behalf of the company in the report. The responsible corporate officer must also set forth, under oath, a list of all files and other material related in any way to the designated rate schedule or field and the address where that data can be examined by the Staff auditing team.

Information submitted to the Commission in the report, or made available to the Staff in an audit will not be afforded confidential treatment, consistent with the statements made upon this subject in our July 1, 1975 order herein. In addition, we remind each of the respondents that Section 10(b) of the Natural Gas Act provides that:

> [I]t shall be unlawful for any natural-gas company willfully to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, memorandum, record, or account required to be made, filed, or kept under this act or any rule, regulation, or order thereunder.[6]

This provision, along with all other sections of the Natural Gas Act, the Commission's Rules and Regulations promulgated thereunder, and relevant criminal statutes of the United States Code, will be vigorously enforced.

The data provided on the report required herein will assist the Staff in expediting its detailed investigation into the reasons for Transco's curtailment. During the period when the report is being prepared, filed, and analyzed, the field investigation team will continue its inquiry into the problems that are evident at this time in some of the recent deliveries of Transco's largest suppliers. Once the report data is received and analyzed, our Staff team will re-evaluate its procedures if necessary, to ensure that the investigation provides as complete an examination of the Transco curtailment situation as is possible in the limited time period available between now and the commencement of the winter heating season.

Our order of July 1, 1975, designated certain Commission Attorneys as officers of the Commission empowering them, *inter alia*, to issue subpoenas compelling witnesses to testify before them under oath in furtherance of the investigation. When appropriate, these powers should be utilized, within the discretion of the designated officers, to expedite the investigation by the taking of sworn statements voluntarily or by subpoena *ad testificandum* returnable within 24 hours in lieu of the taking of depositions under Section 1.24 of our Rules.

Additionally, in our order of July 1, 1975, three attorneys were specifically designated as officers of the Commission, one of whom was Ms. Sheila Hollis. Ms. Hollis has resigned as of the latter part of August, 1975, and therefore her designation as an officer is hereby rescinded. In order to permit the investigation to continue expeditiously, we hereby delegate authority to the General Counsel to designate other Commission Attorneys as officers in this investigation through written designations, with a copy thereof placed in the formal files.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly Section 10 thereof, the producer natural gas companies listed in Appendix A hereof, shall file, under oath, the report as detailed hereinabove.

(B) The report required to be filed pursuant to Paragraph (A) above shall be filed with the Secretary (an original and 4 copies) and a copy to each other party to this proceeding, on or before August 28, 1975.

(C) The Secretary shall place one copy of the report in the official Commission files associated with this proceeding and an additional copy in the Commission's Office of Public Information.

(D) The order of July 1, 1975, issued in this proceeding, is amended as herein before provided.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Transco Gas Pipeline*

(1974 FPC Form 2)

List of producers selling Transco, 10,000 MMcf or more, by percent of sale. All volumes MMcf at 14.73 lb/in²a and 60° F]

Name of seller operator	Gas purchased (MMcf)	Percent of total purchases
Union Oil Co. of California	161,699	19.5
Mobil Oil Corp	94,085	11.4
Gulf Oil Corp	56,489	6.8
South Texas Natural Gas Gathering [1]	50,291	6.1
Sun Oil Co	43,852	5.3
Amoco Production Co	40,708	4.9
Kerr-McGee Corp	39,802	4.8
Atlantic Richfield Co. et al	32,114	3.9
Exxon Corp	17,105	2.1
General American Oil Co. of Texas	16,367	2.0
The Superior Oil Co. et al	15,535	1.9
Marathon Oil Co	13,146	1.6
Occidental Petroleum Corp	12,857	1.6
Ocean Drilling & Exploration Co. et al	12,993	1.6
The California Co., a division of Chevron	11,169	1.4
Continental Oil Co	11,858	1.4
Murphy Oil Corp	11,942	1.4
Signal Oil & Gas Co. et al	10,027	1.2
Texaco, Inc	10,206	1.2
Total	662,326	80.1

[1] Natural gas transmission line purchases.

NOTE.—19 producers sold Transco 80.1 percent of natural gas purchased in 1974, 169 producers sold Transco 19.9 percent of natural gas purchased in 1974, total gas purchased in 1974=827,255 MMcf (FPC Form 2).

[FR Doc.75-22345 Filed 8-22-75;8:45 am]

[Docket Nos. R-424; R-446]

UNIFORM SYSTEM OF ACCOUNTS

Order Granting Applications for Rehearing for the Purpose of Further Consideration

AUGUST 15, 1975.

In the matter of accounting for premium, discount and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes. Amendments to the Uniform System of Accounts for Class A, B, and C public utilities and licensees and natural gas companies; deferred income taxes.

On July 18, 1975, four investor owned electric utility corporations [1] and Public Systems [2] each filed Applications for Rehearing of our Order No. 530, issued June 18, 1975, in Docket Nos. R-424 and R-446. In order to provide adequate time for consideration of the merits of the arguments raised by the various applications, we shall grant rehearing for the limited purpose of further consideration.

The Commission orders:

(A) The Application for Rehearing filed by the above mentioned petitioners are hereby granted for the limited purpose of further consideration of Order No. 530.

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[5] Judicial review of Opinion No. 733 is presently before the U.S. Court of Appeals for the Fifth Circuit as *Mitchell Energy Corporation* v. *F.P.C.*, No. 75-1118; and Opinion No. 737 is before the same Court as *Southland Royalty Co., et al.* v. *F.P.C.*, No. 75-2851. Exxon Corporation filed on July 14, 1975, for injunction against the Commission and the Commissioners in the U.S. District Court for D.C. on Opinion No. 737 in Civil Action No. 75-1118, but withdrew its suit after a hearing before that Court. Circuit Judge Coleman of the Fifth Circuit issued an interim stay order against Opinion No. 737 on July 14, 1975, but vacated the stay that day and substituted in lieu thereof a consent protective order.

[6] 15 U.S.C. 717 (1970).

[1] Central Illinois Light Company, Jersey Central Power and Light Company, Metropolitan Edison Company and Pennsylvania Electric Company.

[2] See Appendix A for the members of Public Systems.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMP, *Secretary.*

APPENDIX A—PUBLIC SYSTEMS SPONSORING THE APPLICATION FOR REHEARING OF ORDER NO. 530

Alabama Electric Cooperative, Inc.
Allegheny Electric Cooperative Inc.
City of Anaheim, California
Delmarva Electric Cooperative, Inc.
ElectriCities of North Carolina and its members, the following municipalities:

NORTH CAROLINA:

Albermarle	Laurinburg
Apex	Lexington
Ayden	Lincolnton
Belhaven	Louisburg
Benson	Lucama
Black Creek	Lumberton
Bostic	Macclesfield
Cherryville	Maiden
Clayton	Monroe
Concord	Morganton
Cornelius	Murphy
Callas	New Bern
Davidson	Newton
Drexel	Oak City
Edenton	Pikeville
Elizabeth City	Pinetops
Enfield	Pineville
Farmville	Red Springs
Fayetteville	Robersonville
Forest City	Rocky Mount
Fountain	Scotland Neck
Fremont	Selma
Gastonia	Sharpsburg
Granite Falls	Shelby
Greenville	Smithfield
Hamilton	Southport
Hertford	Stantonsburg
Highlands	Statesville
High Point	Tarboro
Hobgood	Wake Forest
Hookerton	Walstonburg
Huntersville	Washington
Kings Mountain	Waynesville
Kinston	Wilson
LaGrange	Windsor
Landis	Winterville

VIRGINIA:

Blackstone	Iron Gate
Culpeper	Manassas
Franklin	Wakefield
Harrisonburg	

Harrison Rural Electric Association, Inc.
Indiana Municipal Electric Association and its members, the following municipalities in Indiana:

Town of Bainbridge	City of Linton
Town of Bargersville	Town of Middletown
Town of Centerville	Town of Paoli
Town of Covington	Town of Pendleton
Town of Darlington	City of Rising Sun
Town of Edinburg	Town of Rockville
Town of Flora	City of Scottsburg
Town of Greendale	Town of South Whitley
City of Greenfield	Town of Thorntown
Town of Hagerstown	City of Tipton
Lawrenceburg Utilities	Town of Veedersburg
Lawrenceburg	Town of Waynetown
City of Lebanon	

Jackson Purchase Rural Electric Cooperative Association
NEPCO Customer Rate Committee (successor to the Power Planning Committee of the Municipal Electric Association of Massachusetts, Inc.) and its members the following Massachusetts municipal light departments and plants:

Ashburnham	Merrimac
Boylston	Middleton
Danvers	North Attleboro
Georgetown	Paxton
Groton	Peabody
Hingham	Princeton
Holden	Shrewsbury
Hudson	Sterling
Hull	Templeton
Ipswich	Wakefield
Littleton	West Boylston
Mansfield	and
Marblehead	

Manchester Electric Company
New Hampshire Electric Cooperative, Inc.
Littleton, New Hampshire
North California Power Agency and its members, the following California cities:

Alameda	Palo Alto
Biggs	Redding
Gridley	Roseville
Healdsburg	Santa Clara
Lodi	Ukiah
Lompos	

and
Plumas Sierra Rural Electric Cooperative, Inc.
North Carolina Electric Membership Corporation
Oglethorpe Electric Membership Corporation
Old Dominion Electric Cooperative, Inc.
City of Riverside, California
Southern Maryland Electric Cooperative, Inc.

[FR Doc.75-22350 Filed 8-22-75;8:45 am]

[Docket Nos. RI76-17, etc.]

UNION OIL COMPANY OF CALIFORNIA, ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

AUGUST 15, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commisison finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commisison orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* [4]		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI76-17	Union Oil Co. of California	195	12	Transwestern Pipeline Co. (New Mexico) (Permian Basin).	$429	7-28-75		(2)	[3] 23.617	24.3171	
RI74-33	Continental Oil Co. (Operator), et al.	180	1 to 24	do	(1)	7-17-75		7-18-75	24.2896	24.3171	RI74-33.

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Not stated.
[2] Includes deduction of 0.32¢/M ft³ for treating.
[3] The proposed rate increase is accepted as of July 28, 1975, insofar as it does not exceed the Opinion No. 662 ceiling and is suspended until July 29, 1975, insofar as it exceeds the opinion No. 662 ceiling rate.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increase of Union Oil Company of California, is accepted as of July 28, 1975 insofar as it does not exceed the applicable area rate ceiling under Opinion No. 662, and is suspended until July 29, 1975, insofar as it exceeds the applicable area rate ceiling in Opinion No. 662.

Continental Oil Company's revised increase reflects a correction in the amount of tax reimbursement contained in a prior increase being collected subject to refund. The revised proposed increase is suspended for one day from the date of filing, subject to refund in the existing suspension proceeding.

[FR Doc.75-22347 Filed 8-22-75;8:45 am]

[Project No. 2545]

WASHINGTON WATER POWER CO.

Application for Approval of Exhibit R

AUGUST 14, 1975.

Public notice is hereby given that application was filed April 9, 1974 and amended March 24, 1975 under the Federal Power Act (16 U.S.C. 791a–825r) by the Washington Water Power Company (correspondence to: Mr. J. P. Buckley, Vice President and Secretary, The Washington Water Power Company, P.O. Box 3727, Spokane, Washington 99220 and Mr. Lee K. Sherline, Leighton and Sherline, 1701 K Street, N.W., Washington, D.C. 20006) for approval of Exhibit R for constructed Project No. 2545, known as the Spokane River Project, in Spokane, Stevens, and Lincoln Counties, Washington, on the Spokane River.

At the Long Lake Development of this project, Applicant currently maintains viewpoints and a picnic area near the Long Lake Plant. Applicant states that the State Department of Natural Resources maintains a 50-acre camping and picnic area, that the State Parks and Recreation Commission has developed the Spokane House historic site and interpretive center, and that there are five private resorts on the Lake. Applicant proposes to: (1) develop a boat launching and picnic area on a portion of a 200-acre tract on the lower end of the Lake which would be used for future project recreational development, (2) reserve two tracts totalling 27 acres for future recreational development on the upper end of the Lake, and (3) build a boat launching site near the Spokane House Interpretive Center in Riverside State Park.

Applicant states that a portion of Riverside State Park is adjacent to the Lake at the Nine Mile Development and proposes to build a boat launching area on the Lake.

The Monroe Street and Upper Falls Development are located in the City of Spokane's Central Riverfront Park. Applicant states that it has constructed Huntington Park between the Monroe Street Powerhouse and the Monroe Street Dam and that this park combines a landscaped public park with an elevated promenade to view the lighted falls created by the dam. Applicant proposes to modify the project facilities at Upper Falls plant to complement the City's parks.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22331 Filed 8-22-75;8:45 am]

[Docket Nos. CP75-155; CP75-162]

WISCONSIN GAS CO. AND NORTHERN STATES POWER CO. (WISCONSIN)

Further Extension of Time

AUGUST 14, 1975.

On August 7, 1975, Northern States Power Company filed a request for an extension of time within which to comply with paragraphs (C) and (F) of the order issued June 23, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time within which Northern States Power Company must comply with paragraphs (C) and (F) of the order issued June 23, 1975, is extended to and including September 11, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22333 Filed 8-22-75;8:45 am]

[Docket No. RM74-8]

NATION-WIDE FUEL EMERGENCY

Notice of Extension of Time

AUGUST 11, 1975.

On July 30, 1975, Lone Star Gas Company filed a request for an extension of the time within which to file the report required by Order No. 498, in the above-designated matter.

Upon consideration, notice is hereby given that the time within which Lone Star Gas Company must file the required report in the above matter is extended to September 3, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-22338 Filed 8-22-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 15, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before September 12, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of FEA form U508–S–O, Industrial Boiler Auxiliary Equipment Questionnaire. This is a single time report requesting information from manufacturer on industrial boiler auxiliary equipment including a description of the system, estimates of efficiency improvements, operational requirements and costs. This information will be compiled and published in a manual for industrial boiler purchasers and users informing them of ways to improve the efficiency of their plants. Estimated number of respondents is 150 companies. Average number of hours required to complete and file a response is two.

Request for clearance of FEA form U509–S–O, Public Schools Energy Conservation Service. This service is designed to provide school administrators with information on school buildings which are not energy efficient and specific suggestions for operational and capital changes which would reduce building energy demands. This single time form provides FEA with the data required to make an analysis of the efficiency of these school buildings. Response is voluntary. Approximately 750 responses are expected. The estimated average number of hours required per response is 15.

Request for an extension with no changes of approval of FEA Form P102–M–O entitled Old Oil Entitlements Program, Refiners Monthly Report. This is a monthly report required to be filed by petroleum refiners listing receipts of old oil and crude runs to stills. The number of respondents is approximately 136. Respondent burden is estimated at 22 hours per monthly report.

Request for an extension with no changes of approval of FEA Form P103–M–O entitled Old Oil Entitlement Program, Entitlements Transaction Report. This is a monthly report required to be filed by refiners eligible to receive old oil

entitlements. The number of respondents is approximately 136. Respondent burden is estimated at six hours per monthly report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-22485 Filed 8-22-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on August 14, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected business. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before September 12, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of the P118-Q-1, Refiner Report of Buy Sell Crude Oil Transactions Made to Comply With Mandatory Crude Oil Allocation Program. This form will collect the same information as the expired FEA 903. It must be submitted quarterly by each refiner-seller and each refiner-buyer of crude oil under the Buy-Sell List for allocated crude oil. The form will collect information on purchases and sales made in compliance with FEA Buy/Sell requirements. It is estimated that there are approximately 141 respondents and that each report requires an average of two hours to fill out.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-22486 Filed 8-22-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of requirements intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 14, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC requirements are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the submission, comments (in triplicate) must be received on or before September 12, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

NUCLEAR REGULATORY COMMISSION

Request for extension without change of application, reporting, and record-keeping requirements in 10 CFR Parts 50 and 51 of the Commission's regulations. The frequency of the requirements vary depending upon the particular section of the regulations affected; potential respondents are applicants and licensees for NRC power, research and test reactors; approximately 123 applicants and licensees will be affected. The total respondent burden for all sections of Parts 50 and 51 is estimated to be between 1834 and 2434 man years.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-22487 Filed 8-22-75;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

EDUCATION PANEL ADVISORY COMMITTEE

Meeting

AUGUST 18, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Education Panel will convene at 9 a.m. at Washington, D.C., on September 24, 1975.

The purpose of the meeting is to review Program applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal 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.

It is suggested that those desiring more specific information contact the Advisory 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.75-22385 Filed 8-22-75;8:45 am]

JAZZ/FOLK/ETHNIC MUSIC

Grant Guidelines

The following are guidelines for the Jazz/Folk/Ethnic Music grants which are made under the Music Program of the National Endowment for the Arts, an idependent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline date for this program is October 1, 1975.

Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634-6390 for further information and application forms. Only the Music Program office may distribute application forms.

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

FANNIE TAYLOR,
Director, Program Information.

JAZZ/FOLK/ETHNIC/MUSIC GUIDELINES

In fiscal 1976 the National Endowment for the Arts will offer grants to individuals and groups through its Jazz/Folk/Ethnic Music Program.

Notices of grant award or rejection will not be sent before March 15, 1976.

DEADLINE: OCTOBER 1, 1975

Applications must be postmarked no later than October 1, 1975. The proposed period of grant support should not begin prior to June 1, 1976 and may extend through January 31, 1977.

Applications postmarked later than October 1, 1975 will not be considered under this program and will be returned.

The next deadline for receipt of applications will be June 15, 1976 for projects taking place between February 1, 1977 and January 31, 1978.

Applications for *organizations* which satisfy the eligibility criteria as set forth on page 1 may be obtained by requesting *Project Grant Application Forms, NEA-3 (Rev.)* Applications for *individuals* who satisfy the eligibility requirements as set forth on page 1 may be obtained by requesting *Individual Application Forms, NEA-2 (Rev.)* Application forms may be requested by completing and returning the Application Request Form on page 15 of these guidelines.

GENERAL PURPOSE

The purpose of this program is the creation of a broad artistic climate in the United States in which its indigenous musical arts will thrive with distinction through artistic, educational, and archival programs.

ELIGIBILITY

INDIVIDUALS

By statute the National Endowment for the Arts is limited to the award of grants to individuals "of exceptional talent." Applications will therefore be reviewed according to the following criteria:

1. Exceptional creative or performing talent and accomplishment;
2. Strong commitment to artistic standards;
3. Capacity for research or special study.

Individual grants are awarded on a non-matching basis.

ORGANIZATIONS

By statute the National Endowment for the Arts is limited to the support of organizations which meet the following criteria: *Copy of Internal Revenue Service determination letter for tax-exempt status must be submitted with each application:*

1. *Only* those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable Internal Revenue Code of 1954, as amended.
2. Only those organizations which compensate at the equivalent of the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts;
3. Only those organizations which conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in Federally assisted projects on the basis of race, color, national origin, or handicap.

Eligibility is further determined on the basis of these additional criteria:

1. Performing ensembles, both instrumental and vocal, must demonstrate high quality in performance and management. (Reminder: Ensembles must meet statutory criteria for organizations as stated above.)
2. Sponsoring organizations demonstrating the capacity for efficient, stable, and imaginative administration as well as a strong commitment to the purposes of this program.

PROGRAM LIMITATIONS

This program does not provide support for:

1. Direct costs of commercial recording or publication;
2. Foreign travel;*
3. Development or completion of Master's degree theses or doctoral dissertations;
4. High school or college performing groups;
5. Building or renovation of physical facilities;
6. Purchase of musical instruments or permanent equipment;
7. General operating expenses.

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and government at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

(Adopted by the National Council on the Arts, September 15, 1973.)

CATEGORIES OF SUPPORT

These Guidelines are presented in two sections—the first for jazz programs and the second for the other indigenous folk/ethnic arts. Because the needs of the fields differ significantly, the provisions for support are described by separate categories tailored to existing needs. Jazz applicants will find full information on pages 4-8. All other applicants are referred to pages 8-10.

NOTE.—Applications should be developed within the categories and budgetary limitations as designated.

JAZZ CATEGORY I COMPOSERS/ARRANGERS

Non-matching fellowship grants of up to $5,000 to composers and arrangers of exceptional talent for creation of new works, completion of works in progress, and professional development.

The program provisions in these guidelines are intended to support only those composers whose works retain a consistent basic idiomatic feeling related to the jazz style with which the composer's or arranger's work is identified.

Composers should be aware that the Endowment does have a separate program of assistance for "Composers/Librettists" whose works do not have a strong idiomatic and stylistic rooting in jazz music.

PROJECT EXAMPLES

1. The creation of new works and the completion of works in progress;
2. Copying and reproduction costs of scores and parts of completed works;
3. Expenses necessary to provide time for research and limited expenses for the purchase of other composers' scores and recordings in order that the aspiring composer/arranger may have continuing rapport with the field, be knowledgeable concerning new technological developments, and be in a position to study and explore current trends;
4. Expenses necessary to prepare demonstration tape recordings or excerpts of works for the purpose of providing samples for the review of performers, publishers, or recording firms. While the Endowment does not provide support toward direct costs of publication and commercial recordings, the applicant may request assistance with preparation of demonstration materials which may lead to such an eventuality.
5. Transportation costs and lodging expenses required to discuss work(s) with leaders, artistic directors, and publishing and/or recording representatives.

ESSENTIAL INFORMATION TO BE SUPPLIED IN APPLICATION

For Composition Projects:

Description of work to be composed or arranged.

Names of any group or individual for whom the work is to be composed.

Plans for the performance of the work—by whom, when, where, in what context (concert, festival, television, et cetera).

For Professional Development Projects:

Detailed description of the project for which support is requested.

Brief budget of expenses necessary for the project.

ADDITIONAL REQUIRED MATERIALS

For Both Types of Projects:

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

One tape and one score or one disc and one score, preferably of the same material, must accompany the application. The one sample should be representative of the applicant's compositional and/or scoring ability within the specific style for which the applicant is requesting assistance.

For Professional Development Projects Only:

If the project involves consultation with an authority in the field, the applicant should submit with the application written evidence of interest from a proposed consultant; for example, a recording or publishing representative. If the project is research, the applicant should prepare a statement indicating where the research is to be conducted, its purpose, specific subject matter, and whether the research is independent or with a designated authority.

JAZZ CATEGORY II PERFORMERS

Non-matching fellowship grants to enable jazz instrumentalists and singers of exceptional talent to advance and develop their careers as they see fit.

GRANT AMOUNTS

Fellowship grants of $2,500 to assist performers who are in the developing stages of their careers. Fellowship grants of $5,000 to assist established performers.

ESSENTIAL INFORMATION TO BE SUPPLIED IN APPLICATION

Detailed description of the project for which support is requested, indicating what would be done to advance the applicant's career.

Brief budget of expenses necessary for the project.

ADDITIONAL REQUIRED MATERIALS

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

One tape or one disc must accompany the application. The one sample should be representative of the applicant's ability to perform.

JAZZ CATEGORY III TRAVEL/STUDY

Non-matching travel/study fellowship grants of up to $1,000 to enable young mu-

* While expenses for foreign travel may not be included in the project budget, this restriction is not intended to prevent jazz/folk/ethnic artists from carrying on their creative work in a foreign country.

sicians of exceptional talent to study and/or tour with individual professional artists or ensembles for short-term concentrated instruction and experience. Normally these grants will not cover periods longer than one month. The intent of this category of support is to facilitate the professional development of musicians who already have proven their potential for advanced study and professional careers.

Under no conditions will these awards cover costs of tuition for formal study at an educational institution, foreign travel, travel with an ensemble of which the applicant is a member, or study with the applicant's own teacher. Recipients of previous Travel/Study Fellowship Grants will not be awarded repeat grants to travel or study with the same artists.

ESSENTIAL INFORMATION TO BE SUPPLIED IN APPLICATION

Name of the individual or group with whom the applicant wishes to travel or study. If the applicant requires the address of the musician with whom he wishes to study or travel, the Endowment suggests that an inquiry be addressed to the American Federation of Musicians (President's Office, Tour Department), 641 Lexington Avenue, New York, New York 10022.

When and where the project is to be carried out.

Brief budget of anticipated travel and living expenses. If a fee will be paid to the artist/instructor, the fee and the amount of time involved should be entered in the budget.

ADDITIONAL REQUIRED MATERIALS

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

A confirming letter, sent with the application, from the individual or leader of the group with whom the applicant wishes to travel or study. The letter should a) designate a definite time commitment; b) state generally how the activity is to proceed; and c) confirm the fee which the specialist will receive from the student. The letter should also state that the specialist will provide a report of the applicant's study directly to the Endowment at the close of the period of support.

JAZZ CATEGORY IV ORGANIZATIONS

Matching grants will be available for jazz presentations, educational programs, short-term residencies by jazz specialists, and carefully planned regional or national festivals or tours.

Applicants may include:

1. Professional performing organizations meeting statutory criteria as defined on page 1;
2. State arts agencies;
3. Regional arts organizations;
4. Other sponsoring organizations which are in a unique position to make an exceptional contribution in the field for carefully organized programming provided the applicant organizations will assume full organizational responsibility and will identify the required matching funds for the project.

Grants to educational institutions will be limited to those institutions which have a strong commitment to jazz as evidenced by direct financial support to jazz programming.

NOTE.—Applications for regional or national programming will be recommended *only* provided that:

1. The overall plan includes a well-developed educational component such as workshops, clinics, and/or other structured programs of educational value. Such programs may be planned in cooperation with local sponsoring educational, community and religious organizations.
2. The applicant presents an itinerary for proposed tours and includes, if applicable, supporting letters from organizations which would act as local sponsors.

GENERAL RANGE OF GRANTS

Matching grants of *up to $25,000* for organizations with annual expenditures of more than $100,000 for jazz programming. In most instances grants will be for lesser amounts.

Matching grants of *up to $15,000* for organizations with annual expenditures of less than $100,000 for jazz programming. In most instances grants will be for lesser amounts.

ORGANIZATIONS REQUESTING MORE THAN $15,000 MUST INCLUDE WITH THE APPLICATION:

An audited financial statement for the most recent completed fiscal period. Unaudited financial statement is acceptable if audited statement is not available, but the audit should be forwarded when available.

If the jazz budget is a portion of a far larger budget, a certified statement of expenditures and income associated with the jazz programming in place of the audit.

The total jazz-related budget showing estimated income and expenses for the 1974–75 and the 1975–76 seasons.

JAZZ ORAL HISTORY

The Endowment and the Division of Performing Arts at the Smithsonian Institution have entered into an agreement to develop a jazz oral history project designed to add to national and regional archives which document the creativity and experiences of distinguished leaders in the development of jazz in the United States.

Applications will not be accepted for jazz oral history projects, but further inquiries concerning the project may be addressed to the Jazz Program, Smithsonian Institution, Washington, D.C. 20560.

FOLK ETHNIC CATEGORY I ORGANIZATIONS PRESENTATIONS

Matching grants to organizations of *up to $25,000* for folk/ethnic musical presentations. In most instances grants will be for lesser amounts.

PROJECT EXAMPLES

1. Community celebrations;
2. Regional or national festivals;
3. Regional tours by local musicians within the cultural area of their art;
4. Tours by traditional musicians outside their own area;
5. Presentation of local traditional musicians in schools, libraries, and other community centers;
6. Residency programs, involving traditional musicians at colleges and universities, public school systems, and appropriate community locations;
7. Workshops by knowledgeable consultants to prepare community leaders for effective programming.

FOLK/ETHNIC CATEGORY II ORGANIZATIONS DOCUMENTATION

Matching grants to organizations of *up to $15,000* for projects designed to document, preserve and disseminate living musical traditions. In most instances grants will be for lesser amounts.

PROJECT EXAMPLES

Film, videotape, or recorded documentation of techniques, lifestyles, repertories, or historical recollections of traditional musicians.

NOTE.—Documentation projects must include local or regional media dissemination of the work accomplished under the grant.

REQUIRED SUPPLEMENTARY INFORMATION AND MATERIALS

1. Subject(s) to be documented. In the case of films about a single artist, a statement from the artist indicating willingness to participate.
2. Technical approach to the documentation.
3. Statement as to why the project would be a significant contribution to the field.
4. Biographical information on the persons who will have the primary artistic responsibility for both subject matter and documentation.
5. Statement as to what arrangements, if any, or plans have been made for distribution.
6. Sample work:

For Film Project: A loan print (16 mm optical) of at least one completed work by the filmmaker.

For Video Project: A ¾-inch cassette of ½-inch reel sample of work by the video artist.

For Recording Project: Sample audio tape or disc of work by the project director.

All materials should be labelled with the name of the applicant, address, title of work, and identification of the artists.

FOLK/ETHNIC PILOT CATEGORY INDIVIDUALS

On a pilot basis, a *limited* number of modest non-matching grants will be available to individuals to accomplish the purposes outlined in Folk/Ethnic Categories I and II.

REQUIRED SUPPLEMENTAL INFORMATION AND MATERIALS

For Presentation Project: Specific description of project. Biographical information on artist(s) to be presented. Tape or disc of artist(s). Budget of project expenses.

For Documentation Project: In addition to the information and materials required for Category II (p. 8), a budget of project expenses should be included.

FOLK/ETHNIC CATEGORY III INDIVIDUALS

Non-matching fellowship grants of *up to $1,000* to enable individuals of exceptional talent to study with master traditional artists.

ESSENTIAL INFORMATION TO BE SUPPLIED IN APPLICATION

1. Name(s) of master traditional artist(s) with whom the applicant wishes to study. When and where the project is to be carried out.
2. Brief budget of anticipated travel and living expenses. If a fee will be paid to the artist(s), the fee and the amount of time involved should be entered in the budget.

ADDITIONAL REQUIRED MATERIALS

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

A confirming letter, to be sent with the application, from the master traditional artists with whom the applicant wishes to study. The letter should a) designate a definite time commitment; b) state generally how the activity is to proceed; and c) confirm the fee which the artist will receive from the applicant. The letter should also state that the artist will provide a report of the applicant's study directly to the Endowment at the close of the period of support.

JAZZ/FOLK/ETHNIC GENERAL PROGRAMS

The Endowment will consider applications from individuals and organizations for specific projects that do not fall into the categories outlined above. Such projects must be in support of professional activity and be of exceptional merit, outstanding quality, and demonstrated need. *Grants made to organizations* under *General Programs* will be awarded on a matching basis. Individuals and organizations are urged to accommodate their projects to the provisions of the categories outlined in these guidelines.

APPLICATION INFORMATION FOR ALL CATEGORIES

HOW TO APPLY

The original application form and two copies, with all accompanying material, should be sent to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506. Applications which are not legible will be returned to the applicant without consideration.

Applicants are asked to limit their requests to a single application.

INSTRUCTIONS FOR ORGANIZATIONS

1. Project Grant Application Form NEA–3 (Rev.) is submitted in triplicate.

2. Applicant organizations are asked to follow closely the instruction sheet attached to the application and supply all information requested. The "check list" at the end of the application form should be used to assure that all information necessary for prompt processing and consideration of applications has been supplied.

3. Applicants should indicate clearly on the application form the category under which support is requested (for example, "Folk/Ethnic, Category I").

4. All essential elements of the proposal must be included in a concise project description in the space provided on the first page of the application. If additional space is needed, no more than one (8½"x11") page may be attached to each of the application forms.

5. "Period of Support Requested" (Sec. III) may not begin earlier than June 1, 1976.

6. Budget (Secs. VI and IX): Although the application states that details are not required when requesting $10,000 or less on a project of $20,000 or less, for the purposes of this program a breakdown on salaries, travel, and all other categories in the budget should be provided, as well as entries under "Other." "Miscellaneous" and "contingency" items may not be included.

The Endowment is principally interested in supporting artists' fees. Additionally, projects which indicate hard-cash matching will be provided by the grantee organization are looked upon more favorably.

7. "Total amount requested from NEA" (Sec. VII) *rounded to the nearest $100* may not exceed more than one half the total project costs.

8. "Organization's Total Fiscal Activity" (Sec. VIII): The fiscal data requested in this item should not reflect the organization's total operating expenses and revenues unless all of the organization's activities are involved in jazz/folk/ethnic music. In other words, institutions should include only data reflecting their activities in the area for which support is requested.

9. "Contributions, Grants and Revenues" (Sec. X): All applicants must complete this section of the application. The total amount entered in this section plus the amount requested from the National Endowment for the Arts must equal the total project costs.

10. "Certification" (Sec. XII): The application must be signed by an official with legal authority to obligate the applicant organization. In addition, names, titles, and telephone numbers of the authorizing officials(s), project director, and payee must be typed under the signature.

REQUIRED SUPPLEMENTARY INFORMATION

1. *Copy of Internal Revenue Service determination letter indicating tax-exempt status must be attached to application.* State or local government units must attach to the application a copy of the official document which indicates their status within the state or local government.

2. Brief statement of organization's history, stressing its long-range commitment to the program and any experience it has had in the programs for which assistance is sought. (State arts agencies need not supply this item.)

3. Biographical information on professional artists who will participate and persons on whom full responsibility will rest for the artistic direction, program planning, and management.

Applications which arrive at the Endowment without the appropriate materials attached will not be processed until all required materials are on file.

INSTRUCTIONS FOR INDIVIDUALS

1. *Application Form No. NEA–2 (Rev.)* is submitted in triplicate.

2. Applicants should indicate clearly on the application form the category under which support is requested (for example, "Jazz, Category 1").

REQUIREMENTS FOR SUBMISSION OF TAPES

One tape, in a tape box, 7" reel, 7½ speed, reel-to-reel, quarter track, leader between compositions if there is more than one composition, ready to be played on reel, heads out. *No cassettes or cartridges.* Applicant's name must be included on all supporting materials.

APPLICATION PROCESSING

The application, if not completed properly will be returned to the applicant for corrections. The Endowment cannot accept responsibility for delays occasioned by the late arrival of applications or requests which have been improperly submitted.

Applications will be returned to the applicant if the individual or organization does not meet the eligibility criteria set forth in these guidelines or if the proposed project does not fall within the scope of these guidelines.

If an application is incomplete and/or if all additional required materials have not been submitted, the application may be rejected due to insufficient information for review.

Tapes, scores, discs, films, and videotapes received at the Endowment will be returned although the Endowment cannot accept responsibility for losses incurred en route. Applicant's name and address must be included on all supporting material.

APPLICATION REVIEW

After an application with all necessary information has been received, the file will be reviewed as follows:

1. The Endowment music staff, the Jazz/Folk/Ethnic Advisory Panel, and the National Council on the Arts successively review the application.

The Jazz/Folk/Ethnic Program makes use of two advisory groups: one consisting of jazz specialists; the other consisting of a wide range of practicing folk musicians, sociologists, and ethnomusicologists. These groups meet both separately and jointly; they function concurrently as the Jazz/Folk/Ethnic Panel in reviewing all policy matters and applications.

2. Notices of conditional approval or rejection will be sent only as the Chairman authorizes, but not before March 15, 1976.

Applicants are urged not to seek information on the status of their requests.

FINAL REPORTS

At the conclusion of the grant period, the Endowment requires final reports from all grantees. Complete instructions on final reporting will accompany the grant letter.

OTHER ENDOWMENT PROGRAMS OF INTEREST

FOLK ARTS PROGRAM

The Endowment has a separate *Folk Arts Program* which receives applications for folk arts other than music, as well as interdisciplinary projects involving music as one of the disciplines. Information may be obtained from the Folk Arts Program, National Endowment for the Arts, Washington, D.C. 20506.

VISUAL ARTS IN THE PERFORMING ARTS

The Visual Arts Program at the Endowment offers a program of assistance to professional performance groups which wish to encourage the participation of outstanding artists in the design of posters which advertise single performances or season's offerings and have limited signed editions.

Support is available for projects beginning after August, 1976. *Deadline date is January 15, 1976.* Guidelines and application forms may be obtained from the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506.

OTHER PROGRAMS

The Endowment has many other programs for which guidelines are available. A copy of *Guide to Programs* may be obtained from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506. Guidelines for the Expansion Arts and Public Media Programs may be of special interest to jazz/folk/ethnic applicants.

[FR Doc.75–22354 Filed 8–22–75;8:45 am]

OPERA

Grant Guidelines

The following are guidelines for Opera grants made under the Music Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline date for this program is October 1, 1975.

Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634–6390 for further information and application forms. Only the Music Program office may distribute application forms.

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

FANNIE TAYLOR,
Director, Program Information.

OPERA PROGRAM GUIDELINES

The National Endowment for the Arts plans to continue its program of assistance to opera companies in the 1976–77 season.

The Endowment is requesting applications at this time in recognition of the need for opera companies to plan well in advance and to facilitate development and processing of applications.

DEADLINE

Applications must be postmarked no later than October 1, 1975.

The deadline will be adhered to strictly. Applications postmarked later than October 1, 1975 will not be considered for assistance in the 1976–77 season.

Applications for opera companies meeting the eligibility criteria as set forth on page 2 may be obtained from the Music Program, National Endowment for the Arts, Washington, D.C. 20506. Project Grant Application Forms (#NEA–3/Rev.) should be requested.

GENERAL PURPOSES

The purposes of this program are:

1. To improve the artistic quality of fully staged opera in all sections of the country;

2. To broaden the repertory to include works from various historical periods with particular emphasis on works by American composers;

3. To provide sustained professional opportunities for American artists;

4. To strengthen the management of opera companies.

ELIGIBILITY

By statute the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

1. *Only* those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. *Copy of Internal Revenue Service determination letter for tax-exempt status must be submitted with each application;*

2. Only those organizations which compensate at the equivalent of the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts;

3. Only those organizations which conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in federally assisted projects on the basis of race, color, national origin, or handicap.

Assistance will be limited to professional opera companies which have maintained annual cash incomes from all sources in excess of $100,000 for a minimum of three seasons and:

1. Which have national or regional impact and (a) produce fully-staged performances with orchestra; (b) provide sufficient rehearsal time to assure performances of uniform artistic quality; and (c) are of high artistic integrity and rely primarily on their own artistic resources;

2. Which perform annual resident seasons of no fewer than two performances each of three productions;

3. Which perform with orchestras and choruses in rehearsal on a seasonal rather than on a pickup basis;

4. Which serve unique needs due to geographical location or other special conditions and demonstrate high standards of performance and administration.

PERIOD OF SUPPORT

Applicant organizations not assisted by the Endowment in the 1975–76 season should not request a period of grant support beginning prior to October 1, 1976. Generally, the projected grant period may not extend beyond a one-year period.

Applicant organizations currently assisted by the Endowment may request the same period of support as in the 1975–76 season.

GRANT AMOUNTS

The request should not exceed fifty percent (50%) of the total cost of the project. The total amount requested should be rounded to the nearest $100.

Companies previously supported are urged to request assistance that will not exceed the amount recommended for their grants in the 1975–76 season and with the same distribution between Program and Treasury Funds.

Companies which have not received support in the 1975–76 season are urged to request assistance in moderate amounts.

NOTE. For clarification of assistance available through the Program Funds, the Treasury Fund, and the Combined Program Funds and Treasury Fund Method, see "Methods of Funding," page 6.

PROJECT PRIORITIES

1. Activities which reflect high artistic standards.

2. More opportunities for young American performers on a repertory basis.

3. Variety in repertory, particularly the presentation of more American operas.

4. Use of a wider variety of qualified and imaginative stage directors and conductors.

5. Greater stress on performances in English.

6. Activities which will increase or generate new funding sources.

PROJECT EXAMPLES

Although the Endowment welcomes the vitality of new programs and, under all conditions, encourages applicants to develop new sources of funds, applications should represent the genuine needs of the applicant organizations. Accordingly, companies may request assistance to strengthen existing programs. Assistance may be requested for a project which has previously been supported. In no instance, however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion into future seasons.

The Endowment's assistance is never intended to discourage admission fees irrespective of how nominal the charge may be; nor is it intended to substitute for previous local support but, instead, is designed to encourage continuing and increased local contributions.

The following are examples of projects that are eligible for assistance. The National Council on the Arts has recommended that the Endowment extend first priority to applications which would provide assistance and recognition to American artists.

1. Programs designed to reach larger and more diversified audiences than those usually served by the subscription series; for example, improved services to local communities such as schools, inner-city areas, parks, neighborhoods, churches, or industries.

2. Production support for works by American composers.

3. Quality performances or services (e.g., workshops, coaching), adaptable to in-school presentations. Project proposals directed to this area should include:

a. Full description of the proposed project to include planning, program implementation and evaluation;

b. Letters of interest from cooperating organizations involved.

4. Projects to improve artistic direction and performance quality, including increased rehearsal time.

6. Professional coaching for local or area performers.

7. Regional touring programs, particularly to areas where live opera is not ordinarily available. Cooperative planning with state and regional arts councils as sponsoring organizations to develop concentrated regional programs.

8. Extended seasons designed to increase the number of productions and performances. The Endowment must receive evidence that, without federal support, the extention of the season would not jeopardize the company's continued existence.

9. Exploration of new ways to improve earned and contributed income, including development programs staffed by professional development personnel, and new methods of promotion to increase audiences and improve ticket sales procedures.

10. Projects designed to improve quality of management.

11. Increased collaboration or sponsorship of programs with other performing organizations, such as professional orchestras and dance companies.

Other projects may be initiated on recommendation of the Opera Section of the Music Advisory Panel.

PROGRAM LIMITATIONS

1. Applications rarely will be considered for non-specific support.

2. Applicants are required to limit their requests to a single application; however, requests for more than one project may be presented in the application if the overall project description does not attempt to encompass all aspects of the opera company's total program.

THE NATIONAL OPERA INSTITUTE

The Endowment, through a Treasury Fund grant with matching private funds, provides substantial support to The National Opera Institute, an independent organization which offers assistance to oragnizations and individuals. Aiding young artists of exceptional talent through individual grants to performers, training in allied operatic professions, assisting with production of new or rarely performed operas and innovative programs in production techniques, and inter-company cooperative projects, all fall within the purview of the Institute.

Inquiries and applications for assistance from the Institute should go directly to The National Opera Institute, John F. Kennedy Center for the Performing Arts, Washington, D.C. 20566.

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90–480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this

legislation and urges private interests and government at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

(Adopted by the National Council on the Arts, September 15, 1973.)

Methods of Funding

Option 1: Program Funds Method

Applicants requesting assistance from Program Funds must present evidence in the application that one-half of the total cost of the project will be provided by the applicant. Sources of matching funds must be identified.

Example:

$20,000	Grantee Receives Endowment Award
20,000	Required Matching by the Grantee
$40,000	Minimum required project budget

Option 2: Treasury Fund Method

Applicants are encouraged to use the Treasury Fund Method. *See enclosed brochure.*

Example:

$50,000	Restricted Gift(s)
50,000	Endowment Treasury Funds
$100,000	Proposed Award
100,000	Required Matching by the Grantee
$200,000	Minimum required project budget

Option 3: Combined Treasury Fund and Program Funds Methods

Applicants may request assistance through a combination of the Treasury Fund method and Program Fund methods.

Example:

$100,000	Program Funds, $35,000—Restricted Gift(s), $35,000—Endowment Treasury Funds
70,000	Combined Restricted Gift(s) and Endowment Treasury Funds
$170,000	Proposed Award
170,000	Required Matching by the Grantee
$340,000	Minimum required project budget.

Grant Application

The Application Form

The original typewritten application form and two copies, plus two copies of all accompanying material, should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506. All essential elements of the proposal must be included in a concise project description in the space provided on the first page of the application. If additional space is needed, no more than two 8½" x 11") pages may be attached to each of the application forms. Names and titles should be typed or printed beneath all signatures appearing on the application.

If the applicant develops a multi-purpose application, each project should be numbered separately with its own budget. For example: if the application contains three projects numbered 1, 2, 3, all items in the budget should also be numbered 1, 2, 3 to correspond with the appropriate project description. Budget detail for the individual projects should be in accordance with the categories on the application, such as: Salaries and Wages, Fringe Benefits, Supplies. The budget figures appearing on the first page of the application must represent the sum of all expenses related to the projects.

The budget information requested on the first page of the application under "VII. Organization Total Fiscal Activity" refers to the 1974–1975 and 1975–1976 seasons.

Those organizations which intend to include indirect costs as part of the project budget must contact the Audit Supervisor, National Foundation on the Arts and the Humanities, Washington, D.C. 20506, to obtain information necessary to establish an acceptable indirect cost rate.

The Music Staff advises applicants to study carefully, point by point, the Eligibility Criteria, Grant Amounts, and Program Limitations, as described earlier, before submitting an application. Applicants are urged to retain duplicates of any material sent to the Endowment.

Additional Required Materials

All applicants are required to submit the following materials in duplicate:

1). Copy of Internal Revenue Service determination letter for tax-exempt status. Although this letter may have been submitted previously, it must be submitted with each application;

2). Audited financial statement for the most recent completed fiscal period. Unaudited financial statement is acceptable if audited statement is not available, but the audit should be forwarded when available;

3). Total operating budget showing estimated income and expenses for the 1975–76 and the 1976–77 seasons;

4). Season brochure for 1974–75 and 1975–76;

5). Complete representative reviews of regular performances from the past year with dates provided;

6.) Biographical sketches of artistic director and chief administrator;

7). Supplementary information sheets completed in full. See pages 15–17;

8). Final fiscal and descriptive reports for the 1974–75 season Endowment grant. The final descriptive report should present a detailed account of the activity under the grant. If the activity has not been completed, an interim descriptive report should accompany the application;

9). Statements are required of applicants to confirm the involvement of cooperating organizations and/or individuals in the following areas:

(a) School-related proposals. The Endowment must be assured that school-related proposals have the cooperation of the appropriate officials and classroom teachers and that careful, coordinated planning for in-school concerts or educational programs has been accomplished. See page 3, no. 3.

(b) Programs in special areas. The Endowment must be assured that proposals for programs in special areas, such as the inner city, have the cooperation of the leaders in those areas and that businesses and other involved organizations are prepared to identify with the program plans.

The Endowment is anxious to know where and when presentations will occur, recognizing that some details must be tentative from time to time, but that, in general, a well-defined proposal is under consideration.

The following information, in duplicate, is required from all applicant organizations which have not received assistance in the 1975–76 season and applicants for which previously submitted information is not up to date:

1. Brief history of the organization;
2. Number of members of the board and the executive committee;
3. Number of times the board and the executive committee meet annually.

Companies applying for the first time must submit an artistic and administrative development plan for a three-year period, beginning with the 1976–77 season. The plan should be clear and concise in outlining the company's seasonal development.

Application Processing

The application, if not completed properly, will be returned to the applicant for corrections. If the corrected application is not received by the Endowment in time for processing in accordance with the deadline date, it will not be considered for support in the 1976–77 season. The Endowment cannot accept responsibility for delays occasioned by the late arrival of applications or requests which have been improperly submitted.

Incomplete Application Files

If all additional required material has not been submitted, the application may be rejected.

Application Review

After an application with all necessary information has been received the file will be reviewed as follows:

1. The Endowment Music Staff, the Music Advisory Panel, and the National Council on the Arts successively review the application;

2. The applicant is notified concerning final action taken by the Chairman of the Endowment.

Applications are reviewed according to the following criteria:

1. Artistic quality;
2. Merit of the project;
3. Organizational stability;
4. Capacity to achieve objectives;
5. Professional service to the maximum constituency.

Notices of approval or rejection will be sent as the Chairman authorizes in the summer or early fall of 1976. Applicants are requested not to seek information on the status of their applications prior to such notification. While the Endowment welcomes expressions of interest in a project, extraordinary pressures beyond direct negotiations are not helpful.

Final Reports

At the conclusion of the grant period, the Endowment requires final reports from all grantees. Reporting suggestions will accompany the grant letter. All grantees are required to submit the following *in triplicate:*

1. Final Descriptive Report: A detailed narrative report describing what was accomplished during the grant period with Endowment funds.

2. Final Fiscal Report: An accounting of total expenditures and income related to the project. *Note:* This report is to be submitted on the same form #NEA–7 (Rev. 71) used for interim cash requests. The final cash request may also serve as a final fiscal report if the project has been completed and all related income and expenditures are shown on the report.

Other Endowment Programs of Interest

Fellowship-Grants to Composers/Librettists

The Music Program also offers a program of assistance to individuals to encourage:

1. The creation of new compositions or the completion of works in progress;

2. The creation of new librettos or the completion of librettos in progress;

3. The professional development of the composer or librettist.

This program is currently under review and may be changed. Anticipated application deadline for 1977 support is May 10, 1976. Composers and librettists interested in applying may obtain application forms and appropriate guidelines from the Music Program, National Endowment for the Arts, Washington, D.C. 20506.

VISUAL ARTS IN THE PERFORMING ARTS

The Endowment's Visual Arts Program offers a program of assistance to professional performing groups that wish to encourage the participation of outstanding artists who are not professional stage or costume designers in three areas:

1. Design of costumes;
2. Design of sets;
3. Design of posters which advertise single productions or a season's offerings and have limited signed editions.

Application deadline for projects beginning after August 1976, is January 15, 1976. Opera companies may obtain application forms and appropriate guidelines from the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506.

PROGRAMMING IN THE ARTS

The Public Media Program of the Arts Endowment offers assistance to nonprofit organizations for production, research, and development designed to improve the quality of arts programming on film, television, and radio. Some of the grants made specifically in regard to programming on Public Television will be jointly funded by the Corporation for Public Broadcasting and the Endowment.

Application deadline for projects beginning after April 15, 1976, is September 15, 1975. Organizations may obtain application forms and appropriate guidelines from the Public Media Program, National Endowment for the Arts, Washington, D.C. 20506.

PUBLICATIONS AND FILMS OF INTEREST

PUBLICATIONS

Americans and the Arts, Associated Councils of the Arts, 1974. Highlights of a public opinion survey of American's attitudes toward the arts and cultural activities.

Available from: ACA Publications, 1564 Broadway, New York, New York 10036. Price: $2.00 prepaid.

Artists in Schools, Like a humming in the air, National Endowment for the Arts, 1973.

This book recounts impressions of Bennett Schiff as he witnessed musicians, poets, dancers, sculptors, city planners, and filmmakers working in elementary and secondary schools in Alabama, California, Minnesota, Nebraska, Rhode Island, and Wyoming in 1972.

Available from: Program Information Office, National Endowment for the Arts, Washington, D.C. 20056. Price: Free.

Cultural Directory: Guide to Federal Funds and Services for Cultural Activities, Associated Councils of the Arts and the Federal Council on the Arts and the Humanities, 1975.

Comprehensive guide to more than 250 Federal Government programs offering funds and/or services to individuals, groups and cultural institutions. This publication also describes 47 cultural advisory groups and outlines laws of particular interest to the arts community. Paperbound, fully indexed, 356 pages.

Available from: Associated Councils of the Arts, 1564 Broadway, New York, New York 10036. Price: $4.00 prepaid.

"The Cultural Post," National Endowment for the Arts, (published four to five times a year).

Described as "a new vehicle for cultural ideas" and "an officially occasional publication and not a journal of record in any sense" by Nancy Hanks, Chairman of the National Endowment for the Arts, this publication aims at giving timely information on programs, grant projects, and information from the field.

Available from: Program Information Office, National Endowment for the Arts, Washington, D.C. 20506. Price: Free.

Federal Funding Sources for Cultural Facilities, National Endowment for the Arts, 1974.

Distillation of material from Cultural Directory (see above) and A Guide to Federal Programs: Programs and Activities Related to Historic Preservation (published by the National Trust for Historic Preservation).

Available from: Architecture + Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506. Price: Free.

Guide to Programs, National Endowment for the Arts (Published every July).

Booklet outlines all areas of assistance and grant programs of the Arts Endowment with eligibility requirements and application deadlines.

Available from: Program Information Office, National Endowment for the Arts, Washington, D.C. 20506. Price: Free.

National Endowment for the Arts, What It Is—What It Does, National Endowment for the Arts.

Brochure giving a brief description of Endowment goals, structure, and programs. Available in English, French, German, Japanese, and Spanish.

Available from: Program Information Office, National Endowment for the Arts, Washington, D.C. 20506. Price: Free.

FREE LOAN FILMS

The following films will be available after September 1, 1975 from:

National Endowment for the Arts Film Library, 600 Grand Avenue, Ridgefield, New Jersey 07657.

The borrower pays return postage and insurance only.

Dancers in Schools*—16 MM color 28 minutes.

This film documents demonstration/workshops conducted in Alabama and California by Murray Louis, Virginia Tanner, and Bella Lewitzky as part of the Artists-in-Schools Program that is jointly funded by the National Endowment for the Arts and the U.S. Office of Education. Filmmaker: D. A. Pennebaker.

Design for People . . . Or Maybe Not—16mm color 12 minutes.

This film portrays selected citizens' reactions to federal publications, stamps, signs, and educational material. It focuses on the need for the designer of visual materials to clearly address the specific needs of people. This movie was prepared for the Second Federal Design Assembly, part of an effort to achieve excellence in federal design.

Move*—16mm color 28 minutes.

Documentary film on aspects of the Dance component of the Artists-in-Schools Program. This film is only to be shown with Dancers in Schools. It includes San Francisco conference of dance company members, dance movement teachers and administrators and the residency of the Bella Lewitzky Dance Company in Reno, Nevada. Filmmaker: Steeg Productions, Inc.

Music in the Air—16mm color 28 minutes.

Documentary film on music component of the Artists-in-Schools Program in West Virginia and Louisiana during the 1972–73 school year. Filmmaker: Don Lenzer.

See-Touch-Feel—16mm color 28 minutes.

This film documents the 1969 pilot visual arts component of the Artists-in-Schools Program. Filmmaker: Donald Wrye.

*Dancers in Schools and Move will be shipped together for combined presentation.

[FR Doc.75-22355 Filed 8-22-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-332]

ALLIED-GENERAL NUCLEAR SERVICES, ET AL. (BARNWELL NUCLEAR FUEL PLANT SEPARATIONS FACILITY)

Certification Motion

AUGUST 19, 1975.

Oral argument on the intervenors' "Motion for Certification" will be heard by the Appeal Board at 1 p.m. on Thursday August 21, 1975, in the Commission's Public Hearing Room, which is located on the 5th floor of the East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

The intervenors will be allotted one hour for argument, a portion of which may be reserved for rebuttal. The applicants and the NRC staff will be allotted one-half hour each, in that order.

Neither the State of South Carolina nor the State of Georgia filed a response to the intervenors' motion. Ordinarily, then, the States would not participate in the oral argument, and their attendance is therefore not required. However, should those States wish to express their views on the questions before us, we will allow each fifteen minutes for oral argument, to be presented following the intervenors' opening argument.

It is so ordered.[1]

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-22375 Filed 8-22-75;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-39 and Amendment No. 9 to Facility Operating License No. DPR-48 issued to Commonwealth Edison Company

[1] In accordance with the terms of our order of August 11, 1975, the parties were advised by telephone on the afternoon of August 18, 1975, that this argument was being calendared.

which revised Technical Specifications for operation of the Zion Station Units 1 and 2, located in Zion, Lake County, Illinois. These amendments are effective as of the date of issuance.

These amendments temporarily change the Technical Specifications to modify to ten days the period of time during which unit operation is permitted after discovery of an inoperable diesel generator. The amendments require that both remaining diesels be operated continuously and the availability of alternate power sources be checked every eight hours to ensure their continued operability.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the licensee's application for amendments dated August 18, 1975, (2) Amendment No. 12 to License No. DPR-39 and Amendment No. 9 to License No. DPR-48, with Change No. 13, 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 Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of August 1975.

For the Nuclear Regulatory Commission.

ALFRED BURGER,
Acting Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-22376 Filed 8-22-75;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 11, 11, and 8 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments delete the definition of Refueling Period and make changes in several equipment surveillance items which were related to this definition. The simulated emergency transfer of the 4160-volt main feeder busses and the one-hour test discharge of the 125-volt DC instrument and control batteries are now required to be conducted annually. In addition, to be consistent with Standard Specifications, these amendments require that control rod trip insertion times be determined on individual rods following modification or maintenance which could affect the insertion time of those specific rods.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated March 12, 1975, as supplemented April 16, and July 19, 1975, (2) Amendments No. 11, 11, and 8 to Licenses No. DPR-38, DPR-47 and DPR-55, with Changes No. 21, 16, and 8 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 Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

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 15th day of August 1975.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-22377 Filed 8-22-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

Meeting

In accordance with the proposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on ECCS will hold a meeting on September 9-10, 1975 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting will be to discuss calculational results of ECCS evaluation models that have been formulated to confrom to Appendix K of Part 50 of Title 10, Code of Federal Regulations.

The following constitutes the agenda for the above meeting:

Tuesday, September 9 and Wednesday, September 10, 1975. The Subcommittee will meet with representatives of the NRC Staff and with repersentatives of some of the nuclear reactor vendors to discuss calculational results using ECCS evaluation models as formulated by each vendor to satisfy the ECCS acceptance criteria. The schedule for discussion with particular reactor vendors is (all times approximate):

September 9: 8:30 a.m. to 12:00 noon—General Electric Company; 1:00 p.m. to 5:30 p.m.—Westinghouse Electric Corp.

September 10: 8:30 a.m. to 12:00 noon—Babcock and Wilcox Company; 1:00 p.m. to 4:30 p.m.—Combustion Engineering, Inc.

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.

With respect to public participation during the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy thereof to the Office of the Executive Secretary, Attn: Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555. Statements which are postmarked by September 2, 1975 will ordinarily be received in time to be considered at the meeeting. Any statements received too late for consideration at the Subcommittee meeting will be provided to the full Committee for consideration at the next appropriate Subcommittee or full Committee meeting.

(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, during each portion of the meeting.

(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 September 8, 1975 to Mr. Thomas G. McCreless (telephone 202/634-1374) 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. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the meeting will be available for inspection after September 16, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, 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 Street, NE., Washington, 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 Street, NW., Washington, D.C. 20555 after December 10, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: August 20, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-22499 Filed 8-22-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER 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-63 issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit 1 located in Oswego County, New York.

The amendment would modify operating limits in the Technical Specifications based upon an evaluation of the ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Part 50, § 50.46. The amendment would also incorporate operating limits in the Technical Specifications based on the General Electric Thermal Analysis Basis in accordance with the licensee's application for amendment dated June 30, 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 September 24, 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 § 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 Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby & MacRae 1757 N Street, N.W., Washington, D.C. 20036, 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 June 30, 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 Oswego City Library, 120 E. Second Street, Oswego, New York 13126. The license amendment and the Safety Evaluation, when issued, 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 August 15, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-22242 Filed 8-22-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER 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-63 issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York.

The amendment would revise the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

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 September 24, 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 § 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 § 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 Arvin E. Upton, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, N.W., Washington, D.C. 20036, 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 letter from K. Goller to G. Rhode dated June 13, 1975 and the letter from G. Rhode to K. Goller dated July 2, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. 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 15th day of August 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-22243 Filed 8-22-75;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT (RANCHO SECO)

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District (the licensee) for operation of the Rancho Seco Nuclear Generating Station Unit 1 (the facility), a pressurized-water reactor located in Sacramento County, California, and currently authorized for operation at power levels up to 2568MWt.

In accordance with the licensee's application for a license amendment dated July 8, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the Rancho Seco Nuclear Generating Station Unit 1, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

In addition, the Commission is considering the issuance of a license amending which would revise the provisions in the Technical Specifications to reduce surveillance requirements for reactor building tendons as necessitated by equipment capability limitations, in accordance with the licensee's application for amendment dated May 23, 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 September 24, 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 § 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 David S. Kaplan, Secretary and General Counsel, 6201 S Street, Post Office Box 15830, Sacramento, California, 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 (1) the application for amendment dated July 8, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1776), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. The license amendment and the Safety Evaluation, when issued, 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 15th day of August 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-22244 Filed 8-22-75;8:45 am]

REGULATION OF NUCLEAR POWER PLANTS

Memorandum of Understanding

Both the Corps of Engineers, United States Army, and the United States Nuclear Regulatory Commission have responsibilities for assuring that nuclear power plants on coastal and inland navigable waters and at offshore sites are built and operated safely and with minimum impact on the environment. For the purpose of coordinating and implementing consistent and comprehensive requirements to assure effective, efficient and thorough regulation of nuclear power plants and to avoid conflicting and unnecessary duplication of effort and of standards related to overall public health and safety and environmental protection, the Corps of Engineers, United States Army, and the United States Nuclear Regulatory Commission have entered into a memorandum of understanding. The text of the memorandum is set forth below.

Dated at Washington, D.C., this 18th day of August 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CORPS OF ENGINEERS, UNITED STATES ARMY, AND THE UNITED STATES NUCLEAR REGULATORY COMMISSION FOR REGULATION OF NUCLEAR POWER PLANTS

1. *Purpose.* a. For the purpose of coordinating and implementing consistent and comprehensive requirements to assure effective, efficient and thorough regulation of nuclear power plants and to avoid conflicting and unnecessary duplication of effort and of standards related to overall public health and safety and environmental protection, the Corps of Engineers, United States Army (US Army CE) and the United States Nuclear

Regulatory Commission (U.S.N.R.C.) have entered into this Memorandum of Understanding—subject to their respective statutory authorities. The agreement pertains to nuclear power electric generating stations using nuclear steam supply systems, including their appurtenant structures, located in or affecting navigable waters. In the case of a floating nuclear power plant, such structures include the electrical transmission lines from the plant to a landbased substation, the protective breakwater and mooring systems, and all appurtenant supporting facilities.

b. Nothing in this Memorandum of Understanding is to be interpreted as contravening the terms of the existing Memorandum of Understanding between the Atomic Energy Commission and the Department of Defense dated 14/16 Feb 1967, pursuant to Section 91b of the Atomic Energy Act of 1954, as amended.

2. *Statutory Background.* a. *The Corps of Engineers, United States Army (US Army CE).* Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army, acting through the US Army CE exercises regulatory authority over the construction of any structures in navigable waters of the United States, the dredging and/or filling of any navigable waters of the United States, and any other activity which would alter or modify the course, condition, location or capacity of a navigable water of the United States. This responsibility encompasses onshore as well as offshore activities when such activities affect the course, condition or capacity of a navigable water of the United States. Navigable waters of the United States have been administratively defined by the US Army CE (33 C.F.R. 209.260) to generally include those waters, including the territorial seas, which are subject to the ebb and flow of the tide or which have been used, are used, or are susceptible of use as an instrument to transport interstate commerce.

The Outer Continental Shelf Lands Act (43 U.S.C. 1333(f)) extends the authority of the Secretary of the Army, acting through the US Army CE, to the prevention of obstruction to navigation in the navigable waters of the United States due to the construction of artificial islands and fixed structures on the outer continental shelf beyond the territorial sea.

Pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1344), the Secretary of the Army, acting through the US Army CE, exercises regulatory authority over the discharge of dredged or fill material in navigable waters at specified disposal sites. The selection of disposal sites will be in accordance with guidelines developed by the Administrator of the United States Environmental Protection Agency in conjunction with the Secretary of the Army. Furthermore, the Administrator can prohibit or restrict the use of any defined area as a disposal site whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such areas will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishing areas, wildlife or recreation areas.

Under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.), the Secretary of the Army, acting through the US Army CE, is authorized to issue permits for the transportation of dredged material from the United States for the purpose of dumping into ocean waters. However, as "dumping" is defined by Section 3(f) of that Act, it does not include the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters or on/or in the submerged land beneath such waters, for a purpose other than disposal when such construction or such placement is otherwise regulated by Federal law.

Where significant impacts on the quality of the human environment are expected to result from activities covered by an application for a permit under the above statutory provisions, the US Army CE must prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., before the Secretary of the Army, acting through the US Army CE, may issue the permit.

b. *The United States Nuclear Regulatory Commission (U.S.N.R.C.).* The Energy Reorganization Act of 1974 (Pub. Law 93-438 (88 Stat. 1233)) abolished the Atomic Energy Commission, and Section 201 of that Act created the Nuclear Regulatory Commission and transferred to the U.S.N.R.C. all the licensing and related regulatory functions of the Atomic Energy Commission. Pursuant to the Energy Reorganization Act of 1974; Chapters 6, 7, 8, 10, and 16 of the Atomic Energy Act of 1974, as amended, 42 U.S.C. 2011 et seq.; and the rules and regulations issued pursuant thereto, the U.S.N.R.C. is authorized to license and regulate the construction and operation of, among other things, nuclear power plants, from the standpoint of the common defense and security and public health and safety. In addition, pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., the U.S.N.R.C. is required to prepare an environmental impact statement on, and consider in its licensing actions, the effects on the quality of the human environment caused by the construction and operation of such plants.

3. *Agency Responsibilities.* a. *General Arrangements.* The U.S.N.R.C. will serve as "Lead Agency," exercising the primary responsibility in conducting environmental reviews and in preparing environmental statements for nuclear power plants covered by this Memorandum of Understanding. Except as otherwise indicated, all written communications of US Army CE to and from a license applicant or licensee relating to environmental analyses and reports will be transmitted through the U.S.N.R.C. Director of Nuclear Reactor Regulation or his designee. In particular, any actions requiring partial or complete shutdown of the nuclear power plant or changes from the design and operating limitations and conditions approved within the terms of this Memorandum of Understanding will be transmitted through the U.S.N.R.C. Director of Nuclear Reactor Regulation or his designee.

Except with respect to any actions requiring partial or complete shutdown of a nuclear power plant or changes from the design and operating conditions approved by either agency, each agency will separately enforce its pertinent regulations or orders and the conditions of the permits and licenses which it issues. Enforcement, as used in this Memorandum of Understanding, means the discovery of a violation of law of the conditions of a permit or license, the issuance of a notice of violation, and subsequent actions for the imposition of sanctions.

To the extent practicable, each agency will consult fully with the other with respect to enforcement actions concerning matters which affect the responsibilities of the other agency as described in this Memorandum of Understanding. Copies of correspondence and other documents relating to such enforcement action will be furnished to the other agency on a timely basis.

The U.S.N.R.C. and the U.S. Army CE will exercise the functions described in this agreement so as to avoid duplication of regulation to the maximum extent consistent with their respective statutory obligations, public health and safety, and environmental protection.

The U.S. Army CE, acting through the appropriate District Engineer, with the assistance of U.S. Army Corps of Engineers research and development centers, when such assistance is appropriate, will participate with the U.S.N.R.C. in the preparation of the environmental impact statements to include the drafting of material for the sections which consider and evaluate the following topics, as applicable, and the analysis leading thereto.

(1) Coastal erosion and other shoreline modifications, shoaling, and scouring;

(2) Siltation and sedimentation processes;

(3) Dredging activities and disposal of dredged materials; and

(4) Location of structures in or affecting navigable waters.

The applicant will comply with U.S. Army CE regulations in developing information needed for U.S. Army CE review. As do U.S.N.R.C. regulations, these regulations require the applicant to submit, at his expense, information required in support of his application. Once such information is received, the following procedure will apply to independent analysis of information received in any of these four areas. (An independent analysis is one requiring effort in addition to the analysis done by the U.S.N.R.C. and the U.S. Army CE staff.)

(1) U.S.N.R.C. will provide funding for such an independent analysis if U.S.N.R.C. agrees the independent analysis is needed and would normally be required by U.S.N.R.C. if U.S. Army CE were not involved.

(2) U.S. Army CE will require that the applicant pay contract or other costs of such analysis, as required in U.S. Army CE regulations, if U.S. Army CE determines that the independent analysis is needed, but U.S.N.R.C. does not agree that it is needed or does not agree that such analysis would be required under the regulatory procedures of U.S.N.R.C. In these cases, the contracting and collection of associated costs from the applicant will be the responsibility of the U.S. Army CE. The U.S.N.R.C. will be furnished copies of the results of the study.

In addition, the U.S. Army CE will review and comment on the draft environmental statement in other areas within its regulatory jurisdiction and areas in which the U.S. Army CE has special expertise, as required by NEPA.

b. *Inspections.* Within the scope of this Memorandum of Understanding, the U.S.N.R.C. and the US Army CE will exercise responsibilities for the same activities with respect to inspections as they exercise with respect to environmental reviews as discussed in 3.a. above.

c. *Public Hearings.* The U.S.N.R.C. will conduct a mandatory adjudicatory public hearing with the opportunity for public participation before an Atomic Safety and Licensing Board covering all environmental and radiological health and safety matters relating to the proposed issuance of a U.S.N.R.C. permit for construction of a nuclear power plant. When U.S.N.R.C. proposes to issue a limited work authorization for a nuclear power plant prior to issuance of a construction permit, a public hearing on site suitability and environmental issues will be held pursuant to the applicable U.S.N.R.C. regulations. An adjudicatory hearing will be also conducted prior to issuance of a U.S.N.R.C. license for operation of the nuclear power plant upon request of any person whose interest may be affected or if the U.S.N.R.C., on its own initiative, decides that such a hearing should be held.

The US Army CE, in connection with its statutory and regulatory requirements, will conduct public hearings when required (nor-

mally, when the US Army CE permit involves disposal of dredged or fill material).

On request, each agency will participate in any public hearings held by the other agency. Particularly, in the case of the U.S.N.R.C. hearings, the US Army CE will provide expert testimony, as required, in those areas (sections) covered in the U.S.N.R.C. Environmental Statements in whose preparation the US Army CE participated and those areas of special US Army CE expertise.

4. *U.S.N.R.C. Permits and Licenses and US Army CE Department of the Army Permits.* A U.S.N.R.C. permit to construct a nuclear power plant must be obtained prior to any commencement of any construction at the proposed site.[1] For certain nuclear power reactors, such as the floating nuclear power plants, such a construction permit will not be issued before the U.S.N.R.C. has issued a license to manufacture these reactors. The U.S.N.R.C. will prepare an environmental statement before such a construction permit is issued, discussing the environmental effects of construction and operation of the nuclear power plant at the proposed site; and the U.S.N.R.C. will also evaluate compliance with U.S.N.R.C. criteria for safe design, construction and operation of the nuclear plant including, if applicable, a plant manufactured pursuant to a manufacturing license. US Army CE will participate in the preparation of this environmental statement as described in Section 3, above. This construction permit will be issued on the basis of, among other things, the design and other information presented by the applicant in accordance with requirements of Title 10, Code of Federal Regulations, Chapter I.

It is anticipated that the single US Army CE Department of the Army permit, which authorizes all construction activities to be performed at the plant site, and the U.S.N.R.C. construction permit (or limited work authorization, as applicable) will be issued approximatey concurrenty for power reactors for which both agencies are authorized to issue permits. Each agency will promptly notify the other in writing of its issuance of a permit. If the U.S.N.R.C. issues a limited work authorization or grants a construction exemption in a situation where a US Army CE permit is also required, the U.S.N.R.C. will promptly notify the US Army CE in writing of the issuance of such an authorization or exemption. When the U.S.N.R.C. decides that it will grant a limited work authorization prior to issuance of a construction permit, the U.S.N.R.C. will advise the US Army CE of this decision. Both agencies will then coordinate their schedules of review and issuances of licenses and permits.

Prior to these issuances, each agency will send to the other a letter commenting on the proposed issuance from the point of view of the reviews assigned to the sending agency in Section 3 above and stating its intention to approve or disapprove issuance of its own permit.

Each agency will caution the applicant that issuance of its permit does not alleviate the need for permits and licenses of other agencies.

Following the above agency actions, and after any requisite public hearings have been held, a facility operating license may be issued by the U.S.N.R.C. pursuant to 42 U.S.C. 2133, 2134, 2232, and 2235.

5. *Procedures.* a. *Correspondence.* The following documents, relating to US Army CE responsibilities as described in Section 3 of this Memorandum, will be promptly transmitted to the proper recipients by the U.S.N.R.C. Director of Nuclear Reactor Regulation, issuances of licenses pursuant to applicable statutes and regulations, and in accordance with the provisions of this memorandum, correspondence to license applicants or licensees pertaining to licensing and cerlation or his designee: official U.S.N.R.C. notices to license applicants or licensees affected by the provisions of this Memorantification reviews, and correspondence relating to inspection actions. The U.S.N.R.C. will promptly forward to the US Army CE copies of correspondence with the applicant and other documents which affect the responsibilities of the US Army CE under the provision of this Memorandum.

b. *Public Information.* All correspondence to or from either agency dealing with matters which are the subject of this Memorandum of Understanding will be subject to the Freedom of Information Act. In addition, all correspondence flowing through the U.S.N.R.C. will be subject to § 2.790 of 10 CFR Part 2, which provides for routine disclosure of certain documents in public document rooms. Each agency will consult with the other agency before issuing any press releases on matters assigned to the other agency within this Memorandum of Understanding.

c. *Coordination of Reviews.* In routine matters relating to review of license applications, the appropriate U.S. Army Corps of Engineers District Engineer will be the contact point with the U.S. Army CE; and the designated Environmental Project Manager, Division of Reactor Licensing, will be the contact point within the U.S.N.R.C. Any questions which cannot be resolved at this level will be referred to intermediate levels of management within the U.S. Army and the U.S.N.R.C. If any questions cannot be resolved at these levels, they will be considered in direct communications between the Executive Director for Operations, U.S.N.R.C., and the Chief of Engineers, United States Army.

d. *Coordination of Inspections.* In matters of field inspections, the cognizant Directors of U.S.N.R.C. Regional Inspection and Enforcement Offices and the cognizant District Engineer will be the contact points for routine matters. Any questions which cannot be resolved at this level will be referred to intermediate levels of management within U.S. Army CE and U.S.N.R.C. Any questions that cannot be resolved at these levels will be referred to the Chief of Engineers, United States Army, and the Executive Director for Operations, U.S.N.R.C.

e. *Schedules of Reviews and Inspections.* In order to coordinate inspection and review activities and to efficiently implement regulatory requirements, each agency will advise the other of its schedules for accomplishing inspections and environmental reviews which have an effect on the activities of the other agency as defined in Section 3.a. of this Memorandum of Understanding. Where applicable, these schedules will be incorporated into the U.S.N.R.C. licensing project schedule. Representatives of each agency will be invited to coordination meetings held by the other agency pertaining to environmental review activities which are to be coordinated. Each agency will give priority to keeping the agreed schedules for environmental reviews and will keep the other agency advised of problems which are jeopardizing schedules.

f. *Amendment of Assignments.* The assignment of responsibilities of this Memorandum may be amended by exchange of letters between the Executive Director for Operations, U.S.N.R.C., and the Chief of Engineers, United States Army.

6. *Other Laws and Matters.* Nothing in this Memorandum of Understanding shall be deemed to restrict, modify, or otherwise limit the application or enforcement of any laws of the United States with respect to matters specified herein, nor the application or enforcement of such laws to matters other than those specified herein, nor shall anything in this Memorandum be construed as modifying the existing authority of either agency.

Dated: July 2, 1975.

LEE V. GOSSICK,
Executive Director for Operations, Nuclear Regulatory Commission.

Dated: July 2, 1975.

W. C. GRIBBLE, Jr.,
Chief of Engineers of US Army CE.

[1] Some activities may be conducted under a limited work authorization.

[FR Doc.75-22245 Filed 8-22-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5721]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

NOTICE IS HEREBY GIVEN that Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $35,000,000 principal amount of its First Mortgage Bonds, —% Series due October 1, —, have a term of not less than 5 years nor more than 30 years. Alabama will decide on the term of the new bonds and notify prospective bidders thereof not less than 72 hours prior to the time of the bidding. The interest rate (which shall be a multiple of ⅛%) and the price, exclusive of accrued interest, to be paid to Alabama (which shall be not less than 99% nor more than 102¾% of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of October 1, 1975, which includes a prohibition until October 1, 1980 against refunding the bonds with the proceeds of funds borrowed at a lower effective interest cost.

Alabama proposes to use the proceeds from the sale of the bonds together with: (1) cash contributions to capital of $67,000,000 by the Southern Company during 1975 heretofore authorized by the Commission (HCAR No. 18924 (April 9, 1975)), (2) funds provided from bond issues of public authorities for financing certain of Alabama's pollution control facilities, (3) funds provided from the sale and leaseback of properties, (4)

proceeds from the sale of $65,000,000 principal amount of additional first mortgage bonds and 250,000 shares ($25,000,000) of preferred stock later in 1975 (all of such financing to be subject to Commission authorization), and (5) cash on hand in excess of operating requirements, interest, and dividends, to finance its 1975 construction program (estimated at $434,568,000), to pay notes payable in the form of notes to banks and commercial paper notes incurred for such purpose, and for other lawful purposes. Alabama estimates that no additional financing will be required for construction purposes during 1975, except for the issuance and sale of short-term bank notes and commercial paper notes authorized by the Commission (HCAR No. 18926 (April 9, 1975)). It is estimated that $157,263,000 of such notes payable will be outstanding at December 31, 1975.

It is stated that the Alabama Public Service Commission has authorized the proposed issuance and sale of bonds by Alabama. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 10, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22358 Filed 8-22-75;8:45 am]

[812-3709]

ARNOLD BERNHARD & CO., INC., ET AL.

Notice of Filing of Application Pursuant to Section 17(d) of the Act and Rule 17d-1 Thereunder

NOTICE IS HEREBY GIVEN that The Value Line Fund, Inc. ("VLF"), The Value Line Income Fund, Inc. ("VLIF"), The Value Line Special Situations Fund, Inc. ("VLSSF"), 5 East 44th Street, New York, New York 10017, registered open-end investment companies under the Investment Company Act of 1940 ("Act") (VLF, VLIF, and VLSSF are herein collectively referred to as the "Funds"), The Value Line Development Capital Corporation ("VLDCC"), registered under the Act as a closed-end investment company, Arnold Bernhard & Co., Inc. ("AB & Co."), the investment adviser to the Funds and VLDCC, and Value Line Securities, Inc. ("VLS"), a wholly-owned subsidiary of AB & Co., registered as a broker-dealer pursuant to the Securities Exchange Act of 1934 ("1934 Act") and the principal underwriter for each of the Funds, (the Funds, VLDCC, AB & Co., and VLS are herein collectively referred to as the "Applicants") filed an application on October 18, 1974, and amendments thereto on January 3, 1975, January 16, 1975, and February 25, 1975, for an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting Applicants to participate in a settlement of certain litigation in the manner provided in agreements between AB & Co. and VLS and each of the Funds. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

On May 1, 1974, the United States District Court for the District of Massachusetts approved the settlement and dismissal of an action which the Applicants had commenced on March 8, 1971, against Keystone Custodian Funds, Inc. ("Keystone"), its wholly-owned subsidiary, Investment Companies Services Corporation ("ICSC"), and certain named individuals. This action related to agreements which, in the Spring of 1968, each of the Funds and VLS had entered into with ICSC. These agreements provided that ICSC would furnish shareholder servicing and transfer agency services to the Funds.

The action charged that as a result of errors and defaults by ICSC in performance of its duties under the agreements, share certificates of the Funds were issued by ICSC without receipt of payment or remittance to the Funds, shares of the Funds were not issued to purchasing shareholders or were issued in wrong amounts, liquidation payments were made in duplicate or sometimes were not remitted to shareholders, purchases were not recorded or were inaccurately recorded, commissions were not paid to dealers and VLS or were paid in duplicate or in wrong amounts, dividends and capital gains distributions were improperly paid and credited, and ICSC's books, compiled pursuant to ICSC's duties as transfer agent for the Funds, indicated more shares of the Funds outstanding than appeared on the Funds' own books.

As a result of the difficulties referred to in the action, VLSSF, in 1969, suspended all sales of its shares, and the Commission instituted an administrative proceeding against VLS and its controlling persons charging them with, among other things, having sold shares of the Funds without disclosure of the state of the Funds' books, records, and shareholder servicing. This proceeding was settled by a consent order (Securities Exchange Act Release No. 9183, May 25, 1971). In connection with the settlement of this proceeding, respondents represented that they had voluntarily placed shares of the Funds owned by them in escrow to save shareholders from any harm as a result of possible discrepancies in the records of the Funds and had taken steps and expended substantial sums of money to assure that current operations were in compliance with applicable laws and regulations and that the difficulties which accumulated in the past were effectively remedied without cost or loss to the Funds or their shareholders.

In the action against ICSC, the Applicants sought recovery of the sums expended by AB & Co. and VLS in rectifying the above-described situation, damages for the loss of underwriting and advisory fees and for injury to the Value Line name, and damages to the Funds for loss of good will, payments to ICSC made under protest, loss of sales and other injuries. Damages were alleged, without differentiation as to the various plaintiffs, in the amount of $40,000,000.

The settlement provided for a payment by defendants to Applicants of $2,082,500. An allocation between "damages" and "goodwill" being important for tax purposes, it was provided that $1,182,500 was allocated for "damages" and $900,000 for injury to "goodwill". The settlement also provided that, among other things, certain claims against dealers and shareholders would be assigned by ICSC to Applicants, the Funds would be released from obligations on an overdraft in the State Street Bank & Trust Co. in the amount of $222,097 that had been incurred by ICSC on behalf of the Funds, and the Funds and VLS would relinquish their rights to sums representing collections by ICSC which ICSC had not transmitted to the Funds, against which sums ICSC had alleged certain offsets "for bank charges and debts", and ICSC would relinquish such offsetting claims.

AB & Co. and VLS have entered into an agreement with each of the Funds with reference to the settlement. Pursuant to the agreements (1) AB & Co. would continue to hold the Funds harmless against claims that may be asserted by shareholders, debtors or others as a

result of the services performed by ICSC, (2) AB & Co. or VLS would pay to each Fund a number of shares equal to the share discrepancy in respect of the Fund, per books, (3) the cash amount received in settlement would be retained by AB & Co. or VLS, (4) no claim would be made by AB & Co. and VLS against the Funds for recoupment of any part of the costs of the litigation and no recourse would be made to the Funds for any part of the out-of-pocket expenses or other costs or amounts to be paid by AB & Co., and (5) AB & Co. would, in possible recoupment of sums otherwise paid or to be paid by AB & Co. for the Funds, take the claims of ICSC against dealers and shareholders which ICSC had assigned to Applicants.

The settlement payment and the value of the claims assigned to AB & Co. are stated to be less than a conservative statement of the costs and expenditures of AB & Co. and its wholly-owned subsidiaries allegedly due to ICSC's actions as Transfer Agent. These expenses are stated to be in the amount of $2,517,408, consisting of legal, accounting, and other similar expenses in the amount of $2,116,800, the cost of shares of the Funds surrendered by AB & Co. to the Funds to cover discrepancies in books and records of the Funds, amounting to $346,000 as of April 30, 1974, and forfeited dividends on the shares of the Funds which AB & Co. had placed in escrow to hold the Funds harmless from damages resulting from the state of their books and records, totaling $54,008.

Applicants state that VLDCC's interest in the litigation was nominal or nonexistent since it had not been a party to the transfer agency arrangement with ICSC.

The Boards of Directors of the Funds and of VLDCC, including the non-interested members thereof, have authorized and approved the settlement agreement, and the Boards of Directors of each Fund, including the non-interested members thereof, have approved the respective agreement between their Fund and AB & Co. and VLS relating to the settlement.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants. The arrangement among Applicants in connection with the settlement may be deemed to constitute a joint transaction or arrangement subject to the provisions of Section 17(d) and Rule 17d–1 of the Act.

Applicants state that the aforesaid arrangement in connection with the settlement is consistent with the provisions, policies and purposes of the Act and that each of the Funds and VLDCC are and have been fairly dealt with and are participating and have participated on a basis which is no less advantageous than that of other participants.

Notice is further given that any interested person may, not later than September 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 8, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–22359 Filed 8–22–75;8:45 am]

[File No. 500–1]

CHILL CAN INDUSTRIES, INC.

Notice of Suspension of Trading

AUGUST 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Chill Can Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 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 12:10 p.m. (EDT) on August 14, 1975 through midnight (EDT) August 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–22360 Filed 8–22–75;8:45 am]

[70–5719]

EASTERN UTILITIES ASSOCIATES, ET AL.

Notice of Proposed Charter Amendment To Increase Subsidiary's Authorized Preferred Stock; Issue and Sale of Preferred Stock and First Mortgage Bonds by One Subsidiary; Issue and Sale of Debenture Bonds by One Subsidiary to a Second Subsidiary; Request for Exception From Competitive Bidding

NOTICE IS HEREBY GIVEN that Eastern Utilities Associates, a registered holding company, and two of its electric utility subsidiary companies, Brockton Edison Company ("Brockton") and Montaup Electric Company ("Montaup"), have filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7, 9, 10, 12(b), 12 (c) and 12(d) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Brockton proposes to amend its Articles of Organization to increase its capital stock in an amount not to exceed $6,000,000, consisting of not more than 60,000 shares of its—% preferred stock, par value $100 per share ("stock"). Terms of the stock, including the dividend rate (which shall be a multiple of .04% of the par value), the price to be paid to Brockton (which shall not be less than $100 nor more than $102.75 per share) and a possible sinking fund are proposed to be determined by negotiation, as discussed further below.

Brockton requests an exception from the competitive bidding requirements of Rule 50 under the Act so that it may negotiate a private placement of the stock with a single institutional investor or a number of such investors. Brockton proposes to employ the assistance of Kidder, Peabody & Co., Inc. as financial adviser to arrange such a private placement. As reasons for the requested exception from competitive bidding, Brockton states, among other things, that there is a probable lack of familiarity with Brockton among investors both as to Brockton's operations and its securities. Brockton has two classes of preferred stock and seven series of bonds publicly held, and there has been very little trading activity in any of these issues in recent years. Brockton also states that the size of the proposed offering of the stock may be too small to generate competitive bids.

In the event Brockton receives authority to negotiate terms for placement of the stock, but such terms are not acceptable to Brockton, Brockton proposes to offer the stock at competitive bidding pursuant to Rule 50 under the Act. In that event, the dividend rate and the price Brockton will receive will be determined by the competitive bidding.

Brockton also proposes to issue and sell up to $20,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, —% Series, due 1985 ("bonds") by competitive bidding. The interest rate on the bonds (which shall be a multiple of ⅛ of 1%) and the price to be paid to Brockton (which shall be not less than 100% nor more than 102¾% of the principal amount of the bonds) will be determined by competitive bidding. The bonds are to be issued under Brockton's Indenture of First Mortgage and Deed of Trust dated as of September 1, 1948, between Brockton and State Street Bank and Trust Company, Trustee ("Indenture"), as heretofore supplemented and as to be further supplemented by a Tenth Supplemental Indenture between Brockton and the Trustee. The Supplemental Indenture may contain a prohibition against redemption of the bonds prior to October 1, 1980, in connection with the refunding of such bonds with funds obtained at a lower effective interest cost to Brockton.

Net proceeds from the sale of the stock and bonds by Brockton will be applied by Brockton to the purchase of Debenture Bonds proposed to be issued by Montaup, as described below.

Montaup proposes to issue and sell to Brockton, and Brockton proposes to acquire, up to $26,000,000 principal amount of Montaup's —% Debenture Bonds due 2005 ("debenture bonds"). The interest rate of the debenture bonds will be supplied by amendment. The debenture bonds will contain all of their terms and there will be no indenture or similar instrument governing them. Brockton proposes to pledge the indenture bonds under its own Indenture.

Proceeds to Montaup from the sale of its debenture bonds will be applied to reduce short-term bank borrowings and/or to reimburse Montaup's treasury for construction expenditures. It is estimated that at the time of the issuance of the debenture bonds, Montaup will have $40,000,000 in short term bank borrowings outstanding.

It is stated that the Department of Public Utilities of the Commonwealth of Massachusetts and the Public Utilities Commission of the State of Connecticut have jurisdiction over various aspects of the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 9, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22361 Filed 8-22-75;8:45 am]

[70-5388]

EASTERN UTILITIES ASSOCIATES, ET AL.

Notice of Proposed Extension of Bank Borrowing by Subsidiary Company

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its electric utility subsidiary companies, Blackstone Valley Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup"), have filed post-effective amendments to their application-declaration, as previously filed and amended in this proceeding with this Commission designating Sections 6 (a), 7, 9(a), 10, 12(b), 12(c) and 12(f) of the Act and Rules 43(a) and 45(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as further amended by said post-effective amendments, which is summarized below, for a complete statement of the proposed transactions.

EUA has proposed a series of transactions designed to effect the transfer of Blackstone's proportionate ownership in the securities of Montaup, the EUA system generating company, to Brockton, with the result that Brockton will thereafter own 81% of Montaup. Fall River, EUA's other electric utility subsidiary, will continue to own 19% of Montaup's securities under the proposed arrangement.

As a part of this proposed program, Blackstone has been authorized in this proceeding to borrow $15,000,000 from First National City Bank ("FNCB"), said loan being secured by a lien on Blackstone's Montaup securities (HCAR No. 18606, October 16, 1974). Terms of this loan include provisions that it may be assumed by Brockton. Blackstone used the proceeds of the loan to reduce open account advances from EUA.

It is now stated that in order to give additional time for the proposed transfer of Blackstone's Montaup securities to Brockton subject to the FNCB loan, it is proposed that the loan from FNCB to Blackstone be extended for a one year period from October 16, 1975 to October 15, 1976. It is further stated that the ultimate transfer of the Montaup securities to Brockton subject to the FNCB loan is still contemplated. The FNCB loan to Blackstone, as so extended, will bear interest at 115% of the base rate in effect at FNCB. CUA will maintain a $100,000 balance in an account with FNCB while that loan to Blackstone is outstanding.

It is stated that the Public Utilities Commission of the State of Rhode Island has jurisdiction over the proposed extension of the FNCB loan and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 12, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendments, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22362 Filed 8-22-75;8:45 am]

[812-3824]

EQUITABLE VARIABLE LIFE INSURANCE CO.

Application for an Order of Exemption

NOTICE IS HEREBY GIVEN that Separate Account I of Equitable Variable Life Insurance Company (the "Account"), Equitable Variable Life Insurance Company ("EVLICO"), and The Equitable Life Assurance Society of the United States ("Equitable"), 1285 Avenue of the Americas, New York, New York 10019 (hereinafter collectively called "Applicants") have filed an application on June 24, 1975 and an amendment thereto on August 6, 1975 pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from Sections 8(b), 13(a), 14(a), 15(a), 15(c), 18(i), 22(d), 22(e), 27(c), 27(f), 27(h)(1) of the Act and Rules 22c-1 and 27f-1 thereunder. 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 Account, established by EVLICO on June 28, 1973 pursuant to the Insurance Law of the State of New York, is a separate investment account to which amounts are to be allocated to support reserves and other liabilities arising from variable life insurance ("VLI") contracts proposed to be issued jointly by the Account is registered as an open-end diversified management investment company under the Act and meets the definition of "separate account" under Section 2(a)(37) of the Act and Rule 0-1(e) thereunder. The assets of the Account will be derived solely from the sale of EVLICO's VLI contracts and advances made by EVLICO in connection with the operation of the Account. The Account will not be used for variable annuity contracts or for the investment of funds corresponding to dividend accumulations or other contract provisions not involving life contingencies. For purposes of certain provisions of the Act, the Account is deemed to be an issuer of periodic payment plan certificates.

EVLICO, a wholly-owned subsidiary of Equitable, is a stock life insurance company organized in 1972 under the laws of the State of New York. As of March 31, 1975, it had total assets of approximately $7.9 million, and as of June 16, 1975, was authorized to transact a life insurance and annuity business in New York and 38 other states. EVLICO is registered as a broker-dealer under the Securities Exchange Act of 1934 ("1934 Act") and as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act").

Equitable is a mutual life insurance company organized under the laws of the State of New York in 1859. Equitable is the third largest life insurer in the United States in terms of assets. Equitable, registered with the Commission as a broker-dealer under the 1934 Act, and as an investment adviser under the Advisers Act, will function, together with EVLICO, as the principal underwriter and investment adviser for the Account.

EVLICO and the Account, as joint issuers, have filed registration statements under the Securities Act of 1933 for the offering of two types of variable life insurance contracts, a Variable Whole Life Insurance contract and a Variable Increasing Protection Life Insurance contract. EVLICO's VLI contracts provide for an amount payable on death which, so long as premiums are duly paid, varies to reflect the investment experience of the Account. The contracts specify a face amount and guarantee payment of a death benefit (the "guaranteed minimum death benefit") at least equal to that amount, irrespective of investment experience. Under EVLICO's Variable Increasing Protection Life Insurance contract, the face amount, i.e., the guaranteed minimum death benefit, increases by 3% at the beginning of each policy year from the second to the fifteenth and is constant thereafter at 150% of the initial face amount. The amount payable on death is calculated at the beginning of each contract year to reflect the Account's investment experience during the previous contract year and is guaranteed for the entire ensuing contract year. The life insurance coverage under the contracts is for the whole of life, and the mortality and expense risks thereunder are guaranteed and assumed by EVLICO which assesses an annual charge against the assets of the Account to cover such contingencies. The contracts provide for first year cash values and for cash values that equal the reserves at the end of each contract year. The contracts are subject to regulation under the insurance laws of each state in which such contracts are offered, including all required approvals by the insurance commissioner of each such state.

The Commission has determined that variable life insurance contracts and related persons are subject to the federal securities laws and, specifically, that separate accounts established to fund variable life insurance contracts should be subject to the regulatory provisions of the Act (Investment Company Act Release No. 8690 (February 27, 1975)). Applicants submit that, accordingly, EVLICO has designed its VLI contracts and the operations of the Account funding the contracts so as to comply, as nearly as possible, with the requirements of the Act and has caused the Account to register as an investment company. Nevertheless, Applicants assert that certain aspects of EVLICO's VLI contracts and Applicants' operations do not exactly conform with the Act. In requesting specific exemptions under the Act, Applicants request that the Commission exercise its authority pursuant to Section 6(c) to order exemptions which are necessary or appropriate in the public interest and consistent with the protection of investors, in recognition of the fact that EVLICO's VLI contracts—in terms of their provisions and administration—contain important characteristics of insurance policies and are appropriately regulated by state insurance authorities.

Section 14(a)

Section 14(a) provides, in pertinent part, that no registered investment company, and no principal underwriter for such a company, shall make a public offering of securities of which such company is the issuer, unless such company has a net worth of at least $100,000. EVLICO has allocated $80,000 to the Account which is the maximum permitted amount under New York Insurance Law. Accordingly, Applicants request an exemption from Section 14(a) in order to make a public offering of VLI contracts under circumstances where the Account's net worth is expected to be less than $100,000.

Applicants assert that the Account will be sponsored and advised by responsible entities within the intendment of Section 14(a) which was designed to halt the irresponsible formation of investment companies. Reference is also made to the fact that EVLICO's capital and surplus exceed the minimum standard of Rule 14a-2 which provides an exemption from Section 14(a) with respect to certain variable annuity separate accounts.

Section 18(i)

Section 18(i) provides, in pertinent part, that every share of stock issued by a registered management company shall be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that, because of the insurance nature of EVLICO's VLI contracts, no "share of stock" within the meaning of the Act, and no analogous unit of pro rata interest, can, or will be, issued under the contracts. EVLICO has determined, in the absence of shares of stock, to base voting rights on the cash values which represent the amounts payable to contractholders if they surrender their contracts. Each contractholder will have one vote for each $100 of cash value determined as of a record date not more than 60 days before the date of the annual meeting.

Applicants submit that fair and reasonable voting rights will be afforded in connection with every contract and equality will be achieved by computing the voting rights on the same basis for all contracts.

Applicants seek relief in order to eliminate any question as to full compliance with the Section.

Sections 15(a), 15(c) and 18(i)

Sections 15(a) and 15(c), in pertinent part, provide that it shall be unlawful for a person to serve as an investment adviser of a registered investment company, except pursuant to a written contract approved by a vote of the board of directors of the investment company and/or the outstanding voting securities of such company in accordance with the requirements of the Sections.

Applicants submit that the Act does not specifically grant to contractholders or the Account's Commitee (*i.e.*, Board of Directors) the power to select a new investment adviser, but that it is possible that Section 15 and/or Section 18(i) could be interpreted as implying such a right or obligation in the event the requisite approval of the Account's investment adviser's agreement with Equitable and EVLICO were not obtained. Similarly, Applicants assert that it may be claimed that contractholders have the right to propose a change of investment adviser under the 1934 Act. In order to eliminate any question as to full compliance with the Act, Applicants request an exemption from Sections 15(a), 15(c) and 18(i) so that EVLICO may disapprove an outside adviser. EVLICO believes that it must provide against the contingency that voting power might be used to take action that, in the view of EVLICO or state insurance regulators, could impact unfavorably on EVLICO's solvency, including its liability exposure relating to the guaranteed minimum death benefit and other risks assumed under the VLI contracts.

In requesting this exemption, EVLICO undertakes that it will disapprove a change in investment adviser only for the following reasons and subject to the following limitations and conditions:

a. EVLICO's disapproval would not be unreasonable, and EVLICO would disapprove for only one or more of the reasons listed below which would be given in writing to the Account's Committee and which the Committee would have the right to have included in any proxy statement for the next annual meeting of contractholders.

b. EVLICO would disapprove a proposed change if it were contrary to state law or if state insurance regulators prohibited the proposed change.

c. Even if state insurance regulators did not prohibit the proposed change, EVLICO would disapprove if:

i. The rate of the proposed investment advisory fee would exceed the maximum rate that EVLICO would be permitted to charge against the Account's assets for such services as specified in the VLI contracts, or

ii. EVLICO determined that the change to the proposed adviser could, in view of the nature of the VLI contracts, have an adverse effect on its general account, in that the proposed adviser could reasonably be expected, based on that adviser's general reputation and standing, advisory and research publications, past performance with clients, or the like, to engage in practices which could involve investments or investment techniques which would be unsound or overly speculative. Such investments and investment techniques could include, but not necessarily be limited to, those which (1) were inconsistent with the Account's objective to achieve increasing income and long-term appreciation of capital, consistent with investment quality, (2) varied from the general quality and nature of investments and investment techniques pursued by Equitable's or EVLICO's separate accounts which are registered as investment companies or have comparable categories of investments, or (3) reflected an extreme or disproportionate investment emphasis in terms, for example, of a particular philosophy, type of security, type of securities market or technique.

Sections 8(b), 13(a), and 18(i)

Section 8(b), in pertinent part, requires every registered investment company to file with the Commission a registration statement reciting the investment policies of the company and enumerating those which are changeable only if authorized by shareholder vote. Section 13(a), in pertinent part, provides that no registered investment company shall, unless authorized by the vote of a majority of its outstanding voting securities, deviate from any investment policy which is changeable only if authorized by shareholder vote.

Applicants request an exemption from Sections 8(b), 13(a), and 18(i) so that any proposed changes in investment policies may be disapproved by state insurance authorities and EVLICO. This exemption request with respect to a change in investment policies is similar to that requested above with respect to a change in investment adviser. Applicants assert that contractholders and the Account's Committee may be deemed to have a right, under the Act or Section 14 of the 1934 Act, to propose a change in investment policy, even though such a right is not specifically granted by the Act. Applicants submit that a change in the Account's investment policy could have the same adverse effects for EVLICO's general account as a change in investment adviser. In requesting this exemption, EVLICO undertakes that any disapproval of a change in investment policy would be subject to the applicable limitations and conditions set forth above.

Applicants request a further exemption from Sections 8(b), 13(a) and 18(i) to permit changes in existing investment policies or adoption of new investment policies, without contractholder vote where required by state insurance regulators. Such authorities have the ultimate power to impose or change investment policies to assure that EVLICO's general account, which has liabilities relating to the guaranteed minimum death benefit and other risks under the VLI contracts, is not unduly jeopardized.

Sections 22(e) and 27(c)(1) and Rule 22c-1

Section 22(e) provides, in pertinent part, that no registered investment company may suspend the right of redemption or postpone payment upon redemption of any redeemable security for more than seven days after tender of such security to the company or its designated agent. Section 27(c)(1) provides that it shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any underwriter for such company, to sell any such certificate, unless such certificate is a redeemable security. The term "redeemable security" is defined in Section 2(a)(32) to mean any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Rule 22c-1 essentially requires that redemptions be made on the basis of daily, forward pricing.

Applicants request an exemption from Sections 22(e) and 27(c)(1) and Rule 22c-1 in order to sell and administer VLI contracts with the provisions contained therein and supporting administrative procedures. EVLICO's VLI contracts provide for the payment of monies to a contractholder or beneficiary upon presentation to EVLICO of a contract. Applicants assert that, generally speaking, these provisions, and Applicant's supporting administrative procedures, have been structured so as to meet the intendment of the Act as closely as deemed feasible, particularly with respect to the forward pricing requirements of Rule 22c-1 and the prompt payment requirements of Section 22(e).

The application sets forth a description of the principal provisions and procedures which might be deemed to constitute, either directly or indirectly, a "redemption" of the contractholder's interest within the meaning of the Act, including surrender for cash value, death claims, and exchange of contract. Applicants submit that, because of the insurance nature of the contracts, the procedures involved necessarily differ in certain significant respects from the redemption procedures for mutual funds and contractual plans. The principal difference is asserted to be that the payee will not receive a pro rata or proportionate share of the Account's assets within the meaning of the Act. The amount received by the payee will depend upon the particular benefit for which the contract is presented. There are also certain contract provisions—such as options on lapse and cash value loans—pursuant to which the contract will not be presented to EVLICO but which will affect the contractholder's benefits and involve a transfer of the assets supporting the reserve out of the Account. Finally, state insurance law may require that certain requirements be met before EVLICO is permitted to make payments to the payee.

Section 22(d) and Rule 22c-1

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a

current public offering price described in the prospectus.

Applicants request an exemption from Section 22(d) and Rule 22c–1 in order to sell and administer VLI contracts with the provisions contained therein and supporting administrative procedures.

The application sets out a summary of the principal VLI contract provisions and administrative procedures which might be deemed to constitute, either directly or indirectly, a "purchase" transaction, including premium schedules and underwriting standards, application and initial premium processing, anniversary and premium processing, correction of misstatement of age or sex, and reduction in premium rate classification. Applicants submit that, because of the insurance nature of the contracts, the procedures involved necessarily differ in certain significant respects from the purchase procedures for mutual funds and contractual plans. The chief differences revolve around the premium rate structure, the insurance underwriting (i.e., evaluation of risk) process and EVLICO's advancement of the "net annual premium" whether or not a premium has been paid. There are also certain contract provisions—such as reinstatement and loan repayment—which do not result in the issuance of a contract but which require certain payments by the contract-holder and involve a transfer of assets supporting the contract reserve into the Account.

Rule 22c–1

The calculation of the amount payable on death will be made on each contract's anniversary date, and the amount payable on death will remain constant during the contract year provided premiums have been duly paid. If payment of the amount payable on death should be deemed to constitute a "redemption" or "repurchase" within the meaning of the Act, EVLICO's calculation procedure would not comply with the daily forward pricing requirements of Rule 22c–1.

Applicants submit that there is a substantial question whether the purposes of Rule 22c–1—and the concepts of the Act on which the Rule is based—can be said to be applicable here. They assert that under EVLICO's contracts, as is true with all insurance policies, there are no units or other measure of interests comparable to mutual fund shares or variable annuity units. The amount payable on death is payable regardless of the amount of the aggregate premiums which have been paid. Furthermore, Rule 22c–1 is conceptually concerned with balancing the interest of the purchasing or redeeming holder against the interests of the body of other holders, in connection with an investment decision made by that holder. Obviously, a VLI contractholder cannot (except for suicide) choose when to die and thereby trigger payment of the variable amount payable on death.

Notwithstanding the foregoing, Applicants request an exemption from Rule 22c–1 to eliminate any question as to full compliance with the Rule, based on the following reasons: (1) EVLICO believes that the contract-holders and beneficiaries will be advantaged if they are able to expect a particular amount to be payable for at least a year; (2) under EVLICO's contract design, excess earnings above the assumed rate of investment return will "purchase" paid-up whole life additions to the insurance which will result, in the early contract years, in relatively small changes in the amount payable on death; (3) under a design that provides for a daily variation in the amount payable on death, the daily equivalent of the "annual net premiums" typically would be allocated to the Account on a daily basis, and such an approach, on average, would treat all premium frequencies less favorably than EVLICO's design, because there would be less money "working" for the contractholder in terms of the investment experience of the Account; (4) operating an administrative system that must provide for the daily allocation of "net premiums" and the daily change in the variable death benefit would increase costs significantly; (5) EVLICO's design was constructed so that a contractholder, if he desired, could calculate the change in amount payable on death from the factors stated in the contract and the historical record of the Account indices, and this would be virtually impossible under a system of daily changes in the amount payable on death; and (6) the annual variation in amount payable on death and annual allocation of the "net premiums" to the Account has enabled EVLICO to develop a simpler contract with respect, for example, to the loan and options on lapse provisions.

Section 27(c)(2)

Section 27(c)(2) prohibits a registered investment company, or a depositor or underwriter for such company, from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a) (2) and (3) for trust indentures of a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from Section 27(c)(2). The Account intends to comply fully with Section 17(f) by entering into a custodian agreement which satisfies the requirements of that Section. Applicants assert that since Sections 17(f) and 27(c)(2) overlap in certain fundamental respects, important protections imposed by Section 27(c)(2) will be provided to contractholders under the corresponding provisions of Section 17(f). Moreover, in keeping with the insurance nature of the VLI contracts, Applicants intend to receive premium payments directly, pursuant to procedures described in the application, and submit that such procedures are consistent with the practice of the life insurance industry and afford adequate safeguards to contract applicants and holders. The operations of both Equitable and EVLICO, including the receipt and processing of premiums, are closely regulated by the New York Insurance Department. Under New York Insurance Law, EVLICO may not abandon its obligations to VLI contractholders until they have been fully discharged. Applicants submit that the dangers against which Sections 27(c)(2) and 26(a) are directed are not present under these circumstances.

Applicants state that the deductions from premiums for administrative expenses will cover the charges levied by the custodian bank pursuant to the arrangements described above, and that a small portion of such deductions may be attributable to "bookkeeping and other administrative services (performed by EVLICO), of a character normally performed by the trustee or custodian itself" within the meaning of Section 26(a)(2)(C). In addition, the charges against Account assets for EVLICO's assumption of the expense risk could be deemed to be charges for such services.

Applicants consent that the requested exemption may be subject to the conditions (i) that such portion of the deduction from premiums for such administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (ii) that the payment of sums and charges, if any, out of the assets of the Account for such administrative services shall not be deemed to be exempted from regulation by the Commission, pursuant to Sections 27(c)(2) and 26(a)(2)(C), by reason of the requested order. However, Applicants' consent to these conditions shall not be deemed to be a concession to the Commission of authority to regulate the deductions from premiums or sums and charges paid out of the assets of the Account, other than the charges for such administrative services, and Applicants reserve the right, in any proceeding before the Commission, in any suit or action in any court, to assert that the Commission has no authority to regulate the amount of deductions from premiums and payments from assets of the Account, other than for such administrative services. In this connection, Applicants assert that virtually all of the deductions from premiums for administrative expenses relate to the insurance nature of the product.

Section 27(f) and Rule 27f–1

Section 27(f) provides, in pertinent part, that, with respect to any periodic payment plan, the custodian bank for such plan shall mail to each certificateholder, within sixty days after the is-

suance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal, and the certificateholder may within forty-five days of the mailing of the notice surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. Rule 27f–1 specifies the method of transmittal, form and contents of the required notice.

Applicants request an exemption from Section 27(f) and Rule 27f–1 to permit EVLICO's contracts to provide that the contractholder, within 45 days of the completion of Part 1 of the application for issuance of the contract or 10 days after receipt of the contract or the mailing of the notice of the right of withdrawal, whichever is later, may return the contract for cancellation and receive therefor the premium paid. Such a provision is required under the insurance law of a number of states.

Applicants assert that a VLI contractholder will not hold a pro rata or proportionate share of the Account's assets within the meaning of the Act, and there will be no "account" under the VLI contracts within the contemplation of Section 27(f). Under these circumstances, there would be no dilution to any other contractholder if the full premium were paid to a VLI contractholder exercising his withdrawal right. It is also noted that payment of the full premium upon demand during the withdrawal period has the effect of not reimbursing EVLICO for the cost of insurance coverage provided up to the date of withdrawal and the first year administrative expenses. While the return of the full premium takes no account of the investment experience of the Account between the register date (as defined in the application) and the date of withdrawal, Applicants assert that any increase in cash value attributable to investment experience during this short period would be trivial when compared with the cost of insurance and administrative expenses for which no charge will be made.

The cost of providing insurance during the withdrawal period will be borne by EVLICO and, insofar as it affects the determination of premium rates, indirectly by all EVLICO contractholders. The cost will vary in direct proportion to the length of the withdrawal period. In view of the underwriting (*i.e.*, evaluation of risk) period that must precede the issuance of VLI contracts, Applicants assert that imposition of the Section 27(f) withdrawal period in the context of variable life insurance would subject EVLICO to costs and risks for an unduly long period of time.

Applicants request an exemption from Section 27(f) and Rules 27f–1(a) and (b) in order that a copy of the notice of withdrawal may be delivered by an Equitable registered representative to the contractholder along with the VLI contract and a duplicate copy of such notice will be mailed by Equitable or EVLICO to the contractholder on the date of delivery. If such mailing were delayed beyond the date of delivery, EVLICO administratively will extend the withdrawal period until ten days from the actual mailing. Since the insurance law of a number of states requires that the withdrawal period extend from the date on which the contractholder receives his contract, Applicants believe that the contractholder should receive the notice of his withdrawal right at the same time he receives the contract, and that this can be assured by personal delivery of the notice. Applicants also request an exemption from Rule 27f–1(a) to permit the notice of withdrawal right, which is personally delivered, to be accompanied by a personalized illustration of the premiums, amounts payable on death and cash values for the particular contractholder. Finally, Applicants request an exemption from Rule 27f–1(d) to permit the notice of withdrawal right to be made in the form attached to the application, because the information called for by Form N–27F–1 required by the Rule cannot be furnished where payments are to be made over an indefinite period of time.

Section 27(h)

Section 27(h) provides, in pertinent part, that upon making the election specified in subsection (g), it shall be unlawful for any such electing registered investment company issuing periodic payment plan certificates, or for any underwriter for such company, to sell any such certificate, if the sales load on such certificate exceeds nine per cent (9%) of the total payments to be made thereon.

Applicants have calculated the "sales load", as defined in Section 2(a)(35), for a contract year for the purpose of complying with Section 27 to be the excess of the gross annual premium payable in the contract year (exclusive of an annual administrative fee referred to below) over the sum of the following items:

i. The amount of the cash value for the first year, and the amount of the increase in the cash value for each subsequent year, that is not attributable to investment earnings;

ii. The cost of insurance based on the Commissioners 1958 Standard Ordinary Mortality Table;

iii. An insurance risk charge of .4% of the premium to cover any insufficiency in the Account to provide for the guaranteed minimum death benefit;

iv. 2% of the premium for State premium taxes;

v. Any additional premium charged if the insured does not meet standard underwriting requirements;

vi. Any additional premium specifically charged for any incidental benefits;

vii. $4 per $1,000 of face amount for the Variable Whole Life Insurance contract, and $5 per $1,000 of initial face amount for the Variable Increasing Protection Life Insurance contract, in the *first* contract year for first year administrative expenses not properly chargeable to sales or promotional activities and not covered by the annual administrative fee of between $25 and $30.

Applicants submit that compliance with the 9% limitation on sales loads in Section 27(h)(1) is to be determined based on an individual holder who makes all of his payments under the contract, and is to be calculated on the basis of "the total payments to be made," and that there is no requirement as to a maximum period during which such "total payments" must be made. Therefore, Applicants assert that there is a substantial question whether an exemption from Section 27(h)(1) is required.

EVLICO will compute the 9% sales load limitation over a period somewhat shorter than the life expectancy of the contractholder, and in no event longer than 20 years. The period will depend upon the issue age of the insured. The sales load under EVLICO's contracts issued at those ages where the computation is made for a 20-year period will in no event exceed the following:

Contract year:	*Maximum sales load as a percentage of gross annual premiums*
1st year	20
2d through 4th years	14.5
5th and later years	7.25

In view of the foregoing, Applicants assert that this proposed approach to the concept of sales load should be construed to comply with the express language of Section 27(h)(1) and that, accordingly, no exemption should be deemed required in this regard. However, Applicants request an exemption in order to eliminate any question as to full compliance with Section 27, based upon the following:

(1) EVLICO has not attempted to split the premium into an "investment element" that might be construed to be subject to the limitations of Section 27(h)(1), and an "insurance element" clearly not subject to such limitations. Nevertheless, even under EVLICO's approach of submitting the entire premium to regulation under 27(h)(1), the policies come reasonably close to meeting the 9% limitation over the 12-year period established under Rule 27a–1 for variable annuity contracts;

(2) Since EVLICO's VLI contracts provide insurance coverage, and contemplate premium payments, for the whole of life, the contractholder's life expectancy is the only single period which can be pointed to as a required period of measurement for purposes of Section 27(h). The 20-year period proposed by EVLICO is the period generally utilized by the industry and its commentators as an appropriate period for illustrating aspects of life insurance premiums and benefits;

(3) Applicants assert that separate standards governing sales loads under variable life insurance are required for essentially the same reasons that the National Association of Securities Dealers, Inc. concluded that separate rules are required for variable annuity contracts and mutual fund shares. In this connection, the 40% first year commission rate payable on the sale of EVLICO's VLI contracts is not excessive when compared

with the maximum rate permitted to be charged under New York insurance law and when viewed in light of the relatively greater training and sales efforts for salesmen who offer VLI contracts, a newly developed form of insurance, as compared with traditional fixed benefit life insurance;

(4) EVLICO's VLI contracts will conform to all of the applicable requirements of Section 27(h). Although the Commission has prescribed no limitations on management fees pursuant to Section 27(h)(6), Applicants point out that EVLICO's VLI contracts provide for a charge for investment management expenses not to exceed .25% of the net assets of the Account per year, which they represent to be a low limit for management fees in light of the long duration of the contracts, and the fact that EVLICO will assume the risk of any insufficiency of this amount;

(5) The actuarial structure of EVLICO's VLI contracts has been modified to use a reserve basis and scale of cash values so that there will be a substantial *first year* cash value and the cash value will equal the reserve at the end of each contract year. To assist in providing for the first year cash value, the agents' first year commissions will be reduced below maximum levels permitted under New York insurance law for whole life insurance contracts. The agents' commission rate in the first year will be 40% of the gross premium;

(6) Based on the foregoing, Applicants believe that if the VLI contracts, as restructured, are held not to comply sufficiently with such requirements to permit EVLICO to market them, variable life insurance could not be sold in any form in accordance with the Act.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protections of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants have reserved the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate their variable life insurance contracts or the Applicants with respect to the contracts, or to take any necessary or appropriate steps in accordance with any decision by the Commission or any court regarding these jurisdictional or related issues. Applicants agree to comply with any exemptive rule adopted by the Commission which affords more narrow, or broader, exemptions than contemplated in any Commission order issued in response to their application.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 12, 1975 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22363 Filed 8-22-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

AUGUST 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America 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 August 15, 1975 through August 24, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22364 Filed 8-22-75;8:45 am]

[70-5624]

GRANITE STATE ELECTRIC CO. ET AL.

Notice of Filing of Post-Effective Amendment Regarding an Increase in Short-Term Borrowings by a Subsidiary

NOTICE IS HEREBY GIVEN that New England Electric System ("NEES"), a registered holding company, and Granite State Electric Company ("Granite"), Massachusetts Electric Company ("Mass Electric"), The Narragansett Electric Company ("Narragansett"), and New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Massachusetts 01581, its subsidiary electric utility companies, ("the borrowing companies"), have filed with this Commission a post-effective amendment to its application-declaration previously filed in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 42, 43, 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated March 28, 1975 (HCAR No. 18897), this Commission, among other things, authorized the borrowing companies to issue through March 31, 1976, short-term promissory notes to certain designated banks and/or to NEES, and for Mass Electric and NEPCO to issue notes to dealers in commercial paper. The aggregate amount of notes of each borrowing company to be held by the lenders at any one time are not to exceed $9,000,000 for Granite, $25,800,000 for Mass Electric, $130,000,000 for NEPCO, and $23,700,000 for Narragansett.

The maximum amounts of short-term borrowings by Mass Electric and NEPCO from banks and NEES to be outstanding at any one time will be reduced by the amount of its commercial paper outstanding at that time.

Mass Electric now proposes to increase the authorized amounts of its borrowings of short-term promissory notes to certain designated banks and/or to NEES from $25,800,000 to $45,800,00. Mass Electric has outstanding $20,000,000 principal amount of First Mortgage Bonds, Series L, 8½%, due October 1, 1975, and anticipates that such bonds will be paid at maturity from $20,000,000 of the proceeds of a refunding issue of Series N Bonds. Funds to effect the payment of the Series L Bonds must be deposited with the Trustee on or prior to maturity. However, the Terms and Conditions for Bids for the Series N Bonds provide that Mass Electric may postpone the bidding or reject all bids. In addition, the Terms of Purchase entitle the Purchasers of the Series N Bonds to terminate their commitments to purchase on grounds of materially changed market conditions. If for these or any other reasons Mass Electric does not sell the Series N Bonds prior to the maturity of the Series L Bonds, it must have available to it on short notice the funds to meet this maturity. Only in the event that Mass Electric does not sell the refunding issue of Series N Bonds will this increase in borrowing authority be used. Mass Electric proposes and requests this authority through March 31, 1976, or until the sale of a refunding issue of bonds, whichever occurs first.

The proceeds of the proposed borrowings are to be used by Mass Electric to

pay its then outstanding notes payable to banks, dealers in commercial paper and/or to NEES at or prior to maturity thereof, and to provide new money for capital expenditures or reimburse its treasury thereof.

The proposed notes to banks and/or NEES will mature in less than one year from the date of issue and will be prepayable at any time, in whole or in part, without premium. Mass Electric will maintain sufficient operating balances to meet the lending banks' compensating balance requirements or in lieu thereof will pay fees to the banks equivalent to such compensating balance requirements. The notes to banks will bear interest at not in excess of the prime rate in effect at the time borrowings are made or the prime rate plus the above-mentioned fees. The notes to NEES will bear interest at not in excess of the prime rate in effect at the time borrowings are made. If the operating balances were maintained solely to fulfill prevailing compensating balance requirements of about 10% to 20%, or fees equivalent thereto, the effective interest cost to the borrowing companies would be approximately 8.3% to 9.4% per annum, based on a prime rate of 7½%.

It is proposed that Mass Electric may prepay its notes to NEES, in whole or in part, with borrowings from banks or from sale of commercial paper, or that its borrowings from banks may be prepaid, in whole or in part, with borrowings from NEES, or from the sale of commercial paper. In the event of borrowings from banks at a higher interest rate or the sale of commercial paper at a higher effective interest cost, to prepay notes to NEES, NEES will credit the borrowers for any excess interest from the date of issuance of the new notes or commercial paper to the normal maturity date of the notes to NEES being prepaid. Conversely, in the event of borrowing from NEES to prepay notes to banks, the interest rate of notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate then in effect, but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

No additional fees or expenses, other than those previously authorized, are to be incurred by Mass Electric in connection with the proposed transactions. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 11, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22365 Filed 8-22-75;8:45 am]

[70-5718]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

NOTICE IS HEREBY GIVEN THAT Indiana & Michigan Electric Company ("I&M") 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application-declaration, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b) and 12(c) and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $60,000,000 principal amount of First Mortgage Bonds ("bonds") of a new series, to mature in not less than 5 and not more than 30 years from the date of issuance of the bonds. Prospective bidders will be notified of the exact maturity of the bonds not less than 72 hours prior to the bidding date. The interest rate (which shall be a multiple of ⅛ of 1%) and the price to be paid to I&M for the bonds (which shall not be less than 99% nor more than 102¾% of the principal amount thereof) will be determined by the competitive bidding. Terms of the bonds preclude I&M from redeeming any of the bonds prior to September 1, 1980, if such redemption is for the purpose of refunding such bonds with proceeds of funds borrowed at a lower effective interest cost. The bonds will be issued under and secured by an Indenture Supplemental to the Mortgage and Deed of Trust dated as of June 1, 1939 between I&M and Irving Trust Company and D. W. May, as Trustees ("Trustees"). The said Supplemental Indenture will be dated as of the first day of the month in which the bonds are issued.

I&M also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to 300,000 shares of a new series of its cumulative preferred stock, par value $100 per share ("stock"). The dividend rate (which will be a multiple of .04 of 1%) and the price to be paid to I&M (which shall not be less than $100 per share or more than $102.75 per share) will be determined by competitive bidding. Prior to September 1, 1980, none of the shares of the preferred stock may be redeemed if such redemption is for the purpose of refunding such share, directly or indirectly, through the incurring of debt or the issuance of stock ranking equally with or prior to the cumulative preferred stock at an interest or dividend cost less than the dividend cost to I&M of the preferred stock. The terms of the cumulative preferred stock will also include a sinking fund provision requiring I&M to retire 5% of the shares annually beginning September 1, 1980.

To the extent that there is an insufficient amount of property additions available for certification by I&M to the Trustees, it is stated that I&M will be required to deposit with the Trustees a portion of the proceeds received from the sale of the bonds equal to the amount of bonds that have not been issued upon the basis of certified property additions. As additional property additions are certified to the Trustees the funds held by the Trustees will be released to I&M. Any other proceeds realized from the sale of the bonds and/or the sale of the stock, together with other funds available to I&M, will be applied to the payment of unsecured short-term debt of I&M. At July 23, 1975, approximately $148,000,000 of such short-term debt was outstanding and it is stated that at the time of the sale of the bonds and/or stock, approximately $160,000,000 of such short-term debt is expected to be outstanding.

It is stated that no condition will require the sale of the bonds and stock to be dependent upon each other. Neither the bonds nor the stock will, however, be issued and sold unless I&M shall have received prior to such sale from AEP one or more cash capital contributions subsequent to June 30, 1975, and prior to the time of such sale which aggregate $20,000,000. The making of such cash capital contributions has been previously authorized by this Commission (HCAR No. 19067).

It is stated that the Public Service Commission of Indiana and the Michigan Public Service Commission have jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than

this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 9, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22366 Filed 8-22-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

AUGUST 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 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 August 15, 1975 through August 24, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22367 Filed 8-22-75;8:45 am]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. AND NATIONAL CLEARING CORP.

Notice of Filing of Proposed Rule Changes

NOTICE IS HEREBY GIVEN that the National Association of Securities Dealers, Inc. (the "NASD") 1735 K Street, NW., Washington, D.C. 20006, has filed, pursuant to Section 19(b) of the Securities Exchange Act of 1934, as amended, procedures, reports and forms (the "Procedures") of the National Clearing Corporation ("NCC") 1735 K Street, NW., Washington, D.C. 20006, relating to the implementation of a depository interface between NCC and the TAD Depository Corporation ("TAD") and has requested the Commission to issue an order, pursuant to Section 19(b)(3)(B) of the Act, determining that, pursuant to paragraphs (g) of Rules 8c-1 and 15c2-1 under the Act, the Procedures are adequate for the protection of investors.

1. *The Procedures*

Pursuant to the Procedures, NCC members with free positions will be able to make deliveries of securities eligible for deposit both in NCC free positions and in TAD participant accounts ("dually eligible securities"), either against payment of an assigned dollar value ("valued") or without assigned dollar value ("free"), from the members' free accounts to the members' TAD participant accounts or to the TAD participant accounts of other TAD participants. Members with NCC free positions and TAD participant accounts ("dual participants") will be able to make deliveries of dually eligible securities from the members' TAD participant accounts to NCC to satisfy delivery obligations ("short valued positions") in NCC's continuous net settlement ("CNS") system and to receive in the members' TAD participant accounts dually eligible securities due to members ("long valued positions") from NCC's CNS system. Both deliveries from TAD participant accounts to, and deliveries to TAD participants' accounts from, NCC's CNS system would be effected either automatically ("automatic delivery") or through specific instructions which would be required to be submitted manually prior to each settlement day in NCC's CNS system ("manually initiated deliveries").

Under the Procedures, TAD participants wishing to make valued deliveries, either to other TAD participants or, through the interface, to NCC members, will be required to belong to NCC's Envelope Settlement System ("ESS") and will be required to make money settlement with respect to such valued deliveries through ESS. NCC members will make money settlements in NCC's CNS system with respect to deliveries, through the interface, both to TAD participants and between NCC members' TAD participant accounts and NCC's CNS system. In the case of deliveries, through the interface, between NCC members and TAD participants, the NCC members will make money settlement in NCC's CNS system and the TAD participants will make money settlement in ESS. Through participation in ESS, and as the contra-side of CNS money settlement, NCC will make the offsetting debits and credits necessary to effect the settlement.

2. *Solicitation of Comments on the Rules Rules*

Interested persons are invited to submit their views and comments on the Rules to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before September 17, 1975. Communications should refer to File No. SR-12. The Amendments are, and all comments will be, available for public inspection at the Public Reference Room of the Commission at 1100 L Street, N.W., Washington, D.C.

3. *Summary Effectiveness of the Proposed Rules*

NCC and the Depository Trust Company currently have a fully operational depository interface which has increased significantly the safety and efficiency of clearing and settlement for securities transactions processed through NCC. Based on the performance of this interface and on its review of the proposed NCC-TAD interface, the Commission has determined that implementation of the NCC-TAD interface will increase significantly the safety and efficiency of clearing and settlement for securities transactions settled through NCC. Accordingly, it appears to the Commission that immediate implementation of the NCC-TAD interface is necessary for the protection of investors and for the safeguarding of securities and funds.

The Commission has determined that the agreements, safeguards and provisions contained in the Procedures enabling

(i) NCC members to make valued or free deliveries of dually eligible securities from the members' free accounts to TAD participants.

(ii) NCC members to make valued or free deliveries of dually eligible securities to the members' TAD participant accounts or to the TAD participant accounts or other TAD participants, and

(iii) Dual participants to make manually initiated deliveries of dually eligible securities to NCC to satisfy short valued positions in NCC's CNS system and to receive manually initiated deliveries and automatic deliveries of dually eligible securities, representing long valued positions, from NCC's CNS system

are deemed adequate for the protection of investors.

IT IS THEREFORE ORDERED (1), pursuant to Section 19(b)(3)(B) of the Act, that the Procedures relating to the implementation of the depository interface between NCC and TAD, filed with

the Commission on July 22, 1975, be put into effect summarily, effective July 31, 1975, until such time as the Commission pursuant to Section 19(b)(2) of the Act, either approves the Procedures or institutes proceedings to determine whether such Procedures should be disapproved and (2) that the Procedures be deemed adequate for the protection of investors.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22368 Filed 8-22-75;8:45 am]

[812-3800]

NATIONAL MUNICIPAL TRUST, FIRST INSURED DISCOUNT SERIES AND SUBSEQUENT SERIES

Notice of Filing of Application Pursuant to Section 6(c) for Order Granting Exemption From Section 14(a) and Rules 19b-1 and 22c-1

NOTICE IS HEREBY GIVEN that National Municipal Trust, First Insured Discount Series and Subsequent Series ("Applicant") Thomson & McKinnon Auchincloss Kohlmeyer Inc., Two Broadway, New York, New York 10004, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on April 18, 1975, pursuant to Section 6(c) of the Act for exemption from the provisions of Section 14(a) of the Act and Rules 19b-1 and 22c-1 under 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.

Applicant is a registered until investment trust, organized under the laws of the State of New York. It is intended that the United States Trust Company of New York will act as Trustee of Applicant ("Trustee") pursuant to a trust agreement ("Trust Agreement") between the Trustee and Thomson & McKinnon Auchincloss Kohlmeyer Inc. as Sponsor, or with additional or succeeding Sponsors ("Sponsors"). Standard & Poor's Corporation will serve as Evaluator with respect to each Series of Applicant.

Pursuant to the Trust Agreement for each Series of Applicant, the Sponsors will deposit with the Trustee in excess of $3,000,000 principal amount of tax-free municipal bonds ("bonds"), which the Sponsors shall have accumulated for such purpose, and simultaneously with such deposit will receive from the Trustee registered certificates representing in excess of 3,000 units which will represent the entire ownership of a Series.

For its First Insured Discount Series, Applicant proposes to purchase such bonds at prices which will result in the portfolio as a whole being purchased at a deep "market" discount and such bonds will be insured as to the payment of principal and interest by an independent company. Applicant presently further proposes to offer units of its First Insured Discount Series for sale to the public separately or, at reduced sales charges, on an underwritten basis in conjunction with shares of American Mutual Fund, Inc., a registered open-end management company. For these purposes a registration statement under the Securities Act of 1933 has been filed and an application for exemption from the provisions of Section 22(d) of the Act has also been filed. Since the Trust Agreement does not provide for the issuance of additional units after the initial offering of a series, the proceeds of bonds which may be sold, redeemed or which mature will be distributed to unitholders. While the Sponsors are not obligated to do so, it is their present intention to maintain a secondary market for units of the Applicant and continuously to offer to purchase such units at prices in excess of the redemption price, as set forth in the Trust Agreement.

Section 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant asserts that Section 14(a) of the Act is intended to limit the formation of undercapitalized investment companies. Applicant states that it is intended that each Series, at the date of deposit and before any unit is offered to the public, will have a net worth far in excess of $100,000, that the Sponsors intend to sell all units to the public at offering prices disclosed in the registration statement for such prices disclosed in the registration statement for such Series, that it is intended that a secondary market for the units be maintained, and that interest rates and other applicable information concerning the underlying bonds will be disclosed in the Prospectus.

The Sponsors have agreed to the requested exemption being subject to the condition that they will refund, on demand and without deduction, all sales charges paid by purchasers of Units in the initial public offering of a series if, within 90 days from the time that the Registration Statement relating to such Series becomes effective, either (i) the net worth of such Series shall be reduced to less than $100,000, or (ii) such Fund shall have been terminated. The Sponsors have further agreed to instruct the Trustee on the date of deposit of each Series that in the event that redemption by the Sponsors of units constituting a part of the unsold units shall result in that Series having a net worth of less than $2,000,000, the Trustee shall terminate the Series in the manner provided in the Trust Agreement and distribute any municipal bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein.

Rule 19b-1

Rule 19b-1(b) provides, in part, that no registered investment company which is not a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Applicant proposes to make monthly distributions of principal and interest to unitholders of a Series. Distributions of principal constituting capital gains to unitholders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by Applicant will be distributed to unitholders on the next distribution date; and (2) if bonds are sold in order to provide funds necessary to meet redemptions.

Applicant states that the dangers against which Rule 19b-1 is intended to guard will not exist in connection with any Series of Applicant, since neither Applicant nor the Sponsors have control over the events which could trigger capital gains. Applicant seeks to make a combined distribution of principal, including capital gains, and interest each month, and states that any capital gains in such distribution will be clearly indicated as such in accompanying reports to unitholders. In addition, it is alleged that the amounts involved in a normal distribution of principal will be relatively small in comparison to the normal interest distribution.

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. Applicant states 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. Applicant further alleges that its situation places it squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, Applicant would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. Applicant contends that such a practice would clearly be to the detriment of the unitholders.

Rule 22c-1

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the Rule has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant represents that the Sponsors, while not obligated to do so, intend to maintain a market for the units and continuously to offer to purchase units at prices in excess of redemption prices. For purposes of the secondary market transactions, an evaluation will only be made once each week.

Applicant asserts that the pricing of units by the Sponsors in the secondary market in no way affects the assets of Applicant, i.e., the underlying bonds. Finally, because of the nature of the bonds in the portfolio, price changes are limited. Thus the movement in the municipal bond market is not sufficient to make speculation in an interest in a group of bonds ordinarily profitable.

Applicant asserts that public unit holders benefit from the Sponsors' pricing procedure in the secondary market, since they receive a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. Moreover, the application states that the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsors with estimated evaluations on trading days. 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 Sponsors will order a full evaluation. In case of resale, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $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 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 interested person may, not later than September 9, 1975 at 5:30 p.m., submit to the Commission in writing a request for 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22369 Filed 8-22-75;8:45 am]

[File No. 500-1]

SYSTEMATIC TAX, INC.

Notice of Suspension of Trading

AUGUST 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Systematic Tax, Inc. being traded otherwise than on a national securities exchange is required in the public interest and fo rthe rotection 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 12:10 p.m. (EDT) on August 14, 1975 through midnight August 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22370 Filed 8-22-75;8:45 am]

[812-3792]

URBAN IMPROVEMENT FUND LIMITED—1975, AND INTERFINANCIAL REAL ESTATE MANAGEMENT CO.

Notice of Filing of Application Pursuant to Section 6(c) for Exemption From All Provisions of the Act

NOTICE IS HEREBY GIVEN that Urban Improvement Fund Limited—1975 (the "Partnership"), 6380 Wilshire Boulevard, Los Angeles, California 90048, a California limited partnership, and its general partner, Interfinancial Real Estate Management Company (the "General Partner"), 230 Houston Street, N.E., Atlanta, Georgia 30303, a Georgia corporation (collectively referred to hereinafter as "Applicants"), filed an application on April 11, 1975, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") for an order of the Commission exempting the Partnership from all provisions of the Act and the Rules and Regulations promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Partnership was formed to implement the policy of Title IX of the Housing and Urban Development Act of 1968 ("Title IX") that private investors be provided a means and an incentive to acquire equity interests in, and thereby provide equity financing for, governmentally assisted low and moderate income housing projects. The Partnership will make equity investments in federal, state and local government assisted rental housing projects for families and individuals of low and moderate income.

The Partnership has filed a registration statement under the Securities Act of 1933 covering the sale of up to 12,000 "Units" at a maximum price of $1,000 per Unit. These interests are to be sold only to qualified investors with a minimum subscription of five units per investor (the minimum subscription may be higher in some states). The maximum proceeds to the Partnership from the proposed public offering, after deduction of brokerage commissions and organizational expenses, will be approximately $10,800,000.

Units will be sold only to a person who represents that (1) he had income in the year 1974 a portion of which was subject to federal income taxation at a rate not less than 50% (48% in the case of a corporation) and anticipates having income, for at least six years, a portion of which will be subject to federal income taxation at a maximum rate before giving effect to tax deductions resulting from his investments in Units; and (2) he has a net worth of at least $50,000 (the minimum net worth may be higher in some states) exclusive of home, furnishings and automobiles. The prospectus describing the Units states that prospective investors should purchase Units only for long-term investment for tax benefits and not in anticipation of cash distributions or capital appreciation because (1) applicable legislation limits the cash return to investors in subsidized projects to an amount less than can be had in other investments, (2) the transferability of the Units is limited, and (3) adverse tax consequences upon the sale of Units are possible.

The Partnership was organized as a limited partnership because its principal advantage to investors is the provision of losses which only a partnership can pass through to investors as an offset against taxable income. A limited partnership

structure is also necessary in order to provide the centralization of management necessary for a publicly held partnership, and to insure that public investors are protected from personal liability for any obligations of the Partnership.

The Partnership will be controlled by its General Partner pursuant to the Limited Partnership Agreement. The General Partner will have general responsibility for the supervision of the operations of the Partnership. Partnership Services, Inc. ("PSI"), a Georgia corporation, which is a wholly-owned subsidiary of the General Partner's parent, has contracted with the General Partner to provide certain services to the Partnership. Income-Equities Corporation ("IEC"), a California corporation, will serve as an advisor to the Partnership and has acted as a consultant for the Partnership in acquiring properties. IEC's broker-dealer affiliate, Income-Equities Marketing Corporation, has direct responsibility for providing sales assistance to broker-dealers who will arrange for sale of Units. In order to preserve the limited liability of investors (the "Limited Partners"), the Limited Partners will not be entitled to participate in management. However, the Limited Partners will have the right to vote on amendments to the Limited Partnership Agreement, dissolution of the Partnership, and the expulsion of the General Partner and the election of a new General Partner.

The Partnership will invest in governmentally assisted rental housing projects by becoming a limited partner in a subsidiary partnership ("local limited partnership") in which the developer of the project or a qualified person or entity will be the general partner. The Local Limited Partnership will acquire equity interests in individual projects. The ratio of mortgage debt financing to the Partnership's equity interest in individual projects will be approximately 8 to 1. The Partnership will have the right, under certain circumstances, to remove the general partner of the local limited partnership and elect affiliates of the General Partner, or other qualified persons as a new general partner of the local limited partnership. The Partnership will always acquire a majority and typically a 95% interest in the local limited partnership.

The Partnership will retain out of the net proceeds of the proposed public offering such sum as in its discretion may be necessary for working capital, but in no event less than 5% of the gross proceeds. An amount equal to at least 75% of the net proceeds will either be invested in various projects described in the prospectus or returned to investors within eighteen months of the date of termination of the proposed offering. The proposed offering will terminate on December 31, 1975, unless sooner terminated by the General Partner.

Under the California Limited Partnership Act, and under the terms of the Limited Partnership Agreement, the General Partner must act as a fiduciary toward the Partnership and its investors. The General Partner and its officers and directors will be liable to the Partnership for acts of fraud, willful misconduct, gross negligence or breach of its fiduciary duty.

The General Partner, IEC and their affiliates will receive only those fees more fully described in the prospectus as payment for the services they render to the Partnership. The General Partner will receive an initial fee equal to 1½% of the total cost (Partnership equity investment plus mortgage financing) of the interest in projects acquired. The General Partner will also receive a rent-up fee of $275 per apartment unit. PSI or other affiliates will receive consulting and project management fees when, in the judgment of the General Partner, the existing property manager of a local limited partnership is not fulfilling its property management commitments and the ability of the project to meet its financial obligations is therefore jeopardized. The General Partner will be entitled to a liquidation fee of the lesser of (i) 10% of the net proceeds to the Partnership from the sale of a Project, or (ii) 1% of the sales price including the mortgage, plus 3% of the net proceeds after deducting an amount sufficient to pay long-term capital gains taxes, if any, calculated at the maximum rate then in effect, provided, however, that no part of such fee shall accure to or be paid unless: (a) the Limited Partners' share of the proceeds has been distributed to them, (b) the Limited Partners shall have first received an amount equal to their invested capital attributable to the project sold, and (c) the Limited Partners have received an amount sufficient to pay federal long-term capital gains taxes from the sale of the project, if any, calculated at the maximum rate then in effect. The General Partner shall receive an annual management fee of ¼ of 1% of total assets acquired, subject to a maximum of 50% of the Partnership's annual net cash flow as defined in the prospectus, but in no event less than a minimum per year which shall be 1% of the gross offering proceeds. During the first eight years, the annual management fee (other than the Annual Minimum) will accrue but will not be paid in any year unless the annual tax deductions plus distributions for each Unit have been at least equal to $450 for each such year as adjusted for deductions and distributions in excess of this minimum in the preceding and following years.

Without conceding that the Partnership is an investment company, Applicants request that the Partnership be exempted from the provisions of the Act pursuant to Section 6(c) of the Act. Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated 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.

Applicants contend that the exemption of the Partnership from the provisions of the Act is both necessary and appropriate in the public interest because the form of organization of the Partnership, i.e., a limited partnership, which is necessary to provide private investors with certain tax advantages without which investment in subsidized low and moderate income housing would not be attractive, is not compatible with the Act. For example, the Act requires annual approval by investors of investment advisory agreements, election of directors and other action by investors that might, if applicable to investors who are limited partners, cause such partners to incur general liability.

Applicants contend that to defeat the limited partnership arrangement by application of the Act would be to eliminate the only available means of attracting private equity capital into government assisted housing and would frustrate the national policy declared by Congress to encourage the widest possible participation by private enterprise in the provision of housing for low and moderate income families.

Applicants contend that the exemption would be consistent with the protection of investors and the purposes and policies underlying the Act because interests in the Partnership are being sold only to sophisticated investors, and also because the investments in which the Partnership will participate, and the terms under which the Partnership will acquire such investments, are fully stated in the prospectus and are not subject to the discretion of management. Furthermore, Applicants state that the Partnership's investments will be governed by policies which may not be changed except by the vote of the holders of at least a majority of its outstanding interests, and that the Limited Partners in the Partnership will have voting rights with respect to, among other things, the dissolution of the Partnership, amendments to the Partnership's Limited Partnership Agreement and the expulsion of the General Partner and the election of a new General Partner.

Applicants also state that the General Partner is required, as a general partner of the Partnership, to act in a fiduciary capacity with respect to the Partnership. While the General Partner may cause the Partnership to enter into transactions with the General Partner, PSI, IEC, Limited Partners and their affiliates, as more fully described in the prospectus and Limited Partnership Agreement, the General Partner may only permit the Partnership to enter into such transactions or agreements that are permitted by the Limited Partnership Agreement and that are on terms that are fair and at least as favorable to the Partnership as those available with outsiders. The Limited Partnership Agreement, among other restrictions, prohibits the Partnership from purchasing or leasing a project or investment if the General Partner, IEC, Limited Partners or their affiliates (including PSI) have any interest in such project or investment, and prohibits the Partnership

from selling or leasing any project or investment to the General Partner, IEC, Limited Partners or their affiliates (including PSI). The General Partner, IEC and their affiliates (including PSI) are prohibited from receiving any fees or commissions in connection with the purchase of projects or investments by the Partnership or the reinvestment of the proceeds of any resale, exchange or refinancing of any project. Limited Partners and their affiliates may receive real estate brokerage commissions with respect to the sale of Partnership projects or investments provided such commissions do not exceed the usual and customary brokerage-commission for that region. Neither the General Partner, IEC, Limited Partners or their affiliates (including PSI) may act as a joint or a joint and several participant with the Partnership in any transactions other than as a participant in the Partnership or any local limited partnership as contemplated by the prospectus of the proposed public offering. The General Partner will be liable to the Partnership and to third parties for breach of its fiduciary duty and will not be indemnified except under circumstances where the General Partner is successful in any proceeding against it or said proceeding is settled with the approval of the court and the court finds its conduct fairly and equitably merits indemnity in the amount claimed.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 4, 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 Applicants at the addresses 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 as of course following September 4, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22371 Filed 8-22-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

AUGUST 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California 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 August 15, 1975 through August 24, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-22372 Filed 8-22-75;8:45 am]

VETERANS ADMINISTRATION

SUBDIVISION PROCESSING OF THE VA LOAN GUARANTY PROGRAM

Procedures and Policies Applicable

On pages 33614 through 33617 of the FEDERAL REGISTER of September 18, 1974, there was published a notice of proposed publication of Veterans Administration procedures to amend Loan Guaranty subdivision processing and approval operations for implementation of section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, (42 U.S.C. 4332(2)(C)), section 2 of Executive Order 11514 (42 U.S.C. 4321 note), and section 1500.3 of the Guidelines for Preparation of Environmental Impact Statements promulgated by the Council on Environmental Quality, 40 CFR, part 1500 (38 F.R. 20550), and VA Manual MP-1, part I, chapter 9 (37 F.R. 8591, 39 F.R. 21016). After consideration of all such relevant matter as was presented by interested persons, the procedures as so proposed are hereby adopted, subject to the following changes:

1. In paragraph 1, "Purpose" the wording is rearranged for clarity with no change in meaning or scope.

2. In subparagraph 2a, the words "State and areawide clearinghouse review" are changed to read "environmental impact determinations", and subparagraphs 2a (1) and (2) are deleted. This change will emphasize that environmental impact determinations will be made in each case regardless of threshold.

3. In subparagraph 2b the words "environmental impact determinations" are changed to read "State and areawide clearinghouse review (OMB (Office of Management and Budget) Circular A-95, revised)", and the words "involves 100 or more lots." are changed to read "meets the following criteria:

"(1) A subdivision of 25 or more lots in either (a) a city having more than 50,000 population, or (b) in any urbanized area where the population density exceeds 100 persons per square mile that is contiguous to a city of more than 50,000. (A separate directive will provide the basis for determining population density in urbanized areas outside cities.)

"(2) A subdivision of 10 or more lots in all other places." This change clarifies that the OMB thresholds apply only to State and areawide clearinghouse review.

4. In paragraph 3, the words "(Office of Management and Budget)" are deleted. The name does not need to be spelled out since the initials OMB are used.

5. In paragraph 7, the words "In addition, VA will consider the environmental impact of projects previously approved in the determination of significance." are added to subparagraph b. This change was made to assure that existing subdivisions will be considered in any determination.

6. In subparagraph 7e(1) the words "comments to the same effect from clearinghouses, except that in any cases which do not meet the threshold requiring environmental evaluation the determination by the field station will relate to the feasibility of the subdivision, coupled with comments to the same effect from clearinghouses" are changed to read "no adverse comments from clearinghouses". This change is necessitated by the deletion of thresholds noted in paragraph 2, above.

7. In subparagraph 7e(2) the words "clearinghouse disagrees" are changed to read "clearinghouses disagree", and the final sentence, "Also in this category are cases which do not meet the threshold requiring environmental evaluation and a determination is made that the subdivision is feasible, but the clearinghouses disagree." is deleted. This change is necessitated by the deletion of thresholds noted in paragraph 2, above.

8. In subparagraph 7g(2) the words "an adverse" are changed to read "a significant". This change was necessary to comply with CEQ Guidelines and clarify that impact need not be "adverse".

9. In subparagraph 8 the words "Draft EIS will be available for a minimum of 45 days." are added following the words "or requested a copy". This addition was made to specify the time period during which draft EIS will be available.

10. In paragraph 10, the implementation date is changed to August 15, 1975. Therefore, the reporting period will now extend for a six-month period from August 15, 1975 to February 15, 1976 with a report due date of February 28, 1976. Paragraph 11 is amended accordingly.

11. In exhibit B,[1] item 4, the words "Summary of Adverse Environmental Impact" are changed to read "Summary of Significant Environmental Impact". This change was made to clarify that impact need not be "adverse" but "significant". See paragraph 8, above.

Effective date. The procedures and policies outlined below are effective August 15, 1975.

Approved: August 15, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

DEPARTMENT OF VETERANS BENEFITS, VETERANS ADMINISTRATION, WASHINGTON, D.C. 20420

[DVB Circular 26-75-]

ENVIRONMENTAL QUALITY

1. *Purpose.* To further environmental quality in connection with requests for subdivision approvals and to prescribe mandatory procedures for State and areawide clearinghouse reviews. The procedures herein are established in accordance with the requirements of section 102(2)(C) of NEPA (National Environmental Policy Act of 1969), Public Law 91-190 (42 U.S.C. 4332(2)(C)), section 2 of Executive Order 11514 (42 U.S.C. 4321 note), and section 1500.3 of the Guidelines for Preparation of Environmental Impact Statements promulgated by the Council on Environmental Quality, 40 CFR (Code of Federal Regulations), part 1500 (36 FR 20550), and VA Manual MP-1, part I, chapter 9 (37 FR 8591, 39 FR 21016).

2. *Applicability.* a. The procedures herein for environmental impact determinations will be applicable to each request for subdivision approval.

b. The procedures herein for State and areawide clearinghouse review (OMB (Office of Management and Budget) Circular A-95, revised) will be applicable to each request for subdivision approval which meets the following criteria:

(1) A subdivision of 25 or more lots in either (a) a city having more than 50,000 population, or (b) in any urbanized area where the population density exceeds 100 persons per square mile that is contiguous to a city of more than 50,000. (A separate directive will provide the basis for determining population density in urbanized areas outside cities.)

(2) A subdivision of 10 or more lots in all other places.

c. For the purpose of determining the applicability of the instructions herein, the number of units planned, rather than the total units in the subdivision request, will govern.

3. *Coordination of requests for subdivision approvals.* Field stations will establish and maintain liaison with clearinghouses to establish liaison for carrying out the reviews required by this issue. On receipt of a request for subdivision approval meeting the criteria specified above, field stations will use VA FL 26-616 to forward a copy of VA Form 26-8492, Application for Subdivision Feasibility Analysis (ASP-1), together with a location map, to the appropriate clearinghouses (in accordance with OMB Directory of State and Areawide A-95 Clearinghouses). Clearinghouses will be afforded 30 calendar days to review VA Form 26-8492 and forward comments to the station. Pending receipt of comments from clearinghouses, VA will pursue its own independent assessment, and requests for subdivision approval will continue to be processed by field stations up to and including the preparation of VA Form 26-8492b, Subdivision Feasibility Valuation Report (ASP-3) stage. (See exhibit A.) If comments have not been received from a clearinghouse by the end of the 30-calendar-day period, the station will then and thereafter consider that the clearinghouse has no objection to the subdivision. However, if clearinghouse comments are received after the 30-day period, but before the field station has notified the sponsor that the site or project is feasible (through release of VA Form 26-8492d, Interim Report on Application for Subdivision Feasibility Analysis (ASP-5), or VA FL 26-603 (ASP-6)), the clearinghouse comments will be considered.

4. *Historic places.* In the processing of a request for subdivision approval, a determination will be made as to the applicability of paragraph 4 of DVB Circular 26-73-2, relating to the National Register of Historic Places. Such determination will be made immediately following the dispatch of VA Form 26-8492 to State and areawide clearinghouses. When, pursuant to subparagraph 4b, DVB Circular 26-73-2, an affirmative finding is made, the field station will suspend action and give notice to the requester; when comments are received from clearinghouses, the station will submit the required report to Central Office. Otherwise, the station will proceed with processing.

5. *Significant environmental impact.* The effect of the instructions hereinbelow is to add certain requirements to the subdivision processing procedure in order to provide the basis for determining whether or not a new subdivision will produce a significant environmental impact. Each such determination will entail judgmental decisions at field stations based on the application of standards and procedures in effect or hereafter to be issued as necessary to supplement this circular.

6. *Standards and guidelines.* In respect to each request for subdivision approval, the field station will apply standards and guidelines for the purpose of evaluating the subdivision, taking into consideration the following:

a. Minimum property standards.

b. Comments of State and areawide clearing houses.

c. Standards and guidelines promulgated by Federal agencies with jurisdiction by law or special expertise in respect to particular areas of environmental impact. (See 38 FR 20557-20559 listing assignments as made by CEQ (Counsel on Environmental Quality).)

d. Flood plain management standards.

e. Environmental policies and standards adopted by VA.

7. *Procedure*

a. The consideration of each request for subdivision approval in respect to which the instructions herein apply will, in each instance, entail a site inspection and careful evaluation of minimum property standards, VA environmental policies and standards, and standards and guidelines of Federal agencies with jurisdiction by law or special expertise as concerns particular areas of environmental impact. Such evaluation must be carried out fully in order that the field station can determine properly whether or not the subdivision will result in any significant environmental impact. The VA evaluation will be done separate and apart from the evaluation conducted by State and areawide clearinghouses. In each subdivision case, VA Form 26-8492b will be completed. In completing the worksheet for each subdivision which contains 100 or more lots, a determination will be made by VA as to both the present and future impact of the subdivision on the environment.

b. For purposes of determining whether the proposed action will have a significant environmental impact, the field station shall consider the number of different environmental issues and the degree of seriousness of the environmental impact from each issue raised. The range of issues raised, as well as the relative importance of each issue, shall determine the significance of the environmental impact. For example, where one or more major environmental issues or three or more minor environmental issues are raised, as a result of the review, serious consideration will be given to the preparation of an environmental impact statement. In addition VA will consider the environmental impact of projects previously approved in the determination of significance.

c. Before a final decision respecting significant environmental impact is made in each case involving 100 or more units, full consideration will be given to possible alternatives. VA Form 26-1858, Report of Loan Guaranty Field Review, will be used to document the file. Field stations will consider all reasonable and practical alternatives, including those beyond their direct control. In this respect, consideration may include, if reasonable and practical, items such as alternative sites which are better suited by location, topography, and cost, as well as other possible uses for the site, such as commercial, high rise, higher and lower land density usage, etc. In addition, consideration may be given to alternatives such as reasonable and practical changes in design, density or zoning which might lessen the impact on the environment and make the subdivision more desirable from an environmental viewpoint.

d. The description of the alternatives considered can be brief, but the file must show what options were considered and why any were rejected. If a subdivision is to receive favorable consideration, the review of alternatives should show that the construction of the subdivision is the best choice of competing alternatives. The advantages and disadvantages of the subdivision must be weighed, the trade-offs considered, and an evaluation made.

e. That determination, insofar as possible, will be reached prior to the end of the 30-day period allowed State and areawide clearinghouses. When the comments of the State and areawide clearinghouses are received, or in the event such comments are not received at the end of the 30 days allotted for review, the field station will evaluate all the available data, including the views of the clearinghouses, where appropriate, in order to determine whether or not the subdivision will result in a significant environmental impact. The determination is an independent VA assessment and must be fully documented by the completion of VA Form 26-8492b. Thus, it will be that each request for subdivision approval will come within one of four categories, viz—

(1) A determination by the field station of no significant environment impact, based on the determination during VA processing, coupled with no adverse comments from clearinghouses.

(2) A determination by the field station of no significant environmental impact, based on the determination during VA processing, but the clearinghouses disagree.

(3) A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, but the comments from clearinghouses do not afford a basis for the same conclusion.

(4) A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, coupled with comments to the same effect from clearinghouses.

[1] VA Form 26-8492b may be found in the Federal Register of September 18, 1974 (39 FR 33616).

f. Each case in category 1 will be processed to completion as rapidly as possible, with a notification of approval promptly issued using VA FL 26-615. In respect to each case in categories 2, 3, or 4, the field station will promptly notify the person or firm submitting the request for subdivision approval about the determinations, using VA FL 26-615. Such person or firm will be invited to consult with the field station or the clearinghouses, as appropriate, with the view to the amendment or revision of the subdivision plan so as to render the planning of the subdivision to be acceptable.

g. Where the person or firm submitting the request for subdivision approval provides amended or revised plans, a letter of approval may be issued only if the following conditions are met:

(1) Category 2. Evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

(2) Category 3. The field station, on the basis of amended or revised subdivision plans, determines that the subdivision will not result in significant environmental impact.

(3) Category 4. The field station on the basis of amended or revised subdivision plans, determines that the subdivision will not result in an adverse environmental impact and evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

h. In all instances clearinghouses will be provided with a copy of the notification of approval or disapproval of the site or subdivision. Copies of VA Forms 26-8492c, Final Report on Application for Subdivision Feasibility Analysis (ASP-4), 26-8492d, or VA FL 26-603, will be used for the purpose of notifying the clearinghouses of the action taken by VA. Where a State clearinghouse has assigned an identification number to an application, such number will be used in notifying the clearinghouse.

i. Where a clearinghouse recommends against approval of an application or approval with specific and major substantive changes, and the field station approves the subdivision as submitted without the recommended changes, the clearinghouse will be provided with a written explanation.

j. In the instance of any case where a determination is made that a significant environmental impact is involved or the subdivision is controversial (i.e. discussion groups, petitions, meetings, or newspaper publicity of a controversial nature) and the field station recommends approval, the field station will prepare a proposed draft EIS (environmental impact statement). A public notice of intent to file an EIS should be posted in the local newspaper and input requested from interested parties within 15 days. Depending upon the situation, it may be advisable to hold a public hearing. If a public hearing is held, minutes will be kept showing the people in attendance and the thrust of the comments. A verbatim transcript of the meeting is not contemplated. The proposed draft EIS will be forwarded to Central Office (262), together with all the records in the case. The person or firm submitting the request for subdivision approval will be notified about the referral of the case to Central Office. (See exhibit B for format of EIS.) Central Office will return the case to the field station as soon as possible following review and coordination of the proposed draft EIS. At that time, the field station will be instructed by Central Office as to the resumption of processing the case or the preparation of a final EIS.

8. *Filing and distribution of EIS.* Draft and final statements will be posted in the Federal Register by Central Office. Five copies of each draft or final statement will be filed with CEQ in Washington, and one copy with EPA in the appropriate Federal Regional Center. At the same time that each draft or final statement is filed with CEQ and EPA, copies also will be sent to all pertinent entities; i.e., interested Federal, state, and local agencies, and private organizations and individuals. Copies will be sent to all other entities which made substantive comments on the draft statement, or requested a copy. Draft EIS will be available for a minimum of 45 days.

9. *Public notice and review.* Both draft and final EIS and any substantive comments thereon shall be made available to the public at the VA local office. A notice of the availability and location of these documents for review is to be posted on the bulletin board in a conspicuous location in the local VA field station and the public advised that the documents may be reviewed and copied during working hours.

10. *Effective date.* The instructions in this circular are effective as to all requests for subdivision approval meeting or exceeding the criteria given in the second paragraph of this circular, which are received in field stations on and after August 15, 1975.

11. *RCS 26-183-S, Lots covered by subdivision approvals—six-month period ending February 15, 1976.* Field stations will submit one-time letter reports on or before February 27, 1976, to Central Office (262) showing the number of lots covered by each subdivision case for which VA Forms 26-8492 were received during the period August 15, 1975 through February 15, 1976.

RUFUS H. WILSON,
Chief Benefits Director.

EXHIBIT B

FORMAT FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT

1. Regional Office:
2. Name and Location of Subdivision:
3. Description of Proposal:
4. Summary of Significant Environmental Impact:
5. Alternatives Considered:
6. All Federal, State, and local agencies from which comments have been requested:
7. Date:

[FR Doc.75-22458 Filed 8-22-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

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

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Aug. 15, 1975

Name of applicant	Location of enterprise	Principal product or activity
Triad Manufacturing Co.	Dover, N.H.	Manufacture blow and spray building insulation and fiber mulch for hydro seeding.
PM Scott Lumber Co., Inc.	New Bern, N.C.	Manufacture of lumber.
Wolverine Brass Works (tenant to Grand Strand Water Authority).	Conway, S.C.	Manufacture of brass plumbing goods.
Racine Duo-Guard, Inc.	Walworth Co., Wisc.	Manufacture and sale of burial vaults.
Micco and Co.	Chesterland, Ohio	Manage real estate for lease to food merchants.
Nelson's Union 76, Inc.	Clearwater, Minn.	Service station.
Eldorado Water Co.	Eldorado, Ill.	Water service.
Therma-Tron-X, Inc.	Sturgeon Bay, Wisc.	Industrial ovens, washers, and heated tanks.
CASA, Inc.	Ottumwa, Iowa	Expanded dry dog food.
David Place, Inc.	David City, Neb.	Nursing home.
Tastee Freez	Powell, Wyo.	Food and soft drinks.

[FR Doc.75-22381 Filed 8-22-75;8:45 am]

Office of Federal Contract Compliance

INSTITUTIONS OF HIGHER EDUCATION PERFORMING AS PRIME CONTRACTORS OR SUBCONTRACTORS UNDER FEDERAL NONCONSTRUCTION CONTRACTS

Affirmative Action Employment: Further Request for Information and Notice of Reconvened Fact-Finding Hearing

Pursuant to section 202 of Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), institutions of undergraduate, graduate, professional and vocational education performing as prime contractors or subcontractors under federal nonconstruction contracts are prohibited from discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin and are required to take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to the aforementioned factors.

The Executive Order's affirmative action requirement is intended to ensure prompt achievement of full and equal employment opportunity through the establishment of specific and results-oriented procedures. In order to implement this objective in nonconstruction employment, including employment by institutions of higher education, such as colleges and universities, the Department of Labor has promulgated various regulations set forth in 41 CFR Part 60–1 et seq. The Department of Labor's principle regulation for effectuating the nondiscrimination and affirmative action mandate of Executive Order 11246, as amended, as applied to nonconstruction contractors, including colleges and universities, is known as "Revised Order No. 4," 41 CFR Part 60–2, which requires prime contractors and subcontractors with 50 or more employees and a contract of $50,000 or more to develop a written affirmative action program for each of their establishments.

On July 17, 1975, notice was published in the FEDERAL REGISTER (40 FR 30166) that the Department of Labor was requesting information concerning implementation of the affirmative action requirement of the Executive Order as applied to employment at institutions of higher education. Relevant information would include but not necessarily be limited to: (1) Methodologies actually used by institutions of higher education in the development of written affirmative action programs under existing Department of Labor regulations and policies; (2) any special problems encountered by such institutions in developing and implementing such methodologies; (3) matters concerning availability data on qualified minorities and women for employment at institutions of higher education; (4) the special circumstances, if any, in higher education which might suggest alternative affirmative action approaches and the nature of such approaches; (5) the detail and adequacy of pertinent statistical data; and (6) other information relevant to achieving positive, results-oriented equal employment opportunities for minorities and women in employment at institutions of higher education, consistent with the nondiscrimination and affirmative action requirements of the Executive Order.

Such information was to be submitted either in writing or at an informal fact-finding hearing to be held pursuant to section 208 of E.O. 11246, as amended, and commencing on August 20, 1975.

In order to insure the receipt of additional information and further presentations, the Department of Labor has decided to extend the time for receipt of written information and to reconvene the fact-finding hearing (which will begin as scheduled on August 20) to commence on Tuesday, September 30, 1975, in the First Floor Auditorium, New U.S. Department of Labor Building, 200 Constitution Avenue, NW., Washington. Beginning at 9:30 a.m. on September 30, 1975, the Presiding Administrative Law Judge will hold a pre-hearing conference in order to settle matters relating to the proceedings, including unresolved scheduling problems. The public hearing will immediately follow the pre-hearing conference. Participants in the hearing will include representatives of the Office of Federal Contract Compliance and the Office of the Solicitor of Labor.

Persons desiring to appear at the reconvened hearing commencing September 30, 1975, must file a written notice of intention to appear along with four duplicate copies with Philip J. Davis, Director, Office of Federal Contract Compliance, New U.S. Department of Labor Building, Room N–3402, 200 Constitution Avenue, NW., Washington, D.C. 20210.

If possible, notices should be filed before Tuesday, September 23, in order to facilitate scheduling the appearances. The notice should state the name, address, and telephone number of the person wishing to appear, the capacity in which he or she will appear, and the approximate amount of time required for the presentation. The notice should also include, or be accompanied by, a brief statement of the presentation to be made.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. An original and four copies of all documents to be used should be submitted at the hearing.

Persons who wish to submit information but who do not wish to attend the hearing may mail such written information, along with four duplicate copies to Mr. Davis at the above address by September 30, 1975. Such information will be submitted to the Administrative Law Judge for inclusion in the hearing record.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the requested information;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Secretary of Labor.

Signed at Washington, D.C., this 20th day of August 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.75-22506 Filed 8-22-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

AUGUST 20, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 4, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 13087 (Sub-No. E1), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh meats and packinghouse products*, in minimum shipments of 12,000 pounds as are dealt in by wholesale grocery houses, from Albert Lea, Minn., to Milwaukee, Wis.; and (2) *meats, meat products, and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as are dealt in by wholesale grocery houses, (a) from Albert Lea, Minn., to Madison, Wis.; (b) from Madison, Wis., to points in that part of Minnesota on, west and south of a line from the Minnesota-Iowa State line, to U.S. Highway 65, to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to the Minnesota-South Dakota State line, and to points in that part of South Dakota bounded by a line beginning at the Missouri River and extending directly north to Vermillion, S. Dak., thence along South Dakota Highway 19 to Humboldt, S. Dak., thence along South Dakota Highway 38 to Sioux Falls, S. Dak., thence along U.S. Highway 77 to Lone Tree, S. Dak., thence along South Dakota Highway 34 to the South Dakota-Minnesota State line, thence along the South Dakota-Minnesota and the South Dakota-Iowa State lines, to the Missouri River, and thence along the Missouri River to the point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E2), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment*, except commodities requiring special equipment, from Chicago, Ill., to points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line at Johnsburg, Minn., thence along unnumbered highway to Kasson, Minn., thence along Minnesota Highway 57 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Canadian Border. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E3), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale grocery houses, including fruits and vegetables, (except commodities in bulk), from Chicago, Ill., to Faribault and Minneapolis, Minn. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E4), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, except in bulk, from Chicago, Ill., to points in North Dakota, South Dakota, and to points in Nebraska (except points in that part of Nebraska south and east of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E5), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, except in bulk, from Chicago, Ill., to points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line at Johnsburg, Minn., thence along unnumbered highway to Kasson, Minn., thence along Minnesota Highway 57 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Canadian Border. The purpose of this filing is to eliminate the gateway of the plant site of Allied Mills, Ind., at or near Mason City, Iowa.

No. MC 13087 (Sub-No. E6), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as are dealt in by wholesale grocery houses, in truckload lots only, from Minneapolis, Faribault, Owatonna, and Albert Lea, Minn., to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No MC 13087 (Sub-No. E7), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, as are dealt in by wholesale grocery houses, from points in Grant, Lafayette, Green, Rock, Walworth, Racine, Milwaukee, Jefferson, Dane, Iowa, Crawford, Richland, Sauk, Columbia, Dodge, Washington, and Ozaukee Counties, Wisc., to points in that part of Minnesota on and West of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14 at Mankato, Minn., and on and south of U.S. Highway 14 from Mankato to the Minnesota-South Dakota State line, and to points in that part of South Dakota bounded by a line beginning at the Missouri River and extending directly north of Vermillion, S. Dak., thence along South Dakota Highway 19 to Humboldt, S. Dak., thence along South Dakota Highway 38 to Sioux Falls, S. Dak., thence along U.S. Highway 77 to Lone Tree, S. Dak., thence along South Dakota Highway 34 to the South Dakota-Minnesota State line, thence along the South Dakota-Minnesota and the South Dakota-Iowa State lines to the Missouri River, and thence along the Missouri River to the point of beginning, including points on the indicated portions of the highways speci-

fied. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E8), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wisc., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14 at Mankato, Minn., and on and south of U.S. Highway 14 from Mankato to the Minnesota-South Dakota State line, and to points in that part of South Dakota bounded by a line beginning at the Missouri River and extending directly north of Vermillion, S. Dak., thence along South Dakota Highway 19 to Humboldt, S. Dak., thence along South Dakota Highway 38 to Sioux Falls, S. Dak., thence along U.S. Highway 77 to Lone Tree, S. Dak., thence along South Dakota Highway 34 to the South Dakota-Minnesota State line, thence along the South Dakota-Minnesota and the South Dakota-Iowa State lines to the Missouri River, and thence along the Missouri River to the point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of

No. MC 13087 (Sub-No. E9), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Burlington, Is., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the Canadian Border. The purpose of this filing is to eliminate the gateway of the plantsite of Allied Mills, Inc., at or near Mason City, Iowa.

No. MC 13087 (Sub-No. E10), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale grocery houses, including fruits and vegetables (except commodities in bulk), from Chicago, Ill., to points in that part of Minnesota south and west of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 14 to Kasson, Minn., thence along unnumbered highway to the Iowa-Minnesota State line at Johnsburg, Minn., and that part of South Dakota bounded by a line beginning at the Missouri River and extending along Vermillion, S. Dak., thence along South Dakota Highway 19 to Humboldt, S. Dak., thence along South Dakota Highway 38 to Sioux Falls, S. Dak., thence along U.S. Highway 77 to Lone Tree, S. Dak., thence along South Dakota Highway 34 to South Dakota-Minnesota State line, thence along the South Dakota-Minnesota and the South Dakota-Iowa State lines to the Missouri River, and thence along the Missouri River to the point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E11), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Omaha, Nebr., to Minneapolis and Faribault, Minn., and points in Minnesota on, south, and east of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 14 to U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E12), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, except in bulk and except commodities requiring special equipment, from Chicago, Ill., to points in Minnesota within 100 miles of Mason City, Iowa (except points on and east of a line beginning at Cannon Falls, Minn., thence along U.S. Highway 52 to junction Minnesota Highway 57, thence along Minnesota Highway 57 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction unnumbered highway, thence along unnumbered highway from Kasson, Minn., to Johnsburg, Minn., at the Iowa-Minnesota State line). The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E13), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbanks, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Chicago, Ill., to points in Minnesota on and west of a line beginning at Johnsburg, Minn., thence along unnumbered highway to Kasson, Minn., thence along Minnesota Highway 57 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Canadian Border. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13087 (Sub-No. E14), filed May 31, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and materials*, used in the production and marketing of poultry and eggs, except commodities in bulk, from Chicago, Ill., to points in North Dakota, South Dakota, points in Minnesota on and west of a line beginning at Johnsburg, Minn., thence along unnumbered highway to Kasson, Minn., thence along Minnesota Highway 57 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Canadian border, and points in Nebraska (except points in that part of Nebraska south and east of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line). The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 13250 (Sub-No. E1), filed May 14, 1974. Applicant: J. H. ROSE TRUCK LINES, INC., P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth St., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, and (B) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in con-

nection 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, over irregular routes; (1) between points in Alabama, on the one hand, and, on the other, points in Arizona, California, Colorado (Texas)*, Idaho, (Texas and Utah)*, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (Texas; Texas and Utah; Arizona and Texas; or Texas, Utah, and Colorado)*; (2) between points in Arizona, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Oklahoma, Oregon, Pennsylvania, Tennessee, and Washington (Texas; Texas and Oklahoma; Kilgore, Tex., and points within 200 miles of Kilgore, Tex.; San Juan County, Utah; or California)*; (3) from points in Arizona to points in West Virginia (Texas)*;

(4) Between points in Arkansas, on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming (Texas; Texas and Utah; Texas and Arizona; California; Texas and Idaho; or California)*; (5) between points in Colorado, on the one hand, and, on the other, points in Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee (Texas; or Texas and Oklahoma)*; (6) between points in Florida, on the one hand, and, on the other, points in Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming (Texas; or Texas and Utah)*; (7) between points in Idaho, on the one hand, and, on the other, points in Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas (Colorado and Texas; Utah and Texas; Utah, Texas, and Oklahoma; or Colorado)*; (8) from points in Idaho to points in West Virginia (Colorado and Texas)*; (9) between points in Illinois, on the one hand, and, on the other, points in New Mexico, and Texas (Oklahoma)*; (10) between points in Indiana, on the one hand, and, on the other, points in New Mexico and Texas (Oklahoma; or Oklahoma, Texas, and Colorado)*; (11) between points in Kansas, on the one hand, and, on the other, points in Kentucky, Oregon, Pennsylvania, and Tennessee (Oklahoma)*; (12) between points in Kentucky, on the one hand, and, on the other, points in Nevada, New Mexico, Oregon, Texas, Utah, and Washington (Oklahoma, Texas, and Utah; Oklahoma; Oklahoma and Texas; or Texas, Oklahoma, and Colorado)*; (13) between points in Louisiana, on the one hand, and, on the other, points in Montana, Nevada, Oregon, Utah, Washington, and Wyoming (Texas; or Texas and Utah)*; (14) between points in Mississippi, on the one hand, and, on the other, points in Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (Kilgore, Tex., and points within 200 miles of Kilgore; or Kilgore, Tex., and points within 200 miles of Kilgore and Utah)*; (15) between points in Missouri on the one hand, and, on the other, points in New Mexico, Oregon, and Texas (Oklahoma; or Oklahoma, Utah, and Texas)*; (16) between points in Montana, on the one hand, and, on the other, points in Oklahoma and Tennessee (Texas; or Oklahoma and Texas)*; (17) between point in Nebraska, on the one hand, and, on the other, points in Nevada, New Mexico, Oregon, and Washington (Wyoming; or Colorado and Texas)*;

(18) Between points in Nevada, on the one hand, and, on the other, points in Oklahoma, Pennsylvania, and Texas (Utah and Texas; Utah, Texas, and Oklahoma, Arizona, Utah, and Texas; or Arizona and Utah)*; (19) from points in Nevada to points in West Virginia (Utah, Arizona, and Texas)*; (20) between points in New Mexico, on the one hand, and, on the other, points in Georgia, North Dakota, Pennsylvania, South Dakota, Tennessee, and Washington (Texas; Texas and North Dakota; Texas and Colorado; Oklahoma; California; or Nevada and Utah)*; (21) from points in New Mexico to points in West Virginia (Texas)*; (22) between points in North Dakota, on the one hand, and, on the other, points in Oregon, Utah, and Washington (Wyoming; or Idaho)*; (23) between points in Oklahoma, on the one hand, and, on the other, points in Oregon, Utah, Washington, and Wyoming (Texas; or Texas and Utah)*; (24) between points in Oregon, on the one hand, and, on the other, points in Pennsylvania, South Dakota, Tennessee, and Texas (Utah and Texas; Wyoming; Utah, Texas, and Oklahoma; or Utah)*; (25) from points in Oregon to points in West Virginia (California and Oklahoma)*; (26) between points in Pennsylvania, on the one hand, and, on the other, points in Utah (Texas)*; (27) between points in South Dakota, on the one hand, and, on the other, points in Utah and Washington (Idaho; or Wyoming)*; (28) between points in Tennessee, on the one hand, and, on the other, points in Texas, Utah, Washington, and Wyoming (Louisiana; Oklahoma and Texas; or Oklahoma, Texas, and Utah)*; (29) between points in Texas, on the one hand, and, on the other, points in Washington (Utah)*; and (30) from points in Utah to points in West Virginia (Texas)*;

(C) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, over rregular routes; (1) between points in Alaska, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Indiana, Kentucky, Mississippi, Missouri, Pennsylvania, and Tennessee (Texas; or Oklahoma)*; (2) from points in Alaska to points in West Virginia (Oklahoma)*; (3) between points in California, on the one hand, and, on the other, points in Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Mississippi, Missouri, Montana, Nebraska, North Dakota, Pennsylvania, South Dakota, Tennessee, and Wyoming (Texas; Nevada; or Oklahoma)*; and (4) from points in California to points in West Virginia (Texas)*; (D) *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, over irregular routes; (1) between points in lCalifornia, on the one hand, and, on the other, points in Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Mississippi, Missouri, Montana, Nebraska, Pennsylvania, and Tennessee (Texas)*; and (2) from points in California to points in West Virginia (Texas)*;

(E) *Commodities,* the transportation of which, because of their size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials, and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (F) *Self-propelled articles,* each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith; (1) between points in Alaska, on the one hand, and, on the other, points in Illinois, Kentucky, Missouri, Oregon, Tennessee, and Washington (Kansas; Oklahoma; or Idaho)*; (2) between points in Arizona, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Oklahoma, and Tennessee (Texas)*; (3) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Idaho, Nevada, Oregon, Utah, and Washington (Texas; Texas and Utah; Texas and Arizona; California; or Utah, Texas, and Idaho)*; (4) between points in California, on the one hand, and, on the other, Idaho, Illinois, Indiana, Kentucky, Missouri, Montana, and Tennessee (Utah and Oregon; Oklahoma; or Nevada)*; (5) between points in Colorado, on the one hand, and, on the other, points in Kentucky, Louisiana, Oregon, Tennessee, and Washington (Texas; California; Idaho; or Oklahoma and Texas)*; (6) between points in Idaho, on the one hand, and, on the other, points in Kentucky, Louisiana, Oklahoma, Tennessee, and Texas (Colorado and Texas; Utah and

Texas; or Colorado)*; (7) between points in Illinois, on the one hand, and, on the other, points in Oregon (Kansas and California)*; (8) between points in Indiana, on the one hand, and, on the other, points in Oregon (Texas and Utah)*; (9) between points in Kentucky, on the one hand, and, on the other, points in Nevada, Oregon, Utah, and Washington (Texas; or Texas and Utah)*;

(10) Between points in Louisiana, on the one hand, and, on the other, points in Nevada, Oregon, Utah, and Washington (Texas and Utah; California; or Texas)*; (11) between points in Missouri, on the one hand, and, on the other, points in Oregon (Kansas and California)*; (12) between points in Montana, on the one hand, and, on the other, points in Oregon and Washington (Idaho)*; (13) between points in Nevada, on the one hand, and, on the other, points in Oklahoma, Tennessee, and Texas (Utah and Texas; Arizona, Utah, and Texas; or Arizona and Utah)*; (14) between points in Oklahoma, on the one hand, and, on the other, points in Oregon, Utah, and Washington (Texas; or Texas and Utah)*; (15) between points in Oregon, on the one hand, and, on the other, points in Tennessee, Texas, Utah, and Wyoming (Utah and Texas; Utah; or Idaho)*; (16) between points in Tennessee, on the one hand, and, on the other, points in Utah and Washington (Texas; or Texas and Utah)*; (17) between points in Texas, on the one hand, and, on the other, points in Washington (Utah)*; (18) between points in Utah, on the one hand, and, on the other, points in Washington (Idaho)*; and (19) between points in Washington, on the one hand, and, on the other, points in Idaho)*; (G) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the drilling of water wells; (1) between points in Arizona, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, North Dakota, Oklahoma, and South Dakota (Texas; or Texas and Wyoming)*; (2) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Idaho, Montana, Utah, and Wyoming (Texas; or Texas and Colorado)*; (3) between points in California, on the one hand, and, on the other, points in Nebraska, North Dakota, South Dakota, and Wyoming (Colorado)*;

(4) between points in Colorado, on the one hand, and, on the other, points in Louisiana (Texas)*; (5) between points in Idaho, on the one hand, and, on the other, points in Louisiana and Texas (Colorado and Texas; or Colorado)*; (6) between points in Louisiana, on the one hand, and, on the other, points in Montana, Utah, and Wyoming (Texas and Colorado; or Texas)*; (7) between points in Montana, on the one hand, and, on the other, points in Oklahoma (Texas)*; (8) between points in Nebraska, on the one hand, and, on the other, points in New Mexico (Colorado and Texas)*; and (9) between points in Oklahoma, on the one hand, and, on the other, points in Utah and Wyoming (Texas)*; (H) *Machinery* and *equipment* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, over irregular routes; (1) between points in Louisiana, on the one hand, and, on the other, points in Wyoming (Texas)*; and (2) between points in Oklahoma, on the one hand, and, on the other, points in Wyoming (Texas)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E11) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER September 3, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dump truck bodies;* (4) from points in that part of Indiana on and south of U.S. Highway 50 to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Maryland, Connecticut, New York, New Jersey, and points in that part of Pennsylvania east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Galion, Ohio. The purpose of this partial correction is to correct the territorial description in (4) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E23), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New automobiles, new trucks, and new chassis*, in initial movements, in driveaway service, from South Bend, Ind., to points in Illinois, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, West Virginia, those in Wisconsin on and south of U.S. Highway 18, and the District of Columbia (points in Indiana*), Connecticut, Massachusetts, Delaware, Florida, Georgia, New Hampshire, South Carolina, Vermont and Virginia (Toledo, Ohio*); (2) *New automobiles and new trucks* (except passenger automobiles), in secondary movements, in driveaway service, from South Bend, Ind., to points in Connecticut, Massachusetts, Delaware, Florida, Georgia (except those in Dade, Walker, Catoosa, Whitfield, Murray, Gordon, Chattooga, and Floyd Counties), New Hampshire, South Carolina, Vermont, and Virginia (Toledo, Ohio*); (3) *New automobiles and new trucks* (except passenger automobiles), in secondary movements, in driveaway service, from South Bend, Ind., to points in Montana, Nevada, Utah, and those in Idaho in and west of Lehmi, Custer, Boise, Elmore, Camas, Gooding, and Twin Falls Counties (Toledo, Ohio*); and (4) *New and used motor vehicles* (except new passenger automobiles), in driveaway service, between points in Washington (except those in Grays Harbor, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, Skamania, Klickitat, Yakima, Grant, Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, Adams, Whitman, Lincoln, Spokane, Ferry, Stevens, and Pend Oreille Counties), on the one hand, and, on the other, points in California (Seattle, Wash.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 29886 (Sub-No. E30), (Correction), filed May 2, 1974, published in the FEDERAL REGISTER April 9, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cargo containers, cargo container bodies, cargo container boxes,* and *truck and trailer bodies,* which because of size or weight require the use of special equipment or special handling; (8) from those points in Iowa on and north of U.S. Highway 20 to points in Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Virginia, Rhode Island, those in Indiana on and north of U.S. Highway 30 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Michigan City, Ind. The purpose of this partial correction is to correct the territorial description in (8) above. The remainder of this correction remains as previously published.

No. MC 29886 (Sub-No. E36), (Correction), filed May 10, 1974, published in the FEDERAL REGISTER March 20, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Inc. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (1) between points in Louisa, Henry, Des Moines, Lee, and Van Buren Counties, Iowa, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at

Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the origin points in (1) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E43), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks,* and *self-propelled building, construction, and moving machinery*, each weighing 15,000 pounds or more; (1) from points in New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California, and those in Oklahoma (except those in McCurtain County), those in Benton, Carroll, Boone, Marion, Baxter, Fulton, Sharp, Izard, Stone, Searcy, Newton, Madison, Washington, Crawford, Franklin, Johnson, Pope, Van Buren, Cleburne, Sebastian, Logan, Conway, Yell, Scott, and Polk Counties, Ark., and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction Texas Highway 37, thence along Texas Highway 37 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 19, thence along Texas Highway 19 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico (those points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line and Benton Harbar, Mich.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the origin description in (1) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E46), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks,* and *self-propelled building, construction, and moving machinery*, which because of size or weight, require the use of special equipment or special handling, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks* and *self-propelled building, construction* and *moving machinery*, each weighing 15,000 pounds or more; (3) from points in Iowa to points in Maryland, Delaware, the District of Columbia, those in West Virginia on and east of Interstate Highway 77, and those in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the destination territory in (3) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E47), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor), the transportation of which because of size or weight require the use of special equipment, and *self-propelled road construction, and earth moving machines and equipment*, each weighing 15,000 pounds or more . . . The purpose of this filing is to eliminate the gateways indictated by asterisks above. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E50), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Contractor's equipment*, restricted to road construction, and earth moving machines and equipment (except trailers designed to be drawn by a truck tractor), from those points in Pennsylvania west of U.S. Highway 219 to points in Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. The purpose of this filing is to eliminate the gateway of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this correction is to correct the commodity description above.

No. MC 29886 (Sub-No. E59), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER April 16, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., Fort Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled sweepers*, which because of size or weight require the use of special handling or special equipment, and *self-propelled sweepers* each weighing 15,000 pounds or more, from points in Iowa to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, those in Florida on and east of U.S. Highway 319, those in Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 17 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Route Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind. The purpose of this correction is to correct the commodity description.

No. MC 29886 (Sub-No. E61), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER June 11, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *Contractors' equipment*, the transportation of which because of size or

weight require the use of special equipment or special handling, between points in Wisconsin, Iowa, Missouri, and Illinois, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, and New Jersey (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line and New York) *.

(B) *Contractors' equipment;* (1) between points in Michigan, Indiana, and Ohio, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, and New Jersey, between points in Indiana, on the one hand, and, on the other, points in New Jersey, and between points in Ohio (except Columbiana, Carroll, Jefferson, Harrison, Muskingum, Guernsey, Belmont, Fairfield, Perry, Morgan, Noble, Monroe, Washington, Athens, Hocking, Vinton, Jackson, Meigs, Gallia, and Lawrence Counties), on the one hand, and, on the other, New York and Fairfield County, Conn. (those points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line) *; and (2) between points in Michigan, on the one hand, and, on the other, points in New Jersey and those in Pennsylvania in and east of Tioga, Lycoming, Clinton, Center, Blair, and Bedford Counties, Pa., and between points in Pennsylvania, on the one hand, and, on the other, points in Michigan (except Lenawee, Monroe, Washtenaw, Wayne, Livingston, Oakland, Macomb, Lapeer, St. Clair, and Sanilac Counties) (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the commodity descriptions in (A) and (B) above.

No. MC 29886 (Sub-No. E63), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER April 21, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment*, (1) between points in Missouri, on the one hand, and, on the other, those points in Indiana on and north of U.S. Highway 30, and those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 24 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 68, thence along Ohio Highway 68 to junction Ohio Highway 30N, thence along Ohio Highway 30N to junction Ohio Highway 30, thence along Ohio Highway 30 to the Ohio West Virginia State line. The purpose of this filing is to eliminate the gateways of those points in Michigan on and south of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E65), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER April 21, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck tractors), (1) from points in Iowa to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and those in Florida on and east of U.S. Highway 319 and the District of Columbia to points in Nebraska, Colorado, Wyoming, Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line and South Bend, Ind. The purpose of this partial correction is to correct the origin points in (1) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E68), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER April 22, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Contractor's equipment*, restricted to steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery, from those points in Wisconsin on and north of U.S. Highway 10 to those points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 431 to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, and from points in Wisconsin to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line and those points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31E to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich. The purpose of this partial correction is to correct the commodity description in (2) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E69), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER March 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks*, and *self-propelled building, construction, and moving machinery;* (2) from points in Iowa to points in Maryland, Delaware, the District of Columbia, those in West Virginia on and east of Interstate Highway 77, and those in West Virginia on and east of Interstate Highway 77, and those in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich. The purpose of this partial correction is to correct the territorial description in (2) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E72), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 2, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dump bodies*, from those points in Ohio on and north of a line beginning at the Indiana-

Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie to points in New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Vermont, New Hampshire, Maine, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, Oklahoma, Kansas (except those in Nemaha, Jackson, Brown, Atinson, Doniphan, Jefferson, Leavenworth, Wyandotte, and Johnson Counties), North Dakota, Wyoming, Colorado, New Mexico, Arizona, Utah, those in Nebraska on and west of U.S. Highway 281, South Dakota on and west of U.S. Highway 281, and those in Pennsylvania on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Marion, Ohio. The purpose of this correction is to correct the destination areas above.

No. MC 29886 (Sub-No. E81), (Correction), filed May 23, 1974, published in the Federal Register May 29, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (a) between those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 15 thence along Pennsylvania Highway 15 to junction Pennsylvania Highway 220, thence along Pennsylvania Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those in Connecticut, except those west of a line beginning at the Long Island Sound and extending along Connecticut Highway 69 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 63, thence along Connecticut Highway 63 to the Massachusetts-Connecticut State line; (c) between those points in Fulton, Franklin, Adams, York, Lancaster, Lebanon, Berks, Chester, Montgomery, Delaware, Philadelphia, Bucks, Lehigh, and Northampton Counties, Pa. on the one hand, and on the other, those points in New York on and east of a line beginning at the United States-Canada International Boundary line and extending along New York Highway 30 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Massachusetts. The purpose of this partial correction is to (1) to correct the territorial descriptions in (1) above, and (2) to correct the highway description in (3) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E88), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER May 29, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors equipment* (restricted to steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building construction and moving machinery), from those points in the Lower Peninsula of Michigan and those in the Upper Peninsula of Michigan on and east of U.S. Highway 41 to points in Florida, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Utah, Arizona, Nevada, California, and Alabama (except that portion in and east of Lauderdale, Colbert, Lawrence, Culima, Blount, Saint Clair, Talladega, Coosa, Elmore, Macon, Bullock, and Barbour Counties), and from those points in the Lower Peninsula of Michigan in and south of Mason, Newaygo, Mecosta, Montcalm, Gratiot, Saginaw, Tuscola, and Huron Counties, Mich., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich. The purpose of this correction is to correct the commodity description.

No. MC 29886 (Sub-No. E89), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, the transportation of which, because of size or weight, require the use of special equipment or special handling . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the commodity description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E90), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, the transportation of which because of size or weight require the use of special equipment or special handling . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the commodity description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E93), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dump-truck bodies*, the transportation of which because of size or weight require the use of special equipment . . . The purpose of this filing is to eliminate the gateway of Marion, Ohio, and points within five miles thereof. The purpose of this partial correction is to correct the commodity description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E97), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment;* between those points in Illinois, on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of those points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E100), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck trailer), the transportation of which because of size or weight requires the use of special equipment, and *self-propelled road construction and earth moving machinery and equipment*, each weighing 15,000 pounds or more . . . The purpose of this filing is to eliminate the gateways indi-

cated by asterisks above. The purpose of this partial correction is to correct the commodity description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E104) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER May 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies, moving in connection therewith . . . The purpose of this filing is to eliminate the gateways of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this correction is to correct the commodity description.

No. MC 29886 (Sub-No. E105), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER June 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled motor vehicles*, each weighing 15,000 pounds or more, in truckaway service, from points in the Lower Peninsula of Michigan to points in Alabama, Mississippi, and Florida, those in Georgia in and south of Polk, Haralson, Carroll, Coweta, Pike, Upson, Crawford, Bibb, Twiggs, Laurens, Treutlen, Montgomery, Toombs, Tattnall, Evans, Bryan, and Chatham Counties, and those in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along Interstate Highway 65 to junction Interstate Highway 24, thence along Interstate Highway 24 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Tennessee-Alabama State line (points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, thence along U.S. Highway 127 to the Michigan-Ohio State line, South Bend, Ind.) *; and from points in Pennsylvania to points in Arizona, California, Texas, New Mexico, Wyoming, Montana, those in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, those in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along Louisiana Highway 139 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Gulf of Mexico, points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, thence along U.S. Highway 127 to the Michigan-Ohio State line, South Bend, Ind., and points in Texas on and west of U.S. Highway 83) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the territorial description above.

No. MC 29886 (Sub-No. E106), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 2, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which, because of size or weight, require the use of special equipment or special handling and self-propelled articles weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Wisconsin, on the one hand, and, on the other, those points in Indiana (except those on and west of a line beginning at Lake Michigan and extending along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 159, thence along Indiana Highway 159 to junction Indiana Highway 241, thence along Indiana Highway 241 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Indiana-Illinois State line, and between points in Indiana (except those in Porter, Lake, Jasper, and Newton Counties), on the one hand, and, on the other, those points in Wisconsin on and north of a line beginning at Lake Michigan and extending along Wisconsin Highway 54 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12 near Somerset Counties, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this correction is to correct the highway description.

MC 29886 (Sub-E109), filed May 23, 1974. Applicant: Dallas and Mavis Forwarding Co., 400 W. Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in driveaway service, from points in Ohio in, north, and east of Lucas, Wood, Hancock, Hardin, Union, Franklin, Licking, Muskegum, Guernsey, Harrison, and Jefferson Counties, to points in Iowa (except those in Lee County), and from points in Ohio in, and east of Lucas, Wood, Hancock, Hardin, Logan, Champaign, Clark, Greene, Clinton, Highland, and Adams Counties to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 41635 (Sub-No. E7), filed June 3, 1974. Applicant: DEALERS TRANSPORT CO., Box 21126, Standiford Station, Louisville, Ky. 40221. Applicant's representative: Richard D. Gleaves, 602 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs and chassis*, in secondary movements, in truckaway service, (1) from points in Tennessee to Bell, Brazos, Chambers, Dallas, Ellis, Falls, Freestone, Grimes, Harris, Jefferson, Kaufman, Lee, Leon, Liberty, Limestone, Madison, Milam, Montgomery, Navarro, Robertson, San Jacinto, Travis, Walker, Washington, and Williamson Counties, Tex., and (2) from points in Georgia on and north of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 78 to junction Georgia Highway 72, thence along Georgia Highway 72 to the Georgia-South Carolina State line, to points in Bell, Brazos, Burleson, Chambers, Dallas, Ellis, Falls, Freestone, Grimes, Harris, Jefferson, Kaufman, Lee, Leon, Liberty, Limestone, Madison, Milam, Montgomery, Navarro, Robertson, San Jacinto, Travis, Walker,

Washington, and Williamson Counties, Tex. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and Shreveport, La.

No. MC 49052 (Sub-No. E14) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 30, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (1) between points in Mississippi, on the one hand, and, on the other, points in Florida in and east of Monroe, Collier, Lee, Charlotte, Sarasota, Manatee, Hillsborough, Pinellas, Pasco, Hernando, Citrus, Levy, Dixie, Lafayette, Suwannee and Hamilton Counties . . . The purpose of this filing is to eliminate the gateway of Dougherty County, Ga. The purpose of this partial correction is to reflect the destination territory as being within the State of Florida in (1) above. The remainder of the letter-notice remains as previously published.

No. MC 49052 (Sub-No. E15) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 30, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 21308. Applicant's representative: Thomas R. Kingsley, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Cleburne, Calhoun, Etowah, Blount, Walker, Fayette, and Lamar Counties, on the one hand, and, on the other, points in Virginia in and east of Pittsylvania, Bedford, Roanoke, Craig, Allegheny, Bath, Highland, Augusta, Rockingham, Shenandoah, Frederick, Clarke, and Loudoun Counties. The purpose of this filing is to eliminate the gateway of Jasper County, Ga. The purpose of this correction is to reflect the destination territory as Virginia points.

No. MC 50069 (Sub-No. E16), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from South Bend, Ind., and points within two miles thereof, (a) to points in Illinois and Ohio (Niles, Mich.) *, (b) to points in Kentucky on and west of Interstate Highway 65 (Niles, Mich., and Seymour, Ind.) *, (c) to points in Missouri within 135 miles of East St. Louis, Ill., restricted against the transportation of acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride (Niles, Mich., and East St. Louis, Ill.) *, (d) to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., thence to the Pennsylvania-New York State line (Niles, Mich., and Toledo, Ohio) *, (e) to points in West Virginia on and west of a line beginning at Sisterville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glenville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence to the West Virginia-Virginia State line (Niles, Mich., and Ironton, Ohio) *;

(2) *Liquid petroleum chemicals*, in bulk, in tank vehicles, from South Bend, Ind., and points within two miles thereof to points in Missouri (Niles, Mich., and Peoria, Ill.) *; (3) *Petroleum* and *petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from South Bend, Ind., and points within two miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line (Niles, Mich., East Liverpool, Ohio, Midland, Pa., and Congo, W. Va.) *; and (4) *Petroleum* and *petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from South Bend, Ind., and points within two miles thereof to points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 97-17 to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y., thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. (Niles, Mich., Toledo, Ohio, and Titusville, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 51146 (Sub-No. E17) (Correction), filed January 30, 1975, published in the FEDERAL REGISTER April 9, 1975. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) (a) *Such plastic bags, liners, and films*, as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from Sibley, Iowa, to points in California, Nevada, Utah (Except points east of U.S. Highway 91), Arizona (except points east of a line beginning at the Arizona-Nevada State line extending along U.S. Highway 93 to Phoenix, thence along U.S. Highway 80 to junction Arizona Highway 85, thence along Arizona Highway 85 to the United States-Mexico International Boundary line), Idaho (except points north and east of a line beginning at the Oregon-Idaho State line extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to Pocatello, thence along U.S. Highway 91 to the Idaho-Utah State line), Oregon (except points east and north of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to the Oregon-Idaho State line), and Washington (except points east of north of a line beginning at the United States-Canada International Boundary line extending along Interstate Highway 5 to junction Washington Highway 410, thence along Washington Highway 410 to junction U.S. Highway 12, thence along U.S. Highway 12 to Walla Walla, thence along Washington Highway 11 to the Washington-Oregon State line), . . .

(15) (a) *Such Plastic products* (except in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of Idaho on and south of U.S. Highway 26, to points in Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin (except points north of a line beginning at Croix Fall, thence along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 62 to junction U.S. Highway 2, thence along U.S. Highway 2 to Ashland), Minnesota (except points north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 212S to junction Minnesota Highway 23, thence along Minnesota Highway 23 to Wilmar, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line, . . . The purpose of this filing is to eliminate the gateways of Sterling, Colo., and Clearfield, Utah, in (2) above, and Clearfield, Utah, in (15) above. The purpose of this partial correction is to reflect the correct territorial descriptions. The remainder of the letter-notice remains as previously published.

No. MC 51146 (Sub-No. E21), filed June 26, 1975. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) (a) from San Jose and Modesto, Calif., and those points in California in and north of San Mateo, Alameda, San Joaquin, Sacramento, and Eldorado Counties, Calif., Oregon (except Portland), and Washington, to points in North Carolina and South Carolina, (b) from points in Washington, Oregon (except Portland), and points in California in and north of Mono, Madera, Merced, San Benito, and Monterey Counties (except Gustine), to those points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along North Carolina Highway 16 to Charlotte, thence along U.S. Highway 74 to Chadbourn, thence along

North Carolina Highway 410 to the North Carolina-South Carolina State line, and (c) from points in Washington and those points in Oregon on, north and west of a line beginning at Reedsport, extending along Oregon Highway 38 to junction Oregon Highway 99, thence along Oregon Highway 99 to Eugene, thence along Interstate Highway 5 to Portland, thence along Interstate Highway 80N to Pendleton, thence along Oregon Highway 11 to the Oregon-Washington State line (except Portland), to points in Tennessee.

(d) From points in California (except Gustine, Hemet, and Fresno), Oregon (except Portland), and Washington, to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Alternate U.S. Highway 41 to Winchester, thence along U.S. Highway 64 to Chattanooga, thence along U.S. Highway 27 to the Tennessee-Georgia State line, (e) from Washington, Oregon (except Portland), and those points in California on and north of a line beginning at San Francisco extending along Interstate Highway 80 to Oakland, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction Interstate Highway 5, thence along Interstate Highway 5 to Sacramento, thence along U.S. Highway 50 to the California-Nevada State line, to points in Tennessee, (f) from those points in California in and north of Monterey, Fresno, and Mono Counties (except Fresno and Gustine), to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Alternate U.S. Highway 41 to Clarksville, thence along Tennessee Highway 13 to Waynesboro, thence along U.S. Highway 64 to Pulaski, thence along U.S. Highway 31 to the Tennessee-Alabama State line, (g) from points in Washington and Oregon (except Portland), to points in Alabama, (h) from points in Washington, Oregon (except Portland), and those points in California in and north of Monterey, Fresno, and Mono Counties (except Fresno and Gustine), to points in Alabama on, east and north of a line beginning at the Tennessee-Alabama State line extending along Interstate Highway 65 to Birmingham, thence along U.S. Highway 280 to the Alabama-Georgia State line.

(i) From San Jose, Modesto, and points in and north of San Mateo, Alameda, San Joaquin, Sacramento, and El Dorado Counties, Calif., to points in Alabama on, north, and east of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 82 to Centreville, thence along Alabama Highway 219 to Selma, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line, (j) from San Jose and Modesto, Calif., and points in and north of San Mateo, Alameda, San Joaquin, Sacramento, and El Dorado Counties, Calif., Oregon (except Portland), and Washington, to points in Florida on, south, and east of a line beginning at Naples extending along Florida Highway 84 to junction U.S. Highway 27, thence along U.S. Highway 27 to South Bay, thence along Florida Highway 80 to Belle Glade, thence along U.S. Highway 441 to West Palm Beach, (k) from points in Washington and Oregon (except Portland), to points in Georgia, Florida (except points west of a line beginning at Chattahoochee extending along U.S. Highway 90 to Tallahassee, thence along Florida Highway 363 to Apalachee Bay), and Alabama (except points west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 431 to Opelika, thence along U.S. Highway 29 to Troy, thence along U.S. Highway 231 to Dothan, thence along U.S. Highway 84 to the Alabama-Georgia State line), (l) from points in Washington and those points in Oregon on, north, and west of a line beginning at Reedsport extending along Oregon Highway 38 to junction Oregon Highway 99, thence along Oregon Highway 99 to Eugene, thence along Interstate Highway 5 to Portland, thence along Interstate Highway 80N to Pendleton, thence along Oregon Highway 11 to the Oregon-Washington State line (except Portland), to points in Florida, Georgia, Alabama, and those points in Mississippi on and east of a line beginning at the Arkansas-Mississippi State line extending along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to Yazoo City, thence along U.S. Highway 49 to junction Mississippi Highway 13, thence along Mississippi Highway 13 to Columbia, thence along Mississippi Highway 35 to the Mississippi-Louisiana State line.

(m) From those points in Washington on, north, and west of a line beginning at Aberdeen extending along U.S. Highway 12 to junction Washington Highway 8, thence along Washington Highway 8 to junction U.S. Highway 101, thence along U.S. Highway 101 to Olympia, thence along Interstate Highway 5 to the United States-Canada International Boundary line, to points in Florida, Georgia, Alabama, Mississippi, those in Arkansas on and east of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to Hardy, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 167 to Alexandria, thence along U.S. Highway 71 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to Lafayette, thence along U.S. Highway 90 to Centerville, thence along Louisiana Highway 317 to East Cote Blanche Bay; (2) *Dog food*, (a) from Anacortes, Wash., and points in California on and north of a line beginning at San Francisco extending along Interstate Highway 80 to Oakland, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction Interstate Highway 5, thence along Interstate Highway 5 to Sacramento, thence along U.S. Highway 50 to the California-Nevada State line, to points in Tennessee, (b) from points in California (except Gustine, Hemet, and Fresno), to points in Tennessee, on, north, and east of a line beginning at the Kentucky-Tennessee State line extending along Alternate U.S. Highway 41 to Winchester, thence along U.S. Highway 64 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line; (3) *Unfrozen dinners* (a) from the facilities of the Hunt-Wesson Foods, Inc., at Hayward, Calif., to points in North Carolina and South Carolina.

(b) From the facilities of Hunt-Wesson Foods, Inc., located at Fullerton, Calif., to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 52 to Winston-Salem, thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 78, thence along North Carolina Highway 78 to Fayetteville, thence along North Carolina Highway 24 to junction U.S. Highway 421, thence along U.S. Highway 421 to Southport, (c) from the facilities of Hunt-Wesson Foods, Inc., at Hayward, Calif., to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Alternate U.S. Highway 41 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Green Bay, Wis., in (1) (a), (b), (c), (j), (k), (l), (m), 3 (a), (b), and (c) above; Fowler, Ind., in (1) (d), (e), and (f); Milford, Ill., in (1) (g), (h), and (i) above; and Momence, Ill., in (2) (a) and (b) above.

No. MC 60014 (Sub.-No. E118) (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: *Iron and steel articles*, which by reason of size or weight require the use of special equipment, from points in Pennsylvania . . . The purpose of this filing is to eliminate the gateway of Wheeling, W. Va. The purpose of this correction is to reflect the correct "E" number—previously published as E24. The remainder of the letter-notice remains as previously published.

No. MC 60014 (Sub-No. E119) (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 Pennsylvania on the one hand, and, on the other, . . . The purpose of this filing is to eliminate the gateway of points in New York within 10 miles of Greenwich, Conn., and Greenwich, Conn. The purpose of this partial correction to reflect the correct "E" number—previously published as E25. The remainder of the letter-notice remains as previously published.

No. MC 60014 (Sub-No. E120) (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 those points in Pennsylvania on and south of Interstate Highway 80 on the one hand, and, on the other, those points in Vermont on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of points in New York within 10 miles of Greenwich, Conn., Greenwich, Conn., and points in Massachusetts within 35 miles of Boston, Mass. The purpose of this correction is to reflect the correct "E" number—previously published as E26.

No. MC 60014 (Sub-No. E121) (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*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Pennsylvania on the one hand, and, on the other, . . . The purpose of this filing is to eliminate the gateways of New York and points in Massachusetts within 35 miles of Boston. The purpose of this partial correction is to reflect the correct "E" number—previously published as E29.

No. MC 60014 (Sub-No. E122) (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 those points in Pennsylvania . . . The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., and points in Massachusetts within 35 miles of Boston. The purpose of this partial correction is to reflect the correct "E" number—previously published as E30. The remainder of the letter-notice remains as previously published.

No. MC 60014 (Sub-No. E123) (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*, the transportation of which, by reason of their size or weight, requires the use of special equipment, between points in New Jersey on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of points in Pennsylvania and points in Columbiana, Cuyhoga, Mahoning, Summit, and Trumbull Counties, Ohio. The purpose of this correction is to reflect the correct "E" number—previously published as E32.

No. MC 60014 (Sub-No. E124) (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*, the transportation of which, by reason of their size or weight, requires the use of special equipment, between points in Pennsylvania on the one hand, and, on the other, . . . The purpose of this filing is to eliminate the gateway of New York and points in Massachusetts within 35 miles of Boston. The purpose of this partial correction is to reflect the correct "E" number—previously published as E31.

No. MC 61231 (Sub-No. E29), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: ACE LINES, INC., 4143 E. 43rd St., 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 materials, roofing* and *roofing materials*, and *urethane* and *urethane products*, that are building materials, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, to points in Wisconsin. Restriction: The authority authorized above is restricted (1) against the transportation of cement from the plant site of the Lone Star Cement Corporation at Bonner Springs, Kans., and (2) against the transportation of mineral filler, lime, limestone, and limestone products, in bulk. The purpose of this filing is to eliminate the gateway of the plant site of the Celotex Corp., at Dubuque, Iowa. The purpose of this correction is to correct the "E" number, previously published as E30.

No. MC 61396 (Sub-No. E4), filed May 10, 1974. Applicant: HERMAN BROS., INC., 2565 St. Mary's 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: *Liquified petroleum gas*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-America Pipeline Co., pipeline at or near Sanborn, Iowa, to points in that part of North Dakota west and north of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 281 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Yankton, S. Dak.

No. MC 61396 (Sub-No. E5), filed May 10, 1974. Applicant: HERMAN BROS., INC., 2565 St. Mary's 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*, in bulk, in tank vehicles, (a) from Kansas City, Kans., to points in Iowa on and within an area bounded by a line beginning at the Iowa-Missouri State line extending along Iowa Highway 25 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to the Iowa-Wisconsin State line, thence along the Iowa-Wisconsin State line to the Iowa-Illinois State line, thence along the Iowa-Illinois State line to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, thence along the Iowa-Missouri State line to junction Iowa Highway 25; and (b) from Kansas City, Kans., to points in Iowa on and within an area bounded by a line beginning at junction Iowa Highway 25 and U.S. Highway 34 extending along Iowa Highway 25 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to the Iowa-Wisconsin State line, thence along the Iowa-Wisconsin State line to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction U.S. Highway 63, thence along U.S. Highway

63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 25. The purpose of this filing is to eliminate the gateways of Lamoni, Iowa, in (a) above and Indianola, Iowa, in (b) above.

No. MC 61396 (Sub-No. E28), filed May 10, 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: *Liquified petroleum gas*, in bulk, in tank vehicles, from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 69 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 15, thence along Iowa Highway 15 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 141, thence west along Iowa Highway 141 to unnumbered highway, thence west along unnumbered highway to Whiting, thence south along unnumbered highway to junction Iowa Highway 37, thence along Iowa Highway 37 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34 thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, to points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along Nebraska Highway 14 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of the site of the terminal of the Mid-America Pipeline Co., at or near Whiting, Iowa.

No. MC 61396 (Sub-No. E30), filed May 10, 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-based dry fertilizer and urea*, in bulk and in bags, (a) from points in Iowa on and east of U.S. Highway 169 to points in Nebraska on and west of Nebraska Highway 61, (Perry, Iowa*) and (b) from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along Iowa Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Illinois State line, to points in Nebraska north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 77 to junction Nebraska Highway 35, thence along Nebraska Highway 35 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 80S, thence along Interstate Highway 80S to the Colorado-Nebraska State line (Sioux City, Iowa*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61396 (Sub-No. E31), filed May 10, 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-based liquid fertilizer*, in bulk, in tank vehicles, from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 69 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 15, thence along Iowa Highway 15 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction on unnumbered highway, thence along unnumbered highway to Onawa, to junction Iowa Highway 37, thence along Iowa Highway 37 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, to points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along Nebraska Highway 14 to junction U.S. Highway 275, thence along Nebraska Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Onawa, Iowa.

No. MC 61396 (Sub-No. E35), filed May 10, 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: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 63 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction unnumbered highway, thence along unnumbered highway to Iowa-Missouri State line at or near Mt. Sterling, Iowa, to points in Nebraska on, north, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 283 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 35, thence along Nebraska Highway 35 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of The Consumers Cooperative Association plant at or near Ft. Dodge, Iowa.

No. MC 66900 (Sub-No. E9) (Correction), filed May 24, 1974 published in the FEDERAL REGISTER April 17, 1975. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (6) between Philadelphia and Bristol, Pa. on the one hand, and, on the other, points in Monroe, Greenbriar, Nicholas, Pocahontas, Webster, Randolph, Upshur, Barbour, Pendleton Counties, W. Va., that are within 80 miles of Staunton, Va., and points in that part of Tucker County, W. Va., located on and south of West Virginia Highway 72, that are within 80 miles of Staunton, Va., and points in Virginia within 80 miles of Staunton, Va., except Roanoke, Va. The purpose of this filing is to eliminate the gateway of points in Rockingham County, Va., and points which are within 80 miles of Staunton, Va., and within 50 miles of Washington, D.C. The purpose of this partial correction is to include the paragraph above. The remainder of this letter-notice will remain as previously published.

No. MC 67646 (Sub-No. E3), filed May 15, 1974. Applicant: HILL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, sand, gravel, earth, stone, household goods, as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, and commodities in bulk), between Baltimore, Md. on the one hand, and, on the other, those points in Pennsylvania within 60 miles of Bel Air, Md.

which are on and east of a line beginning at Harrisburg, Pa., thence along U.S. Highway 15 to junction Pennsylvania Highway 194, thence along Pennsylvania Highway 194 to junction Pennsylvania Highway 94, thence along Pennsylvania Highway 94 to the Pennsylvania-Maryland State line, except Hanover and points on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Harford County, Md.

No. MC 67646 (Sub-No. E7), filed May 16, 1974. Applicant: HILL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment, between points in the Washington, D.C. Commercial Zone on the one hand, and, on the other, those points in Harford County, Md., except points on U.S. Highways 1 and 40 and except Edgewood Arsenal and Aberdeen Proving Grounds, Md.; (2) *general commodities*, except those of unusual value, Classes A and B explosives, sand gravel, earth, stone, household goods, as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading, between points in the Washington, D.C., Commercial Zone on the one hand, and, on the other, those points in Pennsylvania within 60 miles of Bel Air, Md., which are on and east of Interstate Highway 83 and north and west of U.S. Highway 1; and (3) *general commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment, between points in Prince Georges, Calvert, Charles, and St. Mary's Counties, Md., and Fairfax and Prince William Counties, Va. on the one hand, and, on the other, points in W. Va. (except Berkeley and Jefferson Counties), and those points in Maryland, Pennsylvania, and New York, which are on, west, and north of a line beginning at the West Virginia-Maryland State line, thence along Interstate Highway 81 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateways of (1) Baltimore, Md.; (2) points in Harford County, Md.; and (3) Rockville, Frederick, and Hagerstown, Md.

No. MC 69292 (Sub-No. E1), filed June 4, 1974. Applicant: ATLAS TRANSPORTATION, INC., P.O. Box 4028, Baltimore, Md. 21222. Applicant's representative: Leo. Flanigan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment, (a) between Sparrows Point, Md. on the one hand, and, on the other, points in that part of New York on and east of a line beginning at Point Breeze extending along New York Highway 98 to junction New York Highway 5, thence along New York Highway 5 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 247, thence along New York Highway 247 to junction New York Highway 364, thence along New York Highway 364 to junction New York Highway 54, thence along New York Highway 54 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 34, thence along New York Highway 34 to Waverly, (b) between Baltimore, Md., and points in Maryland within 45 miles thereof on and east of a line beginning at the Pennsylvania-Maryland State line extending along Maryland Highway 30 to junction Maryland Highway 482, thence along Maryland Highway 482 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction Interstate Highway 495, and points in Virginia within the Washington, D.C. commercial zone, on the one hand, and, on the other, points in New York on and east of Interstate Highway 81, (c) between New York, N.Y., and points in New Jersey on and north of New Jersey Highway 70 on the one hand, and, on the other, Baltimore, Md., and points within 45 miles of Baltimore. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(2) *Machinery, machinery parts, new and scrap metals, and iron and steel articles*, all which because of size or weight require the use of special equipment, (a) between New York, N.Y., and points in New Jersey on and south of a line beginning at the New York-New Jersey State line extending along Interstate Highway 95 to Newark, thence along U.S. Highway 22 to Somerville, thence along U.S. Highway 202 to the New Jersey-Pennsylvania State line on the one hand, and, on the other, points in New York on and west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 219 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 190, thence along Interstate Highway 190 to Lake Ontario, and (b) between points in New York on the one hand, and, on the other, points in New Jersey on and south of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

MC 83539 (Sub-E32), filed May 27, 1974. Applicant: C & H Transportation Company, Inc., P.O. Box 5976, Dallas, TX 75222. Applicant's Representative: Wiley C. Willingham (Address same as above). Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment, restricted against service in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines between points in Alabama on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Nashville, TN, points in Kentucky and Illinois.

No. MC 88368 (Sub-No. E30), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas State line extending along Interstate Highway 40 to Checotah, thence along U.S. Highway 69 to McAlester, thence along U.S. Highway 270 to Valcin, thence along Oklahoma Highway 1 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 77, thence along U.S. Highway 77 to Ardmore, thence along U.S. Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Texas State line, to Montgomery, Ala., and those points in Alabama in excess of 100 miles of Birmingham on and east of a line beginning at the Alabama-Florida State line extending along Alabama Highway 27 to Enterprise, thence along Alabama Highway 167 to junction Alabama Highway 87, thence along Alabama Highway 87 to Troy, thence along U.S. Highway 231 to the Alabama-Tennessee State line; (2) from points in Oklahoma on and west and north of a line beginning at the Oklahoma-Arkansas State line extending along Interstate Highway 40 to Checotah, thence along U.S. Highway 69 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to Hugo, thence along U.S. Highway 271 to the Oklahoma-Texas State line, to Birmingham, Ala., and points in Alabama within 100 miles of Birmingham, not including Montgomery.

(3) From points in Oklahoma on and north of a line beginning at the Oklahoma-Arkansas State line extending along Oklahoma Highway 33 to Tulsa, thence along U.S. Highway 62 to Sand Springs, thence along Oklahoma Highway 97 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 270, thence along U.S. Highway 270 to Seiling, thence along U.S. Highway 60 to the Oklahoma-Texas State line, to points in Alabama in excess of 100 miles of Birmingham west of a line beginning at the Alabama-

Florida State line extending along Alabama Highway 27 to Enterprise, thence along Alabama Highway 167 to junction Alabama Highway 87, thence along Alabama Highway 87 to Troy, thence along U.S. Highway 231 to the Alabama-Tennessee State line; (4) From points in Oklahoma within an area bounded by a line beginning at the Oklahoma-Texas state line near Goodwin, Oklahoma and extending along U.S. Highway 70 to Selling, Oklahoma, thence along U.S. Highway 270 to El Reno, Oklahoma, thence along U.S. Highway 81 to the Oklahoma-Texas state line, thence west and north along the Oklahoma-Texxas state line to junction U.S. Highway 60, the point of beginning, including points on the indicated portions of the Highways specified to points in Birmingham, Alabama and points within 100 miles of Birmingham, not including Montgomery, Alabama.

(5) From points in Oklahoma on, west, and north of a line beginning at the Oklahoma/Kansas state line and extending along U.S. Highway 75 to Bartlesville, Oklahoma, thence along U.S. Highway 60 to Pawhuska, Okla., thence along Oklahoma Highway 99 to Drumright, Oklahoma, thence along Oklahoma Highway 33 to Guthrie, Oklahoma, thence along U.S. Highway 77 to Oklahoma City, Oklahoma, thence along U.S. Highway 62 to Chickasha, Oklahoma, thence along U.S. Highway 62 to Chickasha, Oklahoma, thence along U.S. Highway 81 to El Reno, Oklahoma, thence along U.S. Highway 270 to Selling, Oklahoma, thence along U.S. Highway 60 to the Oklahoma/Texas state line to ARKANSAS, points in Mississippi county. (6) From points in Oklahoma on, north, and west of a line beginning at the Oklahoma/Kansas state line and extending along U.S. Highway 77 to Ponca City, Oklahoma, thence along U.S. Highway 64 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to junction Oklahoma Highway 45, thence along Oklahoma Highway 45 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to the Oklahoma-Texas state line to ARKANSAS, points on, north, and east of a line beginning at Fort Smith, Arkansas, and extending along U.S. Highway 64 to Russellville, Arkansas, thence along Arkansas Highway 7 to Arkadelphia, Arkansas, thence along U.S. Highway 67 to Prescott, Arkansas, thence along Arkansas Highway 19 to Magnolia, Arkansas, thence along U.S. Highway 79 to the Arkansas-Louisiana state line. (7) From points in Oklahoma in and west of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Atoka, and Bryan counties to points in DELAWARE. (8) From points in Oklahoma on and east of Interstate Highway 35 to points in CALIFORNIA in and north of Humbolt, Trinity, Siskiyou, and Modoc counties. (9) From points in Oklahoma on and east of U.S. Highway 81 to points in COLORADO in, north, and west of Kit Carson, Lincoln, El Paso, Teller, Park, Chaffee, Saguache, Alamosa, and Conejos counties.

(10) From points in Oklahoma in and east of Cotton, Comanche, Caddo, Canadian, Kingfisher, Garfield, and Grant counties to points in COLORADO, in and north of Kit Carson, Washington, Arapahoe, Jefferson, Clear Creek, Summit Eagle, Garfield, and Mesa counties. (11) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line near Renfrow, Oklahoma, and extending along U.S. Highway 81 to Chickasha, Oklahoma, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas state line to points in the DISTRICT OF COLUMBIA. (12) From points in Oklahoma on and north of a line beginning at the Oklahoma-Arkansas state line and extending along U.S. Highway 62 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Oklahoma-Texas state line to points in FLORIDA. (13) From points in Oklahoma, on, north, and west of a line beginning at the Oklahoma-Arkansas state line and extending along Interstate Highway 40 to Checotah, Oklahoma, thence along U.S. Highway 69 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to Hugo, Oklahoma, thence along U.S. Highway 271 to the Oklahoma-Texas state line to points in FLORIDA in and east of Leon Wakulla counties. (14) From points in Oklahmoma on, north, and west of a line beginning at the Oklahoma-Arkansas state line and extending along Oklahoma Highway 1 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Davis, Oklahoma, thence along U.S. Highway 77 to Ardmore, Oklahoma, thence along U.S. Highway 70 to Waurika, Oklahoma, thence along U.S. Highway 81 to the Oklahoma-Texas state line to points in GEORGIA.

(15) From points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 81 to Chickasha, Oklahoma, thence along U.S. Highway 277 to the Oklahoma-Texas state line to points in IDAHO on, north, and west of a line beginning at the Idaho-Nevada state line and extending along U.S. Highway 93 to Twin Falls, Idaho, thence along U.S. Highway 30 and 30N to Pocatello, Idaho, thence along U.S. Highway 181 to the Idaho-Montana state line. (16) From points in Oklahoma, east of Beaver County to points in IDAHO north of Idaho County. (17) From points in Oklahoma to points in ILLINOIS, Bloomington, Illinois and points within 25 miles thereof, and Danville, Illinois and points within 100 miles thereof in and north of Edgar, Coles, and Christian counties and those points in Shelby County on and north of Illinois Highway 16. (18) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to Hominy, Oklahoma, thence along Oklahoma Highway 88 to Cleveland, Oklahoma, thence along U.S. Highway 64 to junction Oklahoma Highway 48, thence along Oklahoma Highway 48 to Wapanucka, Oklahoma, thence along Oklahoma Highway 7 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to Madill Oklahoma, thence along U.S. Highway 377 to the Oklahoma-Texas state line to points in Illinois.

(19) From points in Oklahoma to points in INDIANA in and north of Vigo, Clay, Owen, Monroe, Brown, Johnson, and Shelby counties within 100 miles of Danville, Illinois. (20) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 169 to Tulsa, Oklahoma, thence along U.S. Highway 75 to the Oklahoma-Texas state line to points in INDIANA. (21) From points in Oklahoma to points in IOWA, Harlan, Iowa, and points within 15 miles thereof. (22) From points on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to Tulsa, Oklahoma, thence along U.S. Highway 64 to Warner, Oklahoma, thence along U.S. Highway 266 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to Talihina, Oklahoma, thence along Oklahoma Highway 63 to the Oklahoma-Arkansas state line to points in IOWA. (23) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 177 to Stillwater, Oklahoma, thence along Highway (Oklahoma) 51 to junction Interstate Highway 35, thence along Interstate Highway 35 to Guthrie, Oklahoma, thence along Oklahoma Highway 33 to Kingfisher, Oklahoma, thence along U.S. Highway 281 to the Oklahoma-Texas state line to points in KENTUCKY on and north of a line beginning at the Kentucky-Indiana state line and extending along Interstate Highway 64 to Midway, Kentucky, thence along U.S. Highway 421 to the Kentucky-Tennessee state line.

(24) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 69 to Checotah, Oklahoma, thence along Interstate Highway 40 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to Tishomingo, Oklahoma, thence along Oklahoma Highway 78 to Durant, Oklahoma, thence along U.S. Highway 75 to the Oklahoma-Texas state line to points in Harlan County, Kentucky. (25) From points in Oklahoma on and west of U.S. Highway 69 to points in LOUISIANA on and south of U.S. Highway 80. (26) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 77 to Ponca City, Oklahoma, thence along U.S. Highway 177 to Statford, Oklahoma, thence along Oklahoma Highway 19 to Paul's Valley, Oklahoma, thence along U.S. Highway 77 to the

Oklahoma-Texas state line to points in MARYLAND in, south, and east of Baltimore, Anne Arundel, and Prince Georges counties. (27) From points in Oklahoma in and west of Nowata, Rogers, Tulsa, Okmulgee, McIntosh, Pittsburg, Pushmataha, and Choctaw counties to points in MICHIGAN. (28) From points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas state line and extending along Oklahoma Highway 33 to Tulsa, Oklahoma, thence along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 77 to the Oklahoma-Texas state line to points in Mississippi. (29) From points in Oklahoma in, east, and south of Harper and Ellis counties to points in MONTANA.

(30) From points in Oklahoma on, east, and north of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to Tulsa, Oklahoma, thence along U.S. Highway 64 to the Oklahoma-Arkansas state line to points in NEBRASKA west of U.S. Highway 81. (31) From points in Oklahoma on, west, and south of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to Tulsa, Oklahoma, thence along U.S. Highway 64 to the Oklahoma-Arkansas state line to points in NEBRASKA on and east of U.S. Highway 81. (32) From points in Oklahoma on and within an area bounded by a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 281 to junction Oklahoma Highway 45, thence along Oklahoma Highway 45 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to Watonga, Oklahoma, thence along U.S. Highway 281 to the Oklahoma-Texas state line, thence east along the Oklahoma-Texas state line and north along the Oklahoma-Arkansas state line to Fort Smith, Arkansas, thence along U.S. Highway 64 to Tulsa, Oklahoma, thence along U.S. Highway 65 to the Oklahoma-Kansas state line, thence west along Oklahoma-Kansas state line to the point of beginning to points in NEBRASKA in, north, and east of Webster, Adams, Hall, Howard, Sherman, Custer, Keith, Duel, Cheyenne, Kimball counties and that portion of Lincoln county on and north of Interstate 80.

(33) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 77 to Ponca City, Oklahoma, thence along U.S. Highway 177 to Stillwater, Oklahoma, thence along Oklahoma Highway 51 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas state line to points in New York on and east of a line beginning at the New York-Pennsylvania state line and extending along New York Highway 5 to Binghampton, New York, thence along New York Highway 12 to Alder Creek, New York, thence along New York Highway 28 to Blue Mountain Lake, New York, thence along N.Y. Highway 30 to the New York-Canadian border. (34) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to Hugo, Oklahoma, thence along U.S. Highway 271 to the Oklahoma-Texas state line to points in NEW YORK on, east, and south of a line beginning at the New York-Pennsylvania state line near Port Jervis, New York and extending along U.S. Highway to Kingston, New York, thence along Interstate Highway 87 to the New York-Canadian border. (35) From points in Oklahoma on, east, and south of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 77 to Ponca City, Oklahoma, thence along U.S. Highway 177 to Perkins, Oklahoma, thence along Oklahoma Highway 33 to Sapulpa, Oklahoma, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to McAlester, Oklahoma, thence along U.S. Highway 69 to Durant, Oklahoma, thence along U.S. Highway 70 to junction Oklahoma Highway 79, thence along Oklahoma Highway 79 to the Oklahoma-Texas state line to points in NEW MEXICO on and west of a line beginning at the New Mexico-Colorado state line and extending along New Mexico Highway 3 to Taos, New Mexico, thence along U.S. Highway 64 to Santa Fe, New Mexico, thence along Interstate Highway 25 to the New Mexico-Texas state line. (36) From points in Oklahoma in and east of Grant, Garfield, Kingfisher, Canadian, Caddo, Comanche, and Cotton counties, to points in OREGON in, north, and west of Wallowa, Union, Umatilla, Morrow, Wheeler, Crook, Deschutes, and Klamath Counties.

(37) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to Hugo, Oklahoma, thence along U.S. Highway 271 to the Oklahoma-Texas state line to points in NEW JERSEY. (38) From points in Oklahoma to points in NEW JERSEY on, south, and east of U.S. Highway 202. (39) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 169 to Tulsa, Oklahoma, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to Hugo, Oklahoma, thence along U.S. Highway 271 to the Oklahoma-Texas state line to points in PENNSYLVANIA. (40) From points in Oklahoma in and west of Craig, Mayes, Wagoner, Muskogee, Haskell, Latimre, Pushmatacha, and Choctow counties to points in Rhode Island. (41) From points in Oklahoma within an area bounded by a line beginning at the Oklahoma-Texas state line near Goodwin, Oklahoma, and extending along U.S. Highway 60 to Seiling, Oklahoma, thence along U.S. Highway 270 to El Reno, Oklahoma, thence along U.S. Highway 81 to the Oklahoma-Texas state line, thence west and north along the Oklahoma-Texas state line to junction U.S. Highway 60, the point of beginning, including points on the indicated portions of the highways specified to points in SOUTH CAROLINA on and east of a line beginning at the South Carolina-Georgia state line at Savannah Georgia and extending along U.S. Highway 17 to junction U.S. Highway 21 thence along U.S. Highway 21 to Orangeburg, South Carolina, thence along U.S. Highway 301 to junction U.S. Highway 15, thence along U.S. Highway 15, to Sumter, South Carolina, thence along U.S. Highway 76 to the South Carolina-North Carolina state line.

(42) From points in Oklahoma, on, north, and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 281 to Alva, Oklahoma, thence along U.S. Highway 64 to Guymon, Oklahoma, thence along U.S. Highway 54 to the Oklahoma-Texas state line to points in SOUTH CAROLINA on and east of a line beginning at the South Carolina-Georgia state line at Savannah, Georgia, and extending along U.S. Highway 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to Orangeburg, South Carolina, thence along U.S. Highway 301 to junction U.S. Highway 15, thence along U.S. Highway 15 to Sumter, South Carolina, thence along U.S. Highway 76 to the South Carolina-North Carolina state line. (43) From points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 81 to Chickasha, Oklahoma, thence along U.S. Highway 277 to the Oklahoma-Texas state line to points in SOUTH DAKOTA on, east, and north of a line beginning at the South Dakota-Wyoming state line and extending along U.S. Highway 14 to Rapid City, South Dakota, thence along U.S. Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska state line. (44) From points in Oklahoma on, west, and north of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to Bartlesville, Oklahoma, thence along U.S. Highway 60 to Pawcausha, Oklahoma, thence along Oklahoma Highway 99 to Drumright, Oklahoma, thence along Oklahoma Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to Clinton, Oklahoma, thence along U.S. Highway 66 to the Oklahoma-Texas state line to points in TENNESSEE.

(45) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 169 to Tulsa, Oklahoma, thence along U.S. Highway 66 to Warwick, Oklahoma, thence along U.S. Highway 177 to Tecumseh, Oklahoma, thence along U.S. Highway 81 to the Oklahoma-Texas state line to points in Tennessee on and east of a line beginning at the Tennessee-Kentucky state line and extending along U.S. Highway Alternate 41 to Nashville, Tennessee, thence along U.S. Highway 31 to the Tennessee-Alabama state line. (46) From points in Kay county Oklahoma to points in TEXAS in excess of 200 miles of Detroit, Texas. (47) From points in Oklahoma on and west of a line

beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to Bartlesville, Oklahoma, thence along U.S. Highway 60 to Pawhuska, Oklahoma, thence along Oklahoma Highway 99 to Ada, Oklahoma, thence along Oklahoma Highway 1 to junction Oklahoma Highway 7 thence along Oklahoma Highway 7 to Sulphur, Oklahoma, thence along U.S. Highway 177 to Mannsville, Oklahoma, thence along U.S. Highway 77 to the Oklahoma-Texas state line to points in VERMONT.

(48) From points in Oklahoma to points in VIRGINIA on and east of a line beginning at the Virginia-West Virginia state line near Paint Bank, Virginia, and extending along Virginia Highway 311 to Roanoke, Virginia, thence along U.S. Highway 220 to the Virginia-North Carolina state line. (49) From points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Kansas state line and extending along Interstate Highway 44 to Stroud, Oklahoma, thence along Oklahoma Highway 99 to Ada, Oklahoma, thence along Oklahoma Highway 1 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Duncan, Oklahoma, thence along U.S. Highway 81 to the Oklahoma-Texas state line to points in VIRGINIA. (50) From points in Oklahoma on, east, and south of State Highway 136 to points in WASHINGTON.

(51) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 177 to Mannsville, Oklahoma, thence along U.S. Highway 70 to Madill, Oklahoma, thence along U.S. Highway 377 to the Oklahoma-Texas state line to points in WISCONSIN on and east of a line beginning at the Wisconsin-Illinois state line near Dubuque, Iowa and extending along U.S. Highway 61 to Reedstown, Wisconsin, thence along Wisconsin Highway 131 to Tomah, Wisconsin, thence along U.S. Highway 12 to Augusta, Wisconsin, thence along Wisconsin Highway 27 to Ojibwa, Wisconsin, then along Wisconsin Highway 70 to Fifield, Wisconsin, thence along Wisconsin Highway 13 to Ashland, Wisconsin. (52) From points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to Hugo, Oklahoma, thence along U.S. Highway 271 to the Oklahoma-Texas state line to points in WISCONSIN, points on and east of a line beginning at the Wisconsin-Illinois state line and extending along U.S. Highway 51 to the Wisconsin-Michigan state line. (53) From points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 281 to junction Oklahoma Highway 45, thence along Oklahoma Highway 45 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to Watonga, Oklahoma, thence along U.S. Highway 281 to the Oklahoma-Texas state line to points in WYOMING.

(54) From points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas state line and extending along Oklahoma Highway 34 to Vici, Oklahoma, thence along U.S. Highway 60 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to Lone Wolf, Oklahoma, thence along Oklahoma Highway 44 to Junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas state line to points in WYOMING on and west of a line beginning at the Wyoming-Montana state line and extending along U.S. Highway 87 to Buffalo, Wyoming, thence along U.S. Highway 16 to Worland, Wyoming, thence along Wyoming Highway 789 to Lander, Wyoming, thence along U.S. Highway 287 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to Farson, Wyoming, thence along U.S. Highway 187 to Rock Springs, Wyoming, thence along Interstate Highway 80 to Green River, Wyo., thence along Wyoming Highway 530 to the Wyoming-Utah State line; and (55) from points in Oklahoma to points in New Hampshire on, north, and east of a line beginning at the New Hampshire-Vermont State line near Cold River extending along New Hampshire Highway 12 to the New Hampshire-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Cooter, Mo., Corinth, Miss., Florence, Ala., and Tuscumbia, Ala., in (1) above; Cooter and Seligmar, Mo., Corinth and Columbus, Miss., Tupelo, Miss., and Henry's Chapel, Tex., in (2) above; Noel, Mo., Corinth, Miss., and Florence, Ala., in (3) above; Magnolia, Ark., Cooter, Mo., Corinth, Miss., and Florence, Ala., in (4) above; Cowley County and Arkansas County, Kans., in (5) above; Arkansas City, Kan., in (6) above; Newton, Kans., Fort Collins, Colo., Maryhill, Wash., Newton, Kans., and Walla Walla, Wash., in (7) above; Arkansas City, Kans., in (8) above; Arkansas City and Newton, Kans., in (9) above.

Cowley County, Kansas, Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (10) above; Arkansas City, Kans., Clinton, Ill, Steubenville, Ohio and Philadelphia, Pa., in (11) above; Noel, Mo., Corinth, Miss., Florence, Ala., Seligman, Mo., Arkansas City, Kans., and Memphis, Tenn., in (12) above; Cooter, Mo., Corinth, Miss., Florence, Ala., Henry's Chapel, Tex., Jackson, Miss, Selma, Ala., and Valdosta, Ga., in (13) above; Cooter, Mo., Corinth, Miss., Florence, Ala., and Little Rock, Ark., in (14) above; Moundridge, Kans., Sterling, Colo., and Monida, Mont., in (15) above; Moundridge, Kans., Sterling, Colo., Missoula, Mont., in (16) above; Joplin, Mo., Clinton, Ill., and Poplar Bluff, Mo., in (17) above; Cowley County and Arkansas City, Kans., in (18) above; Joplin, Mo., Clinton, Ill., and Poplar Bluff, Mo., in (19) above; Cowley County and Arkansas City, Kans., in (20) above; Joplin, and St. Joseph, Mo., in (21) above; Cowley County, Kans., in (22) above; Arkansas City, Kans., and Clinton, Ill., in (23) above; Joplin, Mo. Clinton, Ill., Terre Haute, Ind., Henry's Chapel, Tex., Tupelo, Miss., and Florence, La., in (24) above; Henry's Chapel, Tex., in (25) above; Arkansas City, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (26) above; Cowley County, Kans., Clinton, Ill., and Bloomington, Ill., in (27) above; Noel, Mo., and Henry's Chapel, Tex., in (28) above; Halstead, Kans., Sidney, Nebr., and New Castle, Wyo., in (29) above; Newton, Kans., in (30) above.

Newton and Cowley County, Kans., in (31) above; Cowley County, Newton and Bentley, Kans., in (32) above; Arkansas City, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (33) above; Arkansas City, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., and Cowley County, Kans., in (34) above; Arkansas City, Kans., El Reno, Okla., Sherman, Tex., and Byers, Tex., in (35) above; Newton, Kans., Sterling, Colo., Walla Walla, Wash., Maryhill, Wash., Arkansas City, Kans., and Fort Collins, Colo., in (36) above; Cowley County, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (37) above; Cowley County, Kans., Clinton, Ill., Steubenville, Ohio, and Philadelphia, Pa., in (38) above; Cowley County, Kans., Clinton, Ill., and Steubenville, Ohio, in (39) above; Cowley County, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., and Attlesboro, Mass., in (40) above; Arkansas City, Kans., Corinth, Miss., Florence, Ala., and Valdosta, Ga., in (41) above; Little Rock, Ark., Florence, Fla., and Valdosta, Ga., in (42) above; Newton, Kans., Yorkshire, Iowa, and Burden, Kans., in (43) above; Cowley County and Arkansas City, Kans., in (44) above; Cowley County, Arkansas City, and Little Rock, Ark., and Florence, Ala., in (45) above; Arkansas City, Kans., in (46) above; Cowley County, Kans., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Shrewsbury, Mass., and Arkansas City, Kans., in (47) above; Joplin, Mo., Corinth, Miss., Florence, Ala., Harlan County, Ky., and Cooter, Mo., in (48) above; Joplin, Mo., Corinth, Miss., Florence, Ala., Harlan County, Ky., Noel, Mo., Cooter, Mo., and Little Rock, Ark., in (49) above; Halstead, Kans. and Sterling, Colo., in (50) above; Arkansas City, Kans. and Bloomington and Hopedale, Ill., in (51) above; Cowley County, Kans. and Bloomington, Ill., in (52) above; Halstead, Kans. and Sidney, Nebr., in (53 above; Halstead, Kans. and Sidney, Nebr., in (54) above; and Cowley County, Kans., Clinton, Ill., Steubenville, Ohio, and Shrewsbury, Mass., in (55) above.

No. MC 88368 (Sub-E31), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *household goods* as defined by the

Commission, (1) from points in Washington, in and west of Walla Walla, Benton, Yakima, King, Snohomish, Skagit, and Whatcom counties, to points in Iowa, in and south of Pottawattami, Cass, Adair, Dallas, Polk, Jasper, Powesheik, Iowa, Johnson, Muscatine, and Scott counties; (2) from points in Washington, to points in Maryland, in, east, and south of Baltimore, Anne Arundel, and Prince Georges counties; (3) from points in Washington, to points in Michigan, in and south of Muskegon, Kent, Montcalm, Gratiot, Saginaw, Genessee, Lapeer, and St. Clair counties; (4) from points in Washington, in and west of Walla Walla, Benton, Yakima, King, Snohomish, Skagit, and Whatcom counties to points in Nebraska east of U.S. Highway 81 and south of State Highway 92; (5) from points in Washington to points in Nebraska in Kimball, Banner, and Cheyenne counties; (6) from points in Washington to points in New York in and east of Clinton, Essex, Warren, Saratoga, Chenectady, Albany, Greene, Ulster, and Orange counties; (7) from points in Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania counties, to points in New York in and east of Franklin, Hamilton, Herkimer, Oneida, Madison, Cortland, Tompkins, and Chemung counties.

(8) From points in Washington to points in Oklahoma in and east of Woods, Woodward, Dewey, Custer Washita, Kiowa, and Jackson counties; (9) from points in Washington in, west, and south of Okanogan, Douglas, Grant, Lincoln, and Spokane counties to points in South Carolina; (10) from points in Washington, to points in Texas on and east of a line beginning at the Texas-Oklahoma State line on U.S. Highway 62 and proceeding in a southerly direction along U.S. Highway 83 to its junction with Texas Highway 70, thence along Texas Highway 70 to its junction with U.S. Highway 277, thence along U.S. Highway 277 to Del Rio, Texas, thence along an unnumbered road in a southwesterly direction to the International Boundary line between the United States and Mexico; (11) from points in Washington in, west, and south of Okanogan, Douglas, Grant, Lincoln, and Spokane counties to points in Vermont; (12) from points in Washington, in and west of Okanogan, Chelan, Kittitas, Yakima, Benton, Franklin, and Walla Walla counties to points in Virginia; (13) from points in Washington to points in Virginia, in and south of Highland, Augusta, Albemarle, Greene, Madison, Culpeper counties and points in Fairfax county on and south of state Highway 236; (14) from points in Washington to points in West Virginia, in and east of Mercer, Raleigh, Kanawha, Putnam, and Mason counties.

(15) From points in Washington, in and west of Okanogan, Douglas, Grant, Franklin, and Walla Walla counties, to points in West Virginia. The purpose of this filing is to eliminate the gateways of Sterling, Colorado, Goessel, Kans., in (1) above; Sterling, Colorado, Newton, Kansas, Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa. in (2) above; Sterling, Colorado, Newton, Kansas, Bloomington, Ill., in (3) above; Moundridge, Kansas, Sterling, Colorado, Goessel, Kansas in (4) above; Laramie, Wyo., in (5) above; Sterling, Colorado, Newton, Kansas, Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (6) above; Sterling, Colorado, Newton, Kansas, Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., in (7) above; Sterling, Colo., Newton, Kans., in (8) above; Sterling, Colo., Hays, Kans., Corinth, Miss., Florence, Ala., Valdosta, Ga., in (9) above; Sterling, Colo., Newton, Kans., Altus, Okla., Arkansas City, Kans., in (10) above; Jasper, Wyo., Sidney, Neb., Clinton, Ill., Steubenville, Ohio, Philadelphia, Pa., Clinton, Mass., Goessell, Kans., in (11) above; Sterling, Colo., Newton, Kans., Clinton, Ill., Harlan, Ky., in (12) above; Sterling, Colo., Newton, Kans., Clinton, Ill., Harlan, Ky., in (13) above; Sterling, Colo., Newton, Kans., Clinton, Ill., Steubenville, Ohio, in (14) above; Sterling, Colo., Newton, Kans., Clinton, Ill., Steubenville, Ohio in (15) above.

No. MC 88368 (Sub-No. E32), filed May 15, 1974. Applicant: CARTRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in West Virginia to points in Arkansas south of a line beginning at the Arkansas-Mississippi State line near West Memphis and extending along Interstate Highway 40 to the Arkansas-Oklahoma State line, (2) from points in West Virginia to points in Colorado on, west, and south of a line beginning at the Colorado-Oklahoma State line near Campo and extending along U.S. Highway 287 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 101, thence along Colorado Highway 101 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 85, thence along U.S. Highway 85 to Denver, thence along Interstate Highway 70 to the Colorado-Utah State line, (3) from points in West Virginia east of a line beginning at the West Virginia-Virginia State line extending along Interstate Highway 460 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to the West Virginia-Ohio State line, to points in Idaho in and north of Owyhee, Canyon, Ada, Boise, Washington, Payette, Gem, Adams, Valley, and Idaho Counties.

(4) From points in West Virginia on and east of a line beginning at the West Virginia-Virginia State line near Bluefield, extending along U.S. Highway 21 to Pocatelico, thence along Interstate Highway 77 to junction U.S. Highway 14, thence along U.S. Highway 14 to Parkersburg, to points in Kansas north and east of Cowley, Butler, Greenwood, Coffee, Anderson, and Miami Counties, (5) from points in West Virginia, to points in Oregon on, north, and west of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to Pendleton, thence along U.S. Highway 395 to junction Oregon Highway 74, thence along Oregon Highway 74 to junction Oregon Highway 207, thence along Oregon Highway 207 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction U.S. Highway 97, thence along U.S. Highway 97 to Bend, thence along U.S. Highway 20 to junction Oregon Highway 242, thence along Oregon Highway 242 to junction Oregon Highway 126, thence along Oregon Highway 126 to Florence, (6) from points in West Virginia to points in Washington in and west of Okanogan, Douglas, Grant, Franklin, and Walla Walla Counties, and (7) from points in West Virginia in and east of Mercer, Raleigh, Kanawha, Putnam and Mason Counties, to points in Washington. The purpose of this filing is to eliminate the gateways of Bledsoe, Ky., and Florence, Ala., in (1) above; Steubenville, Ohio, Clinton, Ill., Goessel, Kans., Bledsoe, Ky., Florence, La., Corinth, Miss., and Liberal, Kans. in (2) above; Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sterling, Colo., Monida, Mont., Bledsoe, Ky., Corinth, Miss., and St. Francis, Kans., in (3) above; Bledsoe, Ky., Florence, Ala., Corinth, Miss., Steubenville, Ohio, and Clinton, Ill., in (4) above; Stubenville, Ohio, Clinton, Ill., Newton, Kans., Sterling, Colo., and Mary Hill, Wash., in (5) above; Steubenville, Ohio, Clinton, Ill., Newton, Kans., and Sterling, in (6) above; and Steubenville, Ohio, Clinton, Ill., Newton, Kans., and Sterling, Colo., in (7) above.

MC 88368 (Sub-E34), filed May 15, 1974. Applicant: Cartwright Van Lines, Inc., 1109 Cartwright Avenue, Grandview, Missouri 64030. Applicant's Representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) From points in Utah on and north of a line beginning at the Utah-Wyoming state line near Wahsatch, Utah and extending along U.S. Hwy. 189 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to the Utah-Nevada state line to points in Alabama on and south of a line beginning at the Alabama-Mississippi state line near Stafford, Alabama, and extending along U.S. Hwy. 82 to Tuscaloosa, Alabama, thence along U.S. Hwy. 11 to Birmingham, Alabama, thence along U.S. Hwy. 78 to Anniston, Alabama, thence along State Hwy. 21 to junction U.S. Hwy. 278, thence along U.S. Hwy. 278 to the Alabama-Georgia state line within 100 miles of Birmingham, Alabama, and points on and east of U.S. Hwy. 231 from Pine Level, Alabama to the Alabama-Florida state line. (2) From points in Utah on and north of a line beginning at the Utah-Wyoming state line near Wahsatch, Utah, and ex-

tending along U.S. Hwy. 189 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to the Utah-Nevada state line to points in Florida in and east and south of Leon and Wakulla counties.

(3) From points in Utah on and north of a line beginning at the Utah-Wyoming state line near Wahsatch, Utah, and extending along U.S. Hwy. 189 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to the Utah-Nevada state line to points in Georgia on and south of a line beginning at the Georgia-Alabama state line near Cedartown, Georgia, and extending along State Hwy. 278 to junction State Hwy. 120, thence along State Hwy. 120 to Lawrenceville, Georgia, thence along U.S. Hwy. 29 to Athens, Georgia, thence along U.S. Hwy. 78 to junction Interstate Hwy. 20, thence along Interstate Hwy. 20 to the Georgia-South Carolina state line. (4) From points on and west of a line beginning at the Utah-Wyoming state line near Wahsatch, Utah, and extending along U.S. Hwy. 189 to Provo, Utah thence along U.S. Hwy. 50 to Price, Utah, thence along U.S. Hwy. 89 to the Utah-Arizona state line to points in Montana except Butte, Montana and points within 125 miles thereof. (5) From points in Utah on, north, and west and south of a line beginning at the Utah-Wyoming state line near Wahsatch, Utah, and extending along U.S. Hwy. 189 near Provo, Utah thence along U.S. Hwy. 50 to the Utah-Colorado state line to points in Montana on, north, and west of a line beginning at the Montana-Wyoming state line near Red Lodge, Montana, and extending along U.S. Hwy. 10 to the Montana-North Dakota state line, except Butte, Montana and 125 thereof. (6) From points in Utah in and north of Millard, Sevier, Emery, and Grand Counties to points in Oregon in, north, and west of Coos, Douglas, Lane, Deschutes, Jefferson, Wheeler, Morrow, Umatilla, Union, and Wallowa counties. The purpoes of this filing is to eliminate the gateway of (1) Monida, Montana, Sterling, Colorado, Hays, Kansas, Tupelo, Mississippi, Corinth, Mississippi, Florence, Alabama. (2) Monida, Montana, Sterling, Colorado, Hays, Kansas, Tupelo, and Corinth, Mississippi, Birmingham, Alabama, Valdosta, Georgia, Florence, Alabama. (3) Monida, Montana, Sterling, Colorado, Hays, Kansas, Corinth, Mississippi, Florence and Tuscumbia, Alabama. (4) Livingston, Montana. (5) Livingston, Montana. (6) Maryhill, Washington, Dalesport, Washington, Walla Walla, Washington.

MC 88368 (Sub-E36), filed May 15, 1974. Applicant: Cartright Van Lines, Inc., 1109 Cartwright Avenue, Grandview, Mo. 64030. Applicant's Representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) From points in Wisconsin in Ashland, Iron, Price, Vilas, Oneida, Lincoln, Langlade, Marathon, Oconto, Marinette, Forrest, and Florence counties, to points in Arkansas in Union, Ashley, and Chicot counties. (2) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois state line near Brodhead, Wisconsin, and extending along State Hwy. 104 to junction U.S. Hwy. 14, thence along U.S. Hwy. 14 to junction U.S. Hwy. 151, thence along US. Hwy. 151 to Junction State Hwy. 26, thence along State Hwy. 26 to junction U.S. Hwy. 41, thence along U.S. Hwy. 41 to Green Bay, Wisconsin, to points in Colorado on and south of a line beginning at the Colorado-Kansas state line near Burlington, Colorado, and extending along U.S. Hwy. 24 to junction U.S. Hwy. 40, thence along U.S Hwy 40 to the Colorado-Utah state line. (3) From points in Wisconsin on and west of U.S. Hwy. 51 to Indiana, points in Indiana within 100 miles of Danville, Illinois on and south of U.S. Hwy. 136 and state Hwy. 32.

(4) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois state line near Brodhead, Wisconsin and extending along State Hwy. 104 to Madison, Wisconsin, thence along U.S. Hwy. 51 to the Wisconsin-Michigan state line to points in Kansas. (5) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois state line near Brodhead, Wisconsin and extending along State Hwy. 104 to Madison, Wisconsin, thence along U.S. Hwy. 12 to Wisconsin Dells, Wisconsin, thence along State Hwy. 13 to Ashland, Wisconsin to points in Louisiana. (6) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois state line near Brodhead, Wisconsin and extending along State Hwy. 104 to Madison, Wisconsin, thence along U.S. Hwy. 51 to the Wisconsin-Michigan state line to points in Missouri in and south of Clark, Knox, Adair, Livingston, Caldwell, Clinton, and Buchanan counties. (7) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois state line near Brodhead, Wisconsin and extending along State Hwy. 104 to Madison, Wisconsin, thence along U.S. Hwy. 51 to the Wisconsin-Michigan state line to points in New Mexico on and south of a line beginning at the New Mexico-Texas state line near Endee, New Mexico and extending along U.S. Hwy. 66 to Tucumcari, New Mexico, thence along State Hwy. 104 to Las Vegas, New Mexico, thence along U.S. Hwy. 85 to Albuquerque, New Mexico, thence along U.S. Hwy. 66 to the New Mexican-Arizona state line. (8) From points in Wisconsin on and west of a line beginning at the Wisconsin-Illinois state line near Brodhead, Wisconsin and extending along State Hwy. 104 to Madison, Wisconsin, then along U.S. Hwy. 51 to the Wisconsin-Michigan state line to Oklahoma, points in and west of Washington, Tulsa, Wagoner, Muskogee, McIntosh, Pittsburg, Pushmataha, and Choctaw counties.

(9) From points in Wisconsin south and east of Green, Columbia, Fond Du Lac, and Sheboygan counties to points in Oregon in and west of Hood River, Clackamas, Marion, Linn, Lane, Douglas, and Jackson counties. (10) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois state line near Brodhead, Wisconsin and extending along State Hwy. 104 to Madison, Wisconsin, thence along U.S. Hwy. 12 to Wisconsin Dells, Wisconsin, thence along State Hwy. 13 to Ashland, Wisconsin, to points in Texas on and west of U.S. Hwy. 75. The purpose of this filing is to eliminate the gateways of: (1) Bloomington, Illinois; Birdspoint, Missouri; Corinth, Mississippi; Tuscombia, Alabama; Florence, Alabama. (2) Morton, Illinois; Goessel, Kansas; Morton, Illinois; Newton, Kansas. (3) Bloomington, Illinois. (4) Tremont, Illinois; Bloomington, Illinois. (5) Bloomington, Illinois; Birdspoints, Missouri; Corinth, Mississippi; Florence, Alabama; Tuscumbia, Alabama; (6) Tremont, Illinois; Bloomington, Illinois. (7) Tremont, Illinois; Arkansas City, Kansas; El Reno, Oklahoma; (8) Bloomington, Illinois; Cowley County, Kansas; Hopedale, Illinois; Arkansas City, Kansas. (9) Hopedale, Illinois; Goessel, Kansas; Sterling, Colorado; Mary Hill, Washington. (10) Bloomington, Illinois; Arkansas City, Kansas.

No. MC 88368 (Sub-No. E37), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in New York on and east of a line beginning at the New York-New Jersey State line near Suffern, N.Y., and extending along New York Highway 17 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line to points in Alabama; (2) from points in New York on and east of a line beginning at the New York-New Jersey State line near Suffern, N.Y., and extending along New York Highway 17 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line to points in Arkansas on and south of a line beginning at the Arkansas-Texas State line near DeQueen, Ark., and extending along U.S. Highway 70 to Brinkley, Ark., thence along U.S. Highway 49 to the Arkansas-Mississippi State line; (3) from points in New York in and south of Rockland and Westchester Counties to points in Arkansas in and south of Crawford, Franklin, Johnson, Pope, Conway, Faulkner, White, Woodruff, Cross, and Crittendon Counties; (4) from points in New York on and east of a line beginning at the New York-New Jersey State line near Ramapo, N.Y., and extending along Interstate Highway 87 to the United States-Canada International Boundary line to points in California in Del Norte, Siskiyou, Humboldt, Trinity, and Shasta Counties; (5) from points in New York on and east of a line beginning at the New York-Pennsylvania State line near Binghamp-

ton, N.Y., and extending along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 13, thence along New York Highway 13 to its end to points in Colorado on and south of U.S. Highway 40;

(6) From points in New York on and east of a line beginning at the New York-Pennsylvania State line near Binghampton, N.Y., and extending along New York Highway 167 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line to points in Colorado; (7) from points in New York on and east of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to points in Idaho in, west, and north of Twin Falls, Jerome, Lincoln, Blaine, Custer, and Lemhi Counties; (8) from points in New York on, east, and south of a line beginning at Port Jervis and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line to points in Idaho; (9) from points in New York on, south, and east of a line beginning at the New York-Pennsylvania State line near Deposit, N.Y., and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line to Bloomington, Ill., and points within 25 miles thereof;

(10) From points in New York on, south, and east of a line beginning at the New York-Pennsylvania State line near Deposit, N.Y., and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line to Harlan, Iowa, and points within 15 miles thereof; (11) from points in New York on and east of a line beginning at the New York-Pennsylvania State line near Endicott, N.Y., and extending along New York Highway 26 to Endicott, N.Y., thence along New York Highway 12 to Utica, N.Y., thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line to points in Kansas; (12) from points in New York on and east of a line beginning at the New York-Pennsylvania State line near Deposit, N.Y., and extending along New York Highway 17 to Deposit, N.Y., thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line to points in Harlan County, Ky.; (13) from points in New York in, south, and east of Orange, Ulster, Greene, Schoharie, Montgomery, Fulton, Hamilton, Essex, and Clinton Counties to points in Louisiana; (14) from points in New York in, east, and south of Orange, Ulster, Greene, Albany, Schenectady, Saratoga, Warren, Essex, and Clinton Counties to points in Mississippi; (15) from points in New York in, south, and east of Delaware, Schoharie, Montgomery, Saratoga, Warren, Essex, and Clinton Counties to points in Missouri; (16) from points in New York in, east, and south of Orange, Ulster, Greene, Albany, Schenectady, and Rensselaer Counties to points in Missouri west of the Continental Divide;

(17) From points in New York on, east, and south of a line beginning at the New York-New Jersey State line near Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along Interstate Highway 87 to the northern boundary of Greene County, N.Y., thence in an easterly direction along the northern boundary of Greene and Columbia Counties to the New York-Massachusetts State line to points in Montana, in and west of Tooele, Pondera, Teton, Cascade, Meagher, Wheatland, Golden Valley, Yellowstone, and Carbon Counties; (18) from points in New York on, east, and south of a line beginning at the New York-New Jersey State line near Suffern, N.Y., and extending along Interstate Highway 87 to Albany, N.Y., thence along New York Highway 2 to the New York-Massachusetts State line to points in Nebraska on, south, and west of a line beginning at the Nebraska-Kansas State line near McCook, Nebr., and extending along U.S. Highway 83 to North Platte, Nebr., thence along U.S Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line; (19) from points in New York, New York City, Nassau, and Suffolk Counties to points in Nebraska on, south, and west of a line beginning at the Nebraska-Kansas State line near Beatrice, Nebr., and extending along Interstate Highway 87 to Albany, N.Y., thence along New York Highway 2 to the New York-Massachusetts State line to the United States-Canada International Boundary line to Nebraska on, south, and west of a line beginning at the Nebraska-Kansas State line near McCook, Nebr., and extending along U.S. Highway 83 to North Platte, Nebr., thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line;

(19) From points in New York, New York City, Nassau, and Suffolk Counties to points in Nebraska on, south, and west of a line beginning at the Nebraska-Kansas State line near Beatrice, Nebr., and extending along U.S. Highway 77 to Lincoln, Nebr., thence along U.S. Highway 34 to Grand Island, Nebr., thence along New York Highway 2 to Ansley, Nebr., thence along U.S. Highway 183 to junction U.S. Highway 20, thence along U.S. Highway 20 to Valentine, Nebr., thence along U.S. Highway 83 to the Nebraska-South Dakota State line; (20) from points in New York in, east, and south of Broome, Chenago, Madison, Oneida, Herkimer, Hamilton, and Franklin Counties to points in New Mexico; (21) from points in New York in, east, and south of Orange, Ulster, Greene, Albany, Schenectady, Montgomery, on and east of New York Highway 30, Saratoga Counties and points on and east of Interstate Highway 87 from Saratoga County to the United States-Canada International Boundary line to points in Jefferson County, Ohio; (22) from points in New York on, east, and south of a line beginning at the New York-Pennsylvania State line near Binghampton, N.Y., and extending along New York Highway 167 to Binghampton, N.Y., thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line to Oklahoma, points on and west of a line beginning at the Oklahoma-Kansas State line near Arkansas City, Kans., and extending along U.S. Highway 177 to junction New York Highway 51, thence along New York Highway 51 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line;

(23) From points in New York on, east, and south of a line beginning at the New York-New Jersey State line near Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along Interstate Highway 87 to the United States-Canada International Boundary line points in Oklahoma in and west of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Atoka, and Choctaw Counties; (24) from points in New York in, east, and south of Broome, Chenango, Otsego, Montgomery, Fulton, Saratoga, Warren, Essex, and Clinton Counties to points in Oregon in, north, and west of Klamath, Deschutes, Crook, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties; (25) from points in New York on and east of a line beginning at the New York-Pennsylvania State line near Binghampton, N.Y., and extending along New York Highway 167 to Binghampton, N.Y., thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line to points in Texas on and west of a line beginning at Corpus

Christi, Tex., and extending along U.S. Highway 181 to junction U.S. Highway 77, thence along U.S. Highway 77 to Dallas, Tex., thence along U.S. Highway 75 to the Texas-Oklahoma State line; (26) from points in New York, on, east, and south of a line beginning at the New York-Pennsylvania State line near Binghampton, N.Y., and extending along New York Highway 167 to Binghampton, N.Y., thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line to points in Cherokee County, Tex.; (27) from points in New York in, east, and south of Clinton, Essex, Warren, Saratoga, Schenetady, Albany, Greene, Ulster, and Orange Counties to points in Washington;

(28) From points in New York in, east, and south of Franklin, Hamilton, Herkimer, Oneida, Madison, Cortland, Thompkins, and Chemung Counties to points in Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties; (29) from points in New York on, south, and east of a line beginning at the New York-New Jersey State line near Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along Interstate Highway 87 to Albany, N.Y., thence along U.S. Highway 4 to Troy, N.Y., thence along New York Highway 2 to the New York-Pennsylvania State line to points in Wyoming on, south, and west of a line beginning at the Wyoming-Nebraska State line near Corrington, Wyo., and extending along U.S. Highway 26 to Casper, Wyo., thence along U.S. Highway 87 to the Wyoming-Montana State line; and (30) from points in New York on, east, and south of a line beginning at the New York State line near Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, N.Y., thence along Interstate Highway 87 to the United States-Canada International Boundary line to points in Wyoming on, south, and west of a line beginning at the Wyoming-Nebraska State line near Pine Bluffs, Wyo., and extending along Interstate Highway 80 to Rawlins, Wyo., thence along U.S. Highway 287 to Lander, Wyo., thence along New York Highway 789 to junction New York Highway 120, thence along New York Highway 120 to the Wyoming-Montana State line. The purpose of this filing is to eliminate the gateways of: in (1) above, Philadelphia, Pa., Steubenville, Ohio, and Bledsoe, Ky.; in (2) above, Philadelphia, Steubenville, Ohio, Bledsoe, Ky., and Florence, Ala.; in (3) above, Philadelphia, Pa., Steubenville, Ohio, Bledsoe, Ky., and Florence, Ala.; in (4) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sterling, Colo., Dallesport, Wash.; in (5) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Newton, Kans.; in (6) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Newton, Kans.; in (7) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sterling, Colo., Monida, Mont., Cheyenne, Wyo., and Sidney, Nebr.;

In (8) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sterling, Colo., Monida, Mont., Sidney, Nebr., and Cheyenne, Wyo.; in (9) above, Philadelphia, Pa., and Steubenville, Ohio; in (10) above, Philadelphia, Pa., Steubenville, Ohio, and Bloomington, Ill.; in (11) above, Philadelphia, Pa., Steubenville, Ohio, and Clinton, Ill.; in (12) above, Philadelphia, Pa., and Steubenville, Ohio; in (13) above, Philadelphia, Pa., Steubenville, Ohio, Bledsoe, Ky., Florence, Ala.; in (14) above, Florence, Ala., Philadelphia, Pa., Steubenville, Ohio, Bledsoe, and Huntsville, Ala.; in (15) above, Philadelphia, Pa., Steubenville, Ohio, and Clinton, Ill.; in (16) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sidney, Nebr., and Casper, Wyo.; in (17) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sidney, Nebr., Casper, Wyo., and Sheridan, Wyo.; in (18) above, Newton, Kans., Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Goessel, Kans., and Peabody, Kans., in (19) above, Goessel, Kans., Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Peabody, Kans.; in (20) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Arkansas City, Ark., and El Reno, Okla.; in (21) above, Philadelphia, Pa.; in (22) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Arkansas City, Kans.; in (23) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Cowley County, Kans., and Arkansas City, Kans.; in (24) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., Sterling, Colo., Walla Walla, Wash., Mary Hill, Wash., and Dalesport, Wash.; in (25) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Arkansas City, Kans., in (26) above, Philadelphia, Pa., Steubenville, Ohio, Harlan, Ky., Florence, Ala., Pontotoc, Miss., Bledsoe, Ky., and Shreveport, La.; in (27) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., and Sterling, Colo.; in (28) above, Philadelphia, Pa., Clinton, Ill., Newton, Kans., Sterling, Colo., and Steubenville, Ohio; in (29) above, Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Newton, Kans., and Sidney, Nebr.

No. MC 88368 (Sub-No. E38), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in New Hampshire on, south and east of U.S. Highway 202 to points in Illinois within 100 miles of Danville; and (2) from points in New Hampshire to points in Montana in and west of Toole, Pondera, Teton, Cascade, Meagher, Wheatland, Golden Valley, Yellowstone, and Carbon Counties. The purpose of this filing is to eliminate the gateways of (1) Lawrence, Mass., Philadelphia, Pa., Steubenville, Ohio, Marlboro, Mass., Chenoa, Ill.; and (2) Fairlawn, Mass., Philadelphia, Pa., Clinton, Ill., Newton, Kans., Sheridan, Wyo.

No. MC 88368 (Sub-No. E42), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in New Jersey on and north of New Jersey Highway 70 to points in Nebraska; and (2) from points in New Jersey on and north of New Jersey Highway 33 to points in Alabama. The purpose of this filing is to eliminate the gateways of (1) Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Newton, Kans.; and (2) Philadelphia, Pa., Steubenville, Ohio, and Bledsoe, Ky.

No. MC 88368 (Sub-No. E46), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in Vermont to points on, north and east of a line beginning at White River Junction on the Vermont-New Hampshire State line, thence along Interstate Highway 89 to the junction of Vermont Highway 100, thence along Vermont Highway 100 to the junction of Vermont Highway 108, thence along Vermont Highway 108 to the International Boundary line between the United States and Canada, to points in Alabama; (2) from points in Vermont in and north of Chittenden, Washington, and Caledonia Counties, to points in Arkansas in and south of Phillips, Arkansas, Lone Oak, Pulaski, Saline, Garland, Montgomery and Polk Counties; (3) from points in Vermont to Cherokee County, Tex.; (4) from points in Vermont in Washington, Caledonia, Orleans, and Essex Counties, to points in Jefferson County, Ohio; (5) from points in Vermont to points on and north of a line beginning at Burlington, Vt., and extending along U.S. Highway 2, thence along U.S. Highway 2 to near Montpelier, Vt., thence north and east to the Vermont-New Hampshire State line to points in Oklahoma in and west of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Pushmataha and Choctaw Counties; (6) from points in Vermont to points in Texas west and south of a line beginning at Port Lavaca on U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 77, thence along U.S. Highway 77 to junc- U.S. Highway 87, thence along U.S. Highway 75 to the Texas-Oklahoma State line;

(7) From points in Vermont to points in Washington west and south of a line

beginning at the Idaho-Washington State line, and extending along Interstate Highway 90 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Canadian border; and (8) from points in Vermont in Essex, Caledonia, Washington, Orange, Windsor, and Windham Counties, to points in Wyoming in and west of Laramie, Albany, Carbon, Fremont, Hot Springs, and Park Counties. The purpose of this filing is to eliminate the gateways of (1) Worchester, Mass., Philadelphia, Pa., Steubenville, Ohio, and Harlan, Ky., in (1) above; (2) Clinton, Mass., Philadelphia, Pa., Steubenville, Ohio, Florence, Ala., and Bledsoe, Ky., in (2) above; (3) Clinton, Mass., Philadelphia, Pa., Steubenville, Ohio, Harlan, Ky., Florence, Ala., and Pontotoc, Miss., in (3) above; (4) North Attleboro, Mass., Philadelphia, Pa., Middleboro, Mass., and Philadelphia, Pa., in (4) above; (5) Clinton, Mass., Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Cowley County, Kans., in (5) above; (6) Clinton, Mass., Philadelphia, Pa. Steubenville, Ohio, Clinton, Ill., Arkansas City, Kans., in (6) above; (7) Casper, Wyo., Clinton, Mass., Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Goessel, Kans., Sterling, Colo., and Sidney, Nebr., in (7) above; and (8) Clinton, Mass., Philadelphia, Pa. Steubenville, Ohio, Clinton, Ill., Newton, Kans., and Sidney, Nebr., in (8) above.

No. MC 88368 (Sub-No. E47), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in Providence and Kent Counties, R.I., to points in Alabama; (2) from points in Providence and Kent Counties, R.I., to points in Arkansas; (3) from points in Rhode Island to points in Montana on and west of a line beginning at the Wyoming-Montana State line near Alzada, Mont., and extending along U.S. Highway 212 to Billings, Mont., thence along U.S. Highway 87 to Great Falls, Mont., thence along Interstate Highway 15 to the International Boundary line between the United States and Canada; (4) from points in Rhode Island to points in Nebraska on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Lincoln, Nebr., thence along U.S. Highway 34 to Grand Island, Nebr., thence along Nebraska Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-South Dakota State line; (5) from points in Rhode Island to points in Tennessee on, west and south of a line beginning at the Tennessee-Mississippi State line on U.S. Highway 45, thence along U.S. Highway 45 to Jackson, Tenn., thence along Tennessee Highway 1 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 59, thence along Tennessee Highway 59 to the Tennessee-Arkansas State line;

(6) From points in Rhode Island to points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to Bogata, Tex., thence along Texas Highway 37 to Mineola, Tex., thence along U.S. Highway 69 to Lufkin, Tex., thence along U.S. Highway 59 to Houston, Tex., thence along U.S. Highway 75 to Galveston, Tex.; and (7) from points in Rhode Island to points in Wyoming. The purpose of this filing is to eliminate the gateways of (1) Attlesboro, Mass., Philadelphia, Pa., Steubenville, Ohio, and Middlesboro, Ky.; (2) Attlesboro, Mass., Philadelphia, Pa., Steubenville, Ohio, Middlesboro, Ky., Florence, Ala.; (3) Attlesboro, Mass., Philadelphia, Pa., Steubenville, Ohio, Goessel, Kans., Sidney, Nebr., Sheridan, Wyo., Clinton, Ill., and Colony Wyo.; (4) Attlesboro, Mass., Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Goessel, Kans.; (5) Attlesboro, Mass., Philadelphia, Pa., Steubenville, Ohio, Harlan, Ky., and Florence, Ala.; (6) Attlesboro, Mass., Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., and Arkansas City, Kans.; and (7) Attlesboro, Mass., Philadelphia, Pa., Steubenville, Ohio, Clinton, Ill., Goessel, Kans., and Sidney Nebr. above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-22476 Filed 8-22-75;8:45 am]

[Notice No. 839]

ASSIGNMENT OF HEARINGS

AUGUST 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136647 Sub 17, Green Mountain Carriers, Inc., now being assigned for continued hearing, November 4, 1975, (4 days), at Burlington, Vermont; in a hearing room to be later designated.

MC 121739 Sub 1, Burk Motor Freight, Inc., now being assigned October 20, 1975, (3 days), at Wichita Falls, Texas, at the Holiday Inn Downtown, 8th and Scott; and continued to October 23, 1975, (2 days), at Oklahoma City, Oklahoma, in Room 211, Jim Thorpe Office Building, 2101 North Lincoln Boulevard.

MC 3647 Sub 459, Transport of New Jersey, now assigned September 30, 1975, at Newark, N.J., is canceled and transferred to Modified Procedure.

MC 105457 Sub 83, Thurston, Motor Lines, Inc., now assigned September 22, 1975, at Atlanta, Ga., is canceled and reassigned for hearing on September 22, 1975, at Tupelo, Miss., Holiday Inn., Junction U.S. 78 & U.S. 45.

MC 123407 Sub 227, Sawyer Transport, Inc., now being aseigned November 4, 1975 (1 day) at Denver, Colorado; in Room 269 (Auditorium) P. O. Building, 19th & Stout Streets.

MC 100666 Sub 294, Melton Truck Lines, Inc., now being assigned November 5, 1975 (1 day) at Denver, Colorado; in Room 269 (Auditorium) P. O. Building, 19th & Stout Streets.

MC-F-12303, Dudley's Transcontinental Movers, Inc. Et Al—Purchase—Trans-World Movers, Inc.; MC 128155 Sub 3, R. C. Van Lines, Inc.; MC 564 Sub 11, Dudley's Transcontinental Movers and MC 112070 Sub 10, Gray Moving & Storage, Inc., continued to November 6, 1975 (7 days) at Denver, Colorado; in Room 269 (Auditorium) P. O. Building, 19th & Stout Streets.

MC 72243 Sub 48, The Aetna Freight Lines, Incorporated; MC 106497 Sub 104, Parkhill Truck Company; MC 10793 Sub 33, J. J. Willis Trucking Company; MC 113855 Sub 304, International Transport, Inc. and MC 124947 Sub 36, Machinery Transports, Inc., continued to November 19, 1975 (3 days) at Denver, Colorado; in Room 269 (Auditorium) P. O. Building, 19th & Stout Streets.

MC 123407 Sub 217, Sawyer Transport, Inc., now being assigned November 17, 1975 (2 days) at Denver, Colorado; in Room 269 (Auditorium) P.O. Building, 19th & Stout Streets.

MC 51146 Sub 406, Schneider Transport, Inc., now assigned September 9, 1975, at Chicago, Ill.; will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

FF 116 Sub 1, Davies, Turner & Company, now assigned September 10, 1975, at Chicago, Ill. will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 114045 Sub 406, Trans-Cold Express, Inc., now assigned September 15, 1975, at Chicago, Ill. will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC-C-8568 Oscar C. Radke, DBA Radke Transit—Investigation and Revocation of Certificates and MC 108435 Sub 22, Oscar C. Radke, DBA Radke Transit, now assigned September 18, 1975, at Chicago, Ill., will be held in Room 1086 A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 51146 Sub 407, Schneider Transport, Inc., and MC 106674 Sub 142, Schilli Motor Lines, Inc., now assigned September 17, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-22478 Filed 8-22-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 20, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43036—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., No. 1), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Pacific Coast ports, to ports in 'terminals in North Europe including the United Kingdom and Scandinavia and the Mediterranean. Grounds for relief—Water competition.

Tariff—American Export Lines Eastbound Pacific Coast European joint container freight tariff I.C.C. No. 1, F.M.C. No. 164. Rates are published to become effective on September 18, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-22477 Filed 8-22-75;8:45 am]

[Notice No. 61]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 25, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. 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 September 15, 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-75745. By order of August 19, 1975, the Motor Carrier Board approved the transfer to Thornton's Incorporated, Truckee, Calif., of the operating rights in Certificate No. MC-118625 (Sub-No. 1) issued September 9, 1960, to M. Thornton, doing business as Thornton's Garage, Truckee, Calif., authorizing the transportation of wrecked or disabled automobiles, trucks, tractors, semi-trailers, and full trailers, and wrecked or disabled house trailers, using wrecker type tow trucks, in truckaway service, between points in that part of California on and north of U.S. Highway 50 and on and south of a line beginning at the Pacific Ocean and extending along U.S. Highway 299 to junction U.S. Highway 395, at Alturas, Calif., and thence along U.S. Highway 395 to the California-Oregon State line, and points in that part of Nevada on and north of U.S. Highway 6. Peter Heintz, 2131 Capitol Avenue, Suite 300, Sacramento, Calif. 95816 Attorney for applicants.

No. MC-FC-75840. By order of August 19, 1975, the Motor Carrier Board on reconsideration approved the transfer to International Fibers, Inc., West Sacramento, Calif., of the operating rights in Certificate No. MC-128718 issued November 22, 1967, to Union Transportation Co., Inc., Sacramento, Calif., authorizing the transportation of wood chips, from points in Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Lake, Lessen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif., to Sacramento, Calif. Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104 Attorney for applicants.

No. MC-FC-76010. By order of August 19, 1975, the Motor Carrier Board approved the transfer to Burwell Ray Gallop, doing business as Gallop Bus Lines, Virginia Beach, Va., of the operating rights in Certificates Nos. MC-129678 and MC-129678 (Sub-No. 1) issued February 24, 1969, and January 15, 1973, to Charlie D. Jordan, Moyock, N.C., authorizing the transportation of passengers, over a regular route between Maple, Currituck County, N.C., and the Norfolk Naval Base, Norfolk, Va., serving all intermediate points; and passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Pasquotank, Perquimans, Currituck, Camden, and Gates Counties, N.C., and extending to points in Virginia, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Georgia, and the District of Columbia. Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611 Attorney for applicants.

No. MC-FC-76027. By order of August 19, 1975, the Motor Carrier Board approved the transfer to Am-Del-Co., Inc., St. Louis, Mo., of the operating rights in Permits Nos. MC-126270 (Sub-No. 2) and MC-126270 (Sub-No. 4) issued April 15, 1968, and August 3, 1973, respectively, to Compton Service Company, a corporation, St. Louis, Mo., authorizing the transportation of kitchen equipment, as described in Appendix IV, and electrical appliances, equipment, and parts, as described in Appendix VII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, new furniture (uncrated), bicycles, gym sets, lawn mowers, and other named commodities, under continuing contract with J. C. Penney & Co., of New York, N.Y., from St. Louis, Mo., and points in St. Louis County, Mo., to points in a defined area of Illinois, and under continuing contract with Famous Barr Co., of St. Louis, Mo., between the warehouse facilities of Famous Barr Co., at St. Louis, Mo., on the one hand, and, on the other points in a defined area of Illinois. Whitney R. Harris, 2 Glen Creek Lane, St. Louis, Mo. 63124, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-22479 Filed 8-22-75;8:45 am]

[Notice No. 82]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the docket 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
Behnken Truck Service, Inc., MC-19945 Sub-43, Sub-46	MC-19945 Sub-48	Aug. 15, 1975
Terminal Transport Co., MC-22229 Sub-95	MC-22229 Sub-97	Aug. 14, 1975
Henderson Trucking Inc., MC-56170 Sub-2	MC-56170 Sub-3	Aug. 15, 1975
Renner's Express, Inc., MC-57239 Sub-25	MC-57239 Sub-26	Aug. 12, 1975
McKoln Trucking Co., Inc., MC-99948 Sub-2	MC-99948 Sub-3	Aug. 18, 1975
Fleet Transport Co., MC-103051 Sub-322	MC-103051 Sub-328	Aug. 8, 1975
Fleet Transport Co., Inc., MC-103051 Sub-332	MC-103051 Sub-335	Aug. 13, 1975
Capital Transport Co., MC-104430 Sub-42	MC-104430 Sub-43	Aug. 15, 1975
Matlack, Inc., MC-107403 Sub-880, Sub-887, Sub-891, Sub-892	MC-107403 Sub-900	Aug. 8, 1975
Matlack, Inc., MC-107403 Sub-902, Sub-904	MC-107403 Sub-920	Do.
Ruan Transport Corp., MC-107496 Sub-913, Sub-929	MC-107496 Sub-928	Aug. 12, 1975
Ruan, Transport Corp., MC-107496 Sub-914, Sub-922, Sub-942, Sub-943, Sub-944, Sub-963.	MC-107496 Sub-948	Aug. 15, 1975
Chemical Leaman Tank Lines, MC-110525 Sub-1110	MC-110525 Sub-1113	Aug. 11, 1975
Sooner Transport Corp., MC-110567 Sub-7	MC-110567 Sub-6	Do.
Yellow Freight System, Inc., MC-112713 Sub-174	MC-112713 Sub-175	Aug. 14, 1975
Bankers Dispatch Corp., MC-114533 Sub-300	MC-114533 Sub-310	Aug. 7, 1975
Colonial Fast Freight Lines, MC-115840 Sub-94	MC-115840 Sub-95	Aug. 14, 1975
Sugar Transport, Inc., MC-115924 Sub-25	MC-115924 Sub-26	Aug. 7, 1975
Cedarburg Container Carriers, MC-127049 Sub-2	MC-127049 Sub-4	Aug. 15, 1975
Campagne Trucking Co., Inc., MC-127972 Sub-1	MC-127972 Sub-2	Aug. 7, 1975
DBA Bob Erickson Trucking, MC-128490 Sub-9	MC-128490 Sub-10	Aug. 15, 1975
Gordon Fast Freight Inc., MC-133684 Sub-12	MC-133684 Sub-13	Aug. 13, 1975
Ferrysburg Trucking, Co., Inc., MC-135616 Sub-2	MC-135616 Sub-3	Aug. 7, 1975
Monti Van Lines, Inc., MC-138692	MC-138692 Sub-1	Aug. 18, 1975
Air Freight Express, MC-138880 Sub-1	MC-138880 Sub-2	Aug. 15, 1975
C & W House Movers, Inc., MC-139252	MC-139252 Sub-1	Do.
Robert Ferguson, MC-139644	MC-139644 Sub-1	Aug. 18, 1975
DBA BPB Transportation, MC-139802 Sub-1	MC-139802 Sub-2	Aug. 11, 1975
M. E. Transfer & Storage, MC-139892	MC-139892 Sub-1	Aug. 13, 1975
Hal S. Lewis, MC-140107	MC-140107 Sub-1	Aug. 18, 1975
Tony's Terminal Trk, Inc., MC-140339 Sub-1	MC-140339 Sub-2	Aug. 7, 1975
Merrimack Transport Inc., MC-140456	MC-140456 Sub-1	Aug. 14, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-22480 Filed 8-22-75;8:45 am]

federal register

MONDAY, AUGUST 25, 1975

PART II:

CIVIL AERONAUTICS BOARD

■

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation ER-926, Amdt. 3]

PART 201—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Amendment of Part To Provide Filing of Environmental Data With Applications to the Extent Required by New Part 312

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. August 13, 1975.

By notice of proposed rulemaking,[1] the Board invited comments, and responses to such comments, on a proposal to enact a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents in connection with the Board's regulatory activities pursuant to section 102(2)(C) of the National Environmental Policy Act. The proposal also encompassed the deletion of § 399.110 of the Board's Policy Statements, which had previously set forth such policies and procedures, and implementing amendments to other parts of the Board's economic and procedural regulations to provide for the filing of environmental data with applications to the extent required by the new Part 312.

As set forth in the preamble to the new Part 312, adopted simultaneously herewith, a number of comments and responses were filed to the proposed Part 312 and considered by the Board before enactment of the Part in its present form. None of the comments related specifically to the amendments proposed to be made to Part 201 which were simply implementing amendments calling for the filing of environmental data with applications as required by Part 312. However, the Board adopted some minor revisions with respect to the environmental data. Under the circumstances, and since Part 312 requires the filing of environmental data with applications in specified situations, albeit somewhat modified from the requirements originally proposed, we shall adopt the amendments proposed to Part 201 modified to the extent required by changes made in the proposed Part 312 upon its final adoption, on the basis of the findings, among others, set forth in the proposal and in the Preamble to Part 312.

In accordance with the foregoing, the Civil Aeronautics Board hereby amends Part 201 of the Economic Regulations (14 CFR Part 201) effective September 24, 1975, as follows:

Add a new paragraph (d) to § 201.4 to read as follows:

§ 201.4 General provisions concerning contents.

* * * * *

(d) Where required by §§ 312.12 or 312.14 of Part 312 of this chapter, each application shall, at the appropriate time, be accompanied by an Environmental Evaluation or an Environmental Assessment, in conformity with those sections or orders issued thereunder.

(Federal Aviation Act of 1958, as amended, secs. 102, 204(a), 401, 404, and 1002 (72 Stat. 740, 743, 754, 760, and 788 (49 U.S.C. 1302, 1324, 1371, 1374, and 1482)); National Environmental Policy Act of 1969 (Pub. L. 91-90, 42 U.S.C. 4321 *et seq*) and Executive Order 11514).

By the Civil Aeronautics Board.

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

[FR Doc.75-21840 Filed 8-22-75;8:45 am]

[1] PDR-36, EDR-269, PSDR-40, dated May 15, 1974, 39 FR 18288, Docket 26718.

[Regulation ER-926, Amdt. 5]

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

Amendment of Part To Provide Filing of Environmental Data With Applications to the Extent Required by New Part 312

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 13, 1975.

By notice of proposed rulemaking,[1] the Board invited comments, and responses to such comments, on a proposal to enact a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents in connection with the Board's regulatory activities pursuant to section 102(2)(C) of the National Environmental Policy Act. The proposal also encompassed the deletion of § 399.110 of the Board's Policy Statements, which had previously set forth such policies and procedures, and implementing amendments to other parts of the Board's economic and procedural regulations to provide for the filing of environmental data with applications to the extent required by the new Part 312.

As set forth in the preamble to the new Part 312, adopted simultaneously herewith, a number of comments and responses were filed to the proposed Part 312 and considered by the Board before enactment of the Part in its present form. None of the comments related specifically to the amendments proposed to be made to Part 211, which were simply implementing amendments calling for the filing of environmental data with applications as required by Part 312. However, the Board adopted some minor revisions with respect to the environmental data. Under the circumstances, and since Part 312 requires the filing of environmental data with applications in specified situations, albeit somewhat modified from the requirements originally proposed, we shall adopt the amendments proposed to Part 211 modified to the extent required by changes made in the proposed Part 312 upon its final adoption, on the basis of the findings, among others, set forth in the proposal and in the Preamble to Part 312.

In accordance with the foregoing, the Civil Aeronautics Board hereby amends Part 211 of the Economic Regulations (14 CFR Part 211) effective September 24, 1975, as follows:

Add a new paragraph (e) to § 211.5 to read as follows:

§ 211.5 General provisions regarding contents.

* * * * *

(e) Where required by §§ 312.12 or 312.14 of Part 312 of this chapter, each application shall, at the appropriate time, be accompanied by an Environmental Evaluation or an Environmental Assessment, in conformity with those sections or orders issued thereunder.

(Federal Aviation Act of 1958, as amended, sec. 102, 204(a), 402, 404, and 1002 (72 Stat. 740, 743, 757, 760, and 788 (49 U.S.C. 1302, 1324, 1372, 1374, and 1482)); National Environmental Policy Act of 1969 (Pub. L. 91-90, 42 U.S.C. 4321 *et seq*) and Executive Order 11514.)

By the Civil Aeronautics Board.

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

[FR Doc.75-21841 Filed 8-22-75;8:45 am]

[1] PDR-36, EDR-269, PSDR-40, dated May 15, 1974, 39 FR 18288, Docket 26718.

[Regulation ER-927, Amdt. 29]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Amendment of Part To Provide Filing of Environmental Data With Applications to the Extent Required by New Part 312

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. August 13, 1975.

By notice of proposed rulemaking,[1] the Board invited comments, and responses to such comments, on a proposal to enact a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents in connection with the Board's regulatory activities pursuant to section 102(2)(C) of the National Environmental Policy Act. The proposal also encompassed the deletion of § 399.110 of the Board's Policy Statements, which had previously set forth such policies and procedures, and implementing amendments to other parts of the Board's economic and procedural regulations to provide for the filing of environmental data with applications to the extent required by the new Part 312.

As set forth in the preamble to the new Part 312, adopted simultaneously herewith, a number of comments and responses were filed to the proposed Part 312 and considered by the Board before enactment of the Part in its present form. None of the comments related specifically to the amendments proposed

[1] PDR-36, EDR-269, PSDR-40, dated May 15, 1974, 39 FR 18288, Docket 26718.

to be made to Part 221 which were simply implementing amendments calling for the filing of environmental data with applications as required by Part 312. However, the Board adopted some minor revisions with respect to the environmental data. Under the circumstances, and since Part 312 requires the filing of environmental data with applications in specified situations, albeit somewhat modified from the requirements originally proposed, we shall adopt the amendments proposed to Part 221 modified to the extent required by changes made in the proposed Part 312 upon its final adoption, on the basis of the findings, among others, set forth in the proposal and in the Preamble to Part 312.

In accordance with the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221), effective September 24, 1975, as follows:

Amend § 221.165(b)(2) to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

* * * * *

(b) Economic data and/or information in support of the new or changed matter, including, in cases where pertinent, * * *

(2) Estimates of the aggregate effect of the new or changed matter upon such carrier's traffic, schedules, and revenues, and an explanation of the basis for the estimates (including, where available, data as to past traffic, schedules and revenues).

(Federal Aviation Act of 1958, as amended, Secs. 102, 204(a), 403, 404, and 1002 (72 Stat. 740, 743, 758, 760, and 788 (49 U.S.C. 1302, 1324, 1378, 1374, and 1482)); National Environmental Policy Act of 1969 (Pub. L. 91-90, 42 U.S.C. 4321 *et seq*) and Executive Order 11514)

By the Civil Aeronautics Board.

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

[FR Doc. 75-21842 Filed 8-22-75;8:45 am]

[Regulation ER-928, Amdt. 6]

PART 261—FILING OF AGREEMENTS

Amendment of Part To Provide Filing of Environmental Data With Applications to the Extent Required by New Part 312

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. August 13, 1975.

By notice of proposed rulemaking,[1] the Board invited comments, and responses to such comments, on a proposal to enact a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents in connection with the Board's regulatory activities pursuant to section 102(2)(C) of the National Environmental Policy Act. The proposal also encompassed the deletion of § 399.110 of the Board's Policy Statements, which had previously set forth such policies and procedures, and implementing amendments to other parts of the Board's economic and procedural regulations to provide for the filing of environmental data with applications to the extent required by the new Part 312.

As set forth in the preamble to the new Part 312, adopted simultaneously herewith, a number of comments and responses were filed to the proposed Part 312 and considered by the Board before enactment of the Part in its present form. While none of the comments related specifically to the amendments proposed to be made to Part 261, a suggestion was made, and in part adopted by the Board, to alter the requirements for the filing of environmental data. Specifically, the Board revised § 312.12 to provide that applications under sections 408, 416(b), 101(3), and the ratemaking provisions of section 1002 of the Federal Aviation Act include a representation of whether or not the application, if granted, would have any of the consequences set forth in § 312.9(a)(2) of the new rule, the representation to be accompanied by an explanation. Under the circumstances, and since Part 312 requires the filing of environmental data with applications in specified situations, albeit somewhat modified from the requirements originally proposed, we shall adopt the amendments proposed to Part 261 modified to the extent required by changes made in the proposed Part 312 upon its final adoption, on the basis of the findings, among others, set forth in the proposal and in the Preamble to Part 312.

In accordance with the foregoing, the Civil Aeronautics Board hereby amends Part 261 of the Economic Regulations (14 CFR 261), effective September 24, 1975, as follows:

1. Amend the Table of Contents by adding a title for new § 261.9 as follows:

Sec.
261.9 Environmental documents.

2. Add a new § 261.9 to read as follows:

§ 261.9 Environmental documents.

Where required by §§ 312.12 or 312.14 of this chapter, each contract or agreement filed under this part or Subpart P of Part 302 of this chapter, shall, at the appropirate time, be accompanied by an Environmental Evaluation, a representation and explanation with respect to § 312.9(a)(2) of this chapter, or an Environmental assessment, in conformity with those sections or orders issued thereunder.

(Federal Aviation Act of 1958, as amended, secs. 102, 204(a), 404, 412, and 1002 (72 Stat. 740, 743, 760, 770, and 788, (49 U.S.C. 1302, 1324, 1374, 1382, and 1482)); National Environmental Policy Act of 1969 (Pub. L. 91-90, 42 U.S.C. 4321 *et seq*) and Executive Order 11514.)

By the Civil Aeronautics Board.

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

[FR Doc.75-21843 Filed 8-22-75;8:45 am]

[Regulation PR-147, Amdt. 25]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Amendments of Part To Provide Filing of Environmental Data With Applications to the Extent Required by New Part 312

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. August 13, 1975.

By notice of proposed rulemaking,[1] the Board invited comments, and responses to such comments, on a proposal to enact a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents in connection with the Board's regulatory activities pursuant to section 102(2)(C) of the National Environmental Policy Act. The proposal also encompassed the deletion of § 399.110 of the Board's Policy Statements, which had previously set forth such policies and procedures, and implementing amendments to other parts of the Board's economic and procedural regulations to provide for the filing of environmental data with applications to the extent required by the new Part 312.

As set forth in the preamble to the new Part 312, adopted simultaneously herewith, a number of comments and responses were filed to the proposed Part 312 and considered by the Board before enactment of the Part in its present form. While none of the comments related specifically to the amendments proposed to be made to Part 302, a suggestion was made, and in part adopted by the Board, to alter the requirements for the filing of environmental data. Specifically, the Board revised § 312.12 to provide that applications under sections 408, 416(b), 101(3), and the ratemaking provisions of section 1002 of the Federal Aviation Act include a representation of whether or not the application, if granted, would have any of the consequences set forth in § 312.9(a)(2) of the new rule, the representation to be accompanied by an explanation. Under the circumstances, and since Part 312 requires the filing of environmental data with applications in specified situations, albeit somewhat modified from the requirements originally proposed, we shall adopt the amendments proposed to Part 302 modified to the extent required by changes made in the proposed Part 312 upon its final adoption, on the basis of the findings, among others, set forth in the proposal and in the Preamble to Part 312.

[1] PDR-36, EDR-269, PSDR-40, dated May 15, 1974, 39 FR 18288, Docket 26718.

[1] PDR-36, EDR-269, PSDR-40, dated May 15, 1974, 39 FR 18288, Docket 26718.

In accordance with the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Economic Regulations (14 CFR 302), effective September 24, 1975, as follows:

Amend § 302.4(a) to read as follows:

§ 302.4 General requirements as to documents.

(a) *Contents.* In case there is no rule, regulation, or order of the Board which prescribes the contents of a formal application, petition, complaint, motion or other authorized or required document, such document shall contain a proper identification of the parties concerned, a concise but complete statement of the facts relied upon and the relief sought, and, where required by §§ 312.12 or 312.14 of this subchapter, such document shall, at the appropriate time, be accompanied by an Environmental Evaluation, a representation and explanation with respect to § 312.9(a)(2) of Part 312, or an Environmental assessment, in conformity with those sections or orders issued thereunder.

* * * * *

(Federal Aviation Act of 1958, as amended, secs. 102, 204(a), 401, 402, 403, 404, 412, and 1002 (72 Stat. 740, 743, 754, 757, 758, 760, 770, and 788, (49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1382, and 1482)); National Environmental Policy Act of 1969 (Pub. L. 91-90, 42 U.S.C. 4321 *et seq*) and Executive Order 11514)

By the Civil Aeronautics Board.

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

[FR Doc.75-21844 Filed 8-22-75;8:45 am]

[Regulation PS-67, Amdt. 46]

PART 399—STATEMENTS OF GENERAL POLICY

Amendment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. August 13, 1975.

By notice of proposed rulemaking,[1] the Board invited comment and responses to such comments, on a proposal to enact a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents in connection with the Board's regulatory activities pursuant to section 102(2)(C) of the National Environmental Policy Act. The proposal also encompassed the deletion of § 399.110 of the Board's Policy Statements, which had previously set forth such policies and procedures, and other implementing amendments to other parts of the Board's economic and procedural regulations to provide for the filing of environmental data with applications to the extent required by the New Part 312.

The Board has finalized the enactment of Part 312 and the implementing amendments to the economic and procedural regulations in separate documents issued contemporaneously herewith, by PR-146, and ER-925, ER-926, ER-927, ER-928, and PR-147. Section 399.110 of the Board's Statements of General Policy is therefore being deleted.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy (14 CFR Part 399) effective September 24, 1975, as follows:

Subpart J [Deleted]

Delete Subpart J—Policies Relating to the Quality of the Human Environment, and § 399.110—Implementation of the National Environmental Policy Act of 1969.

(Secs. 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788, (49 U.S.C. 1324 and 1481); the National Environmental Policy Act of 1969, 83 Stat. 852 *et seq.*, (42 U.S.C. 4321 *et seq.*); and Executive Order 11514)

By the Civil Aeronautics Board.

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

[FR Doc.75-21845 Filed 8-22-75;8:45 am]

[Regulation PR-146, Enactment of Part 312]

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, INCLUDING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Enactment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. August 13, 1975.

By notice of proposed rulemaking,[1] the Board invited comments and responses to such comments, on a proposal to enact a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents in connection with the Board's regulatory activities pursuant to section 102(2)(C) of the National Environmental Policy Act. The proposal also encompassed the deletion of § 399.110 of the Board's Policy Statements, which had previously set forth such policies and procedures, and other implementing amendments to other parts of the Board's economic and procedural regulations to provide for the filing of environmental data with applications to the extent required by the new Part 312.[2]

Pursuant to the notice, 10 comments and four responsive comments were filed.[3] The comments came from a variety of sources, including the United States Environmental Protection Agency, (EPA) two state planning organizations, three trade associations, two aircraft engine manufacturers, a group of four cities, and a group of nine air carriers.[4] Two of the responses came from air carriers, one from a trade association, and one from the cities.[5] Taken as a whole the comments are thoughtful and useful. Some of them have been accepted, while others have been rejected. The principal comments relate (1) to the method for determining in what situations full-scale inquiries into environmental impacts should be made and (2) to the data bank which we hoped to establish in order to facilitate for all concerned the determination of environmental issues coming before the Board for decision.

A principal revision we have made is the adoption of a Noise Screening Standard and a Pollutants Screening Standard, proposed by the group of Nine Carriers, to help effectuate the threshold determination of environmental significance. We adopt these screening standards as the best currently available. However, we believe that the screening standards may profit from some refinement, as discussed in section (1)(c) of this Preamble. Accordingly, we are specifically requesting that petitions for reconsideration be filed by any interested person with regard to the points raised in section (1)(c), below. Petitions are to be filed within 45 days of service of this rule, and answers thereto may be filed within 30 days thereafter.

Except to the extent modified herein, the tentative findings and conclusions set forth in PDR-36, EDR-269, PSDR-40 are incorporated herein and made final; and, except to the extent granted herein, all requests contained in the comments are denied. The principal objections and suggestions to our proposal and the principal changes therein are discussed below. Comments not specifically discussed were nevertheless carefully considered by the Board.

1. *Threshold determination of environmental significance.* The proposed rule sets forth, illustratively, Board actions which may have a potential impact on the environment (§ 312.9) and the kind of effects which, in our view, appear

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[1] PDR-36, EDR-269, PSDR-40, dated May 15, 1974, 39 FR 18288, Docket 26718.

[2] We have finalized the implementing amendments to the economic and procedural regulations and deletion of sec. 399.110 in separate documents (ER-925, ER-926, ER-927, ER-928, PR-147, PS-67) issued contemporaneously herewith. They reflect such minor changes from the proposed Part 312 that we have made herein.

[3] Pursuant to a request from a group of air carriers, the time for filing comments was extended from July 5, 1974, to September 5, 1974, and for responsive comments from August 5, 1974, to October 15, 1974. The Board's notice established a procedural mechanism for creating and distributing a service list which was supplied to all interested persons.

[4] The commenters were: Maryland Department of State Planning, Arizona Office of Economic Planning and Development, Aerospace Industries Association of America, AVCO Lycoming Division, Pratt and Whitney Aircraft, Air Transport Association of Canada, Boston, St. Louis, Las Vegas and Cincinnati parties, National Newspaper Association, and a group of none air carriers including American, Braniff, Delta, Eastern, Northwest, Pan American, Trans World, United and Western ("Nine Carriers").

[5] In addition to the group of nine air carriers and four cities, responses came from Wien Air Alaska and the National Air Transportation Association.

to significantly affect the environment (§ 312.10). However, the rule does not purport to determine categorically which actions may be major federal actions having a significant impact upon the quality of the human environment within the meaning of section 102(2)(C) of NEPA, leaving that determination in each instance to the designated responsible official (§ 312.8). To assist in the making of this determination § 312.12 requires applications for actions listed in § 312.9 to be accompanied by an "environmental evaluation," containing certain basic environmental information.[6]

The Nine Carriers suggest that the Board build into the rule a Noise Screening Standard[7] and a Pollutants Screening Standard,[8] which are intended to provide specific criteria for determining when a change in flight frequencies (including fleet mix) at an airport justifies further study of environmental effects. Under the Nine-Carrier proposal, the "environmental evaluation" would not be submitted at the time of filing but would, instead, be reserved solely for cases that trigger further study under the screening tests. "Environmental assessments" would be abolished altogether.

Adoption of the two screening standards is supported by the National Air Transportation Associations (NATA), Wien Air Alaska, Inc. (Wien), and the Boston/St. Louis/Las Vegas/Cincinnati civic parties. No reply comments in opposition to the suggested screening standards have been received.

Upon consideration of the comments and all other relevant facts, the Board is persuaded that the Noise Screening Standard and the Pollutants Screening Standard proposed by the Nine Carriers should be incorporated into the Board's NEPA procedures. As we have previously noted, the preponderance of the Board's actions are not "major" and do not "significantly" affect the quality of the human environment, within the meaning of NEPA.[9] The Board's experience since the inception of this rulemaking proceeding a little over a year ago seems to verify our judgment that even those actions that are major in economic or regulatory terms often do not give rise to significant environmental effects. This experience currently encompasses a total of 13 route-related cases in which the Bureau of Operating Rights, acting on behalf of the Board, has prepared detailed environmental studies, including one formal Environmental Impact Statement,[10] five "Statements of Environmental Assessment," [11] six somewhat less lengthy—yet thorough—"Environmental Negative Declarations" [12] and one "Environmental Rejection Statement." [13]

This substantial fund of experience—which was not available at the inception of this rulemaking—leads us to conclude that there is a need for some simple yet effective substantive criteria which will avoid unproductive and costly procedures and focus analytical efforts upon those proceedings most likely to justify thorough environmental study, by the systematic winnowing out of the many cases coming before the Board which have little or no adverse environmental consequences. In addition, the Council on Environmental Quality (CEQ) itself urges agencies to "develop specific criteria and methods for identifying those actions likely to require environmental statements and those actions likely not to require environmental statements" (CEQ Guidelines, 40 CFR 1500.6(c)).

We believe that the screening standards hold promise of meeting that need. Unlike other existing methodologies such as Noise Exposure Forecast (NEF) or the EPA's Leq/Ldn, the screening standards are relatively uncomplicated in method and apply readily to the circumstances of the usual Board case, in which any prospective environmental impact arises in the first instance from changes in air carrier schedules and levels of service. The screening standards appear, in general, to be appropriate and effective for the purpose for which they were designed, namely the threshold determination of direct environmental impact. In addition, the Noise Screening Standard in particular should serve to ensure that prohibitively costly noise-measuring methodologies are reserved for cases in which such procedures are likely to be productive and cost-efficient. In short, we believe that the screening standards are the best practicable criteria presently available to the Board for purposes of preliminary screening.

Nevertheless, as presently formulated the screening tests may not be appropriate in all conceivable circumstances. Further, the screening standards may well be susceptible to refinement, improvement, or even replacement by different criteria, as the Nine Carriers themselves recognize. Thus, we adopt the screening standards to provide guidance to the responsible official who must determine the environmental significance of any action, rather than as tests which categorically determine in every case whether further environmental steps need be taken. Moreover, we also provide for the use of methodologies which are functionally equivalent to the screening standards.

(a) *The Noise Screening Standard.* The Noise Screening Standard, while grounded upon Noise Exposure Forecast (NEF) methodology, eschews some of the complexities of NEF in favor of a model formula which predicts the percentage change in the ground area subsumed by an NEF contour, on a before-and-after basis. The formula takes into account a number of factors important to cumulative noise impact and utilized in the NEF methodology, including adjustments to account for the ratio of daytime operations to nighttime operations, the percentage of four-engine low-bypass-ratio aircraft in the fleet, the ratio of short-range and long-range operations, and fleet mix, as well as the number of aircraft operations. The chosen threshold value separating actions with clearly no adverse noise impact from those with potential impact is a change of one NEF unit at points on the ground within the NEF 30–40 contours. A one NEF unit change results from a 27 percent change in operations and corresponds to a 17 percent change in the area enclosed within the contours in the NEF 30–40 range.

Based upon experience in a number of the cited cases in which the Noise Screening Standard has been utilized by the Bureau of Operating Rights,[14] it appears that the screening formula is relatively sensitive to change in the noise impact resulting from increases in air carrier operations. The threshold level of one NEF unit represents perhaps one-half of any noise impact change which would be noticed by the impacted population, assuming the correctness of EPA studies [15] indicating that an increase of 2 units may cause complaints.

Furthermore, experience in the cited cases also indicates that the Noise Screening Standard methodology, while perhaps susceptible to improvement, ap-

[6] The responsible official may request additional material and relevant information from the applicant or other persons by means of the "environmental assessment," § 312.14 (b). In submitting environmental evaluations and environmental assessments, the regulation contemplates that the applicants would utilize certain basic data set forth in Appendix I to the Rule.

[7] Developed by the consulting firm of Bolt, Beranek & Newman. A detailed description of the rationale and methodology of this standard is contained in Appendix A hereto.

[8] Developed by the consulting firm of R. Dixon Speas Associates. A detailed description is contained in Appendix B hereto.

[9] Notice of Proposed Rulemaking, at 5.

[10] *Capacity Reduction Agreements Case*, Docket 22908. A Draft and Final E.I.S. were prepared.

[11] *Miami-Los Angeles Competitive Nonstop Case*, Docket 24694; *American-Airwest Route Exchange Agreement*, Docket 25881; *American-Pan American Route Exchange*, Docket 26245; *American-Frontier Route Exchange Agreement*, Docket 25397; and the *Transatlantic Route Proceeding*, Docket 25908. While designed only to determine whether the proposed actions are major Federal actions having a substantial impact on the quality of the human environment, the Statement of Environmental Assessment is equal in thoroughness to a formal Environmental Impact Statement. In each case, Draft Assessments were prepared and circulated for comment and Final Assessments prepared in light of those comments.

[12] *Delta-TWA Route Transfer*, Docket 26479; *Philadelphia - Rochester/Syracuse Case*, Docket 20472; *Pan American-Western Route Transfer*, Docket 27104; *Remanded Reno-Portland/Seattle Nonstop Investigation*, Docket 21136; *Reopened Service to Omaha and Des Moines Case*, Docket 18401; *Fort Meyers-Atlanta Case*, Docket 27237.

[13] *Eastern-Ozark Route Transfer Agreement*, Docket 26668.

[14] See, *e.g.*, the *American-Pan American Route Exchange Case*, Docket 26245; the *Miami-Los Angeles Competitive Nonstop Case*, Docket 24694; the *Transatlantic Route Proceeding*, Docket 25908; and the *Capacity Reduction Agreements Case*, Docket 22908.

[15] Eldred, K. M., "Community Noise," Environmental Protection Agency, NTID 300.3 (December, 1971).

pears generally sound for purposes of separating those actions which may require further study from actions with clearly no significant noise impact. In this regard, and without intimating any conclusions with respect to the Board's ultimate decisions in the cited cases or the issues therein, we may note that the use of the Noise Screening Standard has occasioned no substantial adverse comment in those cases from such expert agencies as the EPA and the FAA. Moreover, we have received no adverse comment to the Nine Carriers' suggestion in this docket that the Noise Screening Standard be adopted as a part of the Board's environmental procedures.

The EPA in its comments recommends that, whenever possible, the EPA-endorsed "L_{eq}/L_{dn}" environmental noise descriptor methodology [16] be utilized to measure noise, in the interests of uniformity among Federal programs and pursuant to the EPA's responsibility under the Noise Control Act of 1972 to coordinate and review all Federal noise research and control programs. We do not view the adoption of the Noise Screening Standard as inconsistent with the EPA's recommendation.

We emphasize, in this regard, that the Noise Screening Standard does not purport to be definitive with respect to the noise exposure impact of proposed actions, but serves primarily as a means of determining, at the inception of a case, whether an action is likely to be significant in environmental terms and whether as a consequence further detailed study of noise impact may be required. Where application of the Noise Screening Standard and the facts of the case suggest that further analysis in depth would be fruitful, the Board expects that the analysis would ordinarily include one of the recognized cumulative noise impact methodologies. Preferably, this would consist of the new L_{eq}/L_{dn} methodology.[17] However, we do not believe that a full-blown L_{eq}/L_{dn}, NEF, or other analysis would ordinarily be productive at the threshold stage because of their complexity and the costs associated with conducting such studies. In any event, the rule as modified herein would not preclude the use of a functional equivalent to the Noise Screening Standard, which could include the EPA's methodology.

(b) *The Pollutants Screening Standard.* The Pollutants Screening Standard produces an order-of-magnitude estimate of the concentration of a particular pollutant at the boundaries of an airport, using EPA data for rates of emission and standardized meteorological conditions. The threshold standard is keyed upon the relevant units of the Primary National Air Quality Standards as set by the EPA. If the proposed action would lead to an increase in the total pollutant emissions but the perceived change in pollutant concentration at the airport boundary would be less than 1% of the primary standards for air quality, no further analysis of pollutant emissions would be required. If the threshold level is exceeded, additional analysis taking into account specific local conditions may be required. The threshold value is derived from the EPA's regulations on Review of Indirect Sources, 40 CFR 52.22(b)(2)(iii).

The Pollutants Screening Standard has been utilized in the Environmental Negative Declarations prepared by the Board's staff in the *Pan American-Western Route Transfer*, Docket 27104, and in the *Reopened Service to Omaha and Des Moines Case*, Docket 18401.[18]

We believe that the Pollutants Screening Standard is, on the whole, sound in method and appropriate for the purpose intended. We do have some minor reservations, particularly, with regard to the threshold level selected, as discussed in subsection (c) below. While this test has been utilized to date in two staff Environmental Negative Declarations, it has not been exposed to the much more detailed scrutiny accorded to the Noise Screening Standard. Nevertheless, we are prepared to adopt the Pollutants Screening Standard as being the best practicable criterion presently available for use in Board proceedings, pending any modifications which may be forthcoming from our continued review of the standard and in light of the comments received from all interested parties.

(c) *Authorization of Petitions for Reconsideration with Respect to Screening Standards.* While the Board has adopted the Noise Screening Standard and the Pollutants Screening Standard, we are of the belief that a number of aspects of these tests require further examination, with a view toward refinement. We therefore solicit comments from all interested persons concerning the points delineated below. Specifically, we are hereby authorizing petitions for reconsideration by any interested person with respect to the screening tests, focused upon but not limited to the discussion which follows. Petitions are to be filed within 45 days of service of this rule, and answers may be filed within 30 days thereafter.

(1) The Pollutants Screening Standard threshold value—an increase in pollutant concentration at the airport boundary equivalent to 1% of the Primary National Air Quality Standards—is predicated upon the EPA's "Indirect Sources" rule standard that the air quality impact of airport construction or modification need not be considered unless there is an increase of at least 50,000 scheduled air carrier operations or 1.6 million passengers per year over the existing volume of operations, within the tenth year of the proposed airport change.[19] The usual economic forecast period in Board cases is one or at the most two years in the future, since long-term economic forecasts of operations have not proven to be practicable or reliable for economic purposes.[20] The 1% threshold value used in the Pollutants Screening Standard, if applied to the 1st- or 2nd-year forecast of operations, would simply compress the tenth-year EPA standard into the first or second year. Consequently, the Pollutants Screening Standard threshold level may be of inadequate sensitivity to accurately reflect the EPA "Indirect Sources" standard if used in conjunction with the economic forecast periods typical in almost all Board cases.[21] We request that the commenting parties address the possible solutions to this problem, specifically whether and how a 10-year operational forecast for environmental purposes can be feasibly derived, or whether and how the Pollutants Screening Standard threshold value may be adjusted to permit its use with customary first- or second-year economic forecasts of operations. Moreover, the parties should consider in any event whether to base the screening standard threshold upon some criterion other than the "indirect sources" regulation in light of its uncertain status, as evidenced by its temporary suspension by the EPA.

(2) The LTO cycle used in the Pollutants Screening Standard for determining emissions is itself composed of five distinct modes (taxi-idle, takeoff, climbout, approach and landing, and taxi-idle) each of which has its own emission rates for various types of aircraft. The time spent in each mode varies by airport—for example, the taxi-idle time at a large, congested airport may be much longer than at a small airport. However, the standard LTO cycle used in the screening test represents an LTO cycle at a large metropolitan airport during periods of heavy activity. Using this standard LTO cycle may significantly overstate emissions at a small or uncongested airport. Perhaps, in certain circumstances, a more detailed modal analysis may be more appropriate. The parties are requested to address the ques-

[16] "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety" ("Levels Document") EPA Document Number 550/9-74-004, March 1974.

[17] We do not at this time preclude the use of methodologies such as, *e.g.*, the Noise Exposure Forecast (NEF), since much of the currently available data on airport noise levels, etc. is in the form of the older methodologies.

[18] In addition, R. Dixon Speas applied the Pollutants Screening Standard to the data used by the Board's staff in the *Transatlantic Route Proceeding*, Docket 25908, the *American-Frontier Route Exchange*, Docket 25397, and the *American-Airwest Route Exchange*, Docket 25881, for a total sample of 45 airports. According to R. Dixon Speas, the results confirm the staff's previous empirical judgments in those cases with respect to the incremental levels of pollutant emissions.

[19] 40 C.F.R. 52.22(b)(2)(iii). This regulation has been temporarily suspended by the EPA.

[20] By the same token, a simple linear relationship between the 1st year and 10th year level of operations cannot be assumed.

[21] The EPA threshold of 50,000 annual operations (25,000 LTO's) represents approximately 69 flights per day. It is self-evident that very few, if any, Board awards would ever result in an increase of that magnitude in the first or second year of operations.

tion of whether an adjustment for small or uncongested airports should be built into the rule, and if so, how that should be done.

(3) The Noise Screening Standard equation was statistically derived from actual noise studies conducted at nine large airports, the smallest being Indianapolis with about 300 aircraft operations per day. Thus, the formula may not be statistically reliable for estimating noise impact at nonconforming airports, such as small airports.

(4) By the same token, the correction factors used in the Noise Screening Standard, particularly the correction for percent of low-bypass-ratio (LBPR) fan jet aircraft (C2) may be inaccurate in extreme cases. The C2 factor, for example, compensates for LBPR operations constituting only up to 15% of total operations. Yet, at some airports with heavy overseas and foreign traffic, such as New York (JFK), the LPBR operations are a considerably greater portion of total operations. Comments are solicited as to whether, and to what extent, the C2 correction factor and the other factors should be augmented to permit the formula to reflect particular airport operational characteristics more closely.

(5) As a rule, non-jet operations generate much less noise during the LTO cycle than jet operations, and therefore the former cannot be equated with the latter for purposes of the Noise Screening Standard. In fact, the basic formula of the test appears to have been derived for comparison of jet operations under various future assumptions. The Board tentatively believes that in computing the number of operations (N_a and N_n) only jet aircraft operations should be included. Under this view, parties would of course be free to present evidence showing that non-jet operations should be included in the calculation, perhaps by the use of tests which measure actual noise levels. We request comments concerning the appropriateness of excluding non-jet operations from the Noise Screening Standard calculation in normal circumstances.

(6) The arbitrary constant "A" in the Noise Screening Standard formula is related to fleet mix and the particular NEF contour chosen for analysis. The given value of A in the formula for NEF 40 is 1.92. In computing the change in noise level resulting from a change in the number of operations the constant is, in effect, factored out and thus of no direct consequence for the purposes of a screening analysis. However, the accuracy of the formula itself may have a bearing on the screening test results, since the results are expressed as a percentage change over a base period condition. Thus, the derivation and accuracy of the chosen constant—1.92—becomes meaningful. In borderline cases the Board may wish to crosscheck the screening test results at NEF 40 with the results at NEF 30, for example, or to compare the fleet mix assumptions built into the chosen constant with the actual fleet mix at the point in question. Accordingly, we request that the Nine Carriers submit a more detailed explanation of the derivation of the chosen constant as well as some alternative constants for different fleet mix or NEF-values.

In addition to the usual publication of the rulemaking in the FEDERAL REGISTER, we will serve this regulation upon all persons who previously commented or responded to comments with respect to the Notice of Proposed Rulemaking. Petitions for reconsideration should be submitted within 45 days of the date of service of these regulations and answers thereto may be filed within 30 days thereafter, through the submission of twenty (20) copies addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

2. *Environmental Evaluation.* Procedurally, we will incorporate the screening standards into the § 312.12 "environmental evaluation" report which must accompany certain applications. As a consequence, much of the information requested in § 312.12 as originally proposed will not be needed at the application stage, and, if necessary, can be obtained at a later time through an "environmental assessment" under § 312.14. Therefore we are simplifying the requirements of § 312.12. As modified, the environmental evaluation will be required to contain information about the present service and proposals for change, the airports used, any irretrievable commitments of resources involved (including fuel usage), the expected number of additional passengers to be carried as a result of the proposed action, and the Noise and Pollutants Screening Standards.[2]

This revised environmental evaluation report will be required to accompany most applications for licensing actions under sections 401 or 402 of the Act, as originally contemplated in the proposed rule (§ 312.9(a)(1)).

The Nine Carriers do not agree with the timing of the environmental data submission, arguing that such data, if required at all, should be submitted at the time of direct exhibits in a hearing case, or 30 days after an application is filed in a nonhearing case. Under their proposal, no environmental data would be filed with an application except for a simple representation that the screening test threshold levels would not be exceeded by the proposed action and that the consequences set forth in § 312.9(a)(2) would not occur. Substantiation for this representation would not be required unless a controversy subsequently arises with respect to the environment. If such a representation could not be made, environmental data would be submitted as noted above.

We reject this suggestion. Submission of the environmental data at the direct exhibit stage of a hearing proceeding would produce unconscionable delay in cases which require either a formal environmental impact statement or a detailed environmental negative declaration. Further, the environmental evaluation report, as revised, is substantially less burdensome to prepare than the report originally contemplated, and in any event, most of the information requested in the revised environmental evaluation is needed to work the formulae of the screening tests. Since, as the Nine Carriers acknowledge, an applicant must at least know the "order-of-magnitude service level" it contemplates, there appears to be no valid reason to deny this information to the Board for purposes of a timely and independent threshold determination of environmental significance.

For other actions—under sections 408, 416(b), 101(3), and the ratemaking provisions of section 1002 of the Act—the environmental evaluation report will be required, as originally proposed, only if certain circumstances as delineated in § 312.9(a)(2) may demonstrably result. For those actions, we accept the suggestion of the Nine Carriers that such applications include a representation of whether or not the application, if granted, would have any of the consequences set forth in § 312.9(a)(2) (i), (ii), (iii), (iv), or (v) of the rule. The representation shall be accompanied with a succinct explanation. For purposes of (ii) (iii), (iv), or (v) of the rule. The (ii), we also accept the suggestion of the Nine Carriers to incorporate the screening standards into the § 312.7 definition of "substantially greater or less service."

The Nine Carriers also propose that for nonhearing cases (*i.e.*, primarily cases falling under § 312.9(a)(2) of the rule) a 30-day period be afforded for the preparation of the environmental evaluation report, if one is required. We reject this proposal. As revised herewith, the information called for in this report is not burdensome, and much of it is required in any event to provide input for the screening standards. We see no reason that the environmental information should not be submitted along with all other data submitted by the applicant to justify the specific relief sought by the application, in those few instances in which an environmental evaluation is likely to be required under § 312.9(a)(2) of the rule.

Finally, we also reject the Nine Carriers' proposal to require an environmental evaluation only where the proposed Board action would result in service changes on an annual basis. Seasonal service change can also have a material impact on the quality of the environment, and we perceive no valid reason for granting such a blanket exclusion of environmental considerations in cases where less than full service on an annual basis is involved.

3. *Environmental Assessment.* The basic data supplied in the substantially simplified environmental evaluation report will not usually be sufficient to permit the preparation of adequate environmental impact statements or detailed negative declarations, and may not be sufficient in some instances to render a

[2] In addition, we will adopt the suggestion of the Environmental Protection Agency and require, where relevant, the submittal of information describing plans for aircraft to be released by the proposed action.

soundly based environmental rejection. It is therefore necessary that the responsible official have the opportunity to obtain further relevant environmental information from applicants and others. This opportunity is provided by the "environmental assessment" report § 312.14 (b) of the rule.

Since the particular environmental problems and the information available to the responsible official from other sources will vary from case to case, we will retain in the rule the responsible official's discretion to request "such relevant and material information" as is necessary, and reject the Nine Carriers' suggestion that would, in effect, eliminate that discretion by substituting the specific itemization of the originally proposed environmental evaluation report for the environment assessment.[32] Some examples of data that might be required, drawn from the experience of the past year, include information on such matters as the local ambient air pollution and noise levels; the history of environmental complaints, litigation or concerted civic action; levels of peak hour/day operations and VFR/IFR capability; airside and landside airport congestion; local, regional, or state plans and regulations concerning airport expansion; satellite airports, noise abatement, or pollution control; indirect environmental effects of new service, particularly at resort or rural areas; long-range estimates of levels of operations and traffic; possible capacity shifting and impact at other points; alternatives to the proposal; ways to avoid any adverse environmental effects; need for new facilities to support the proposed action; and possible effect of new services upon health and welfare. These examples are merely illustrative of the wide range of problems which might arise in connection with any particular proceeding, but they are sufficient to demonstrate the need for an environmental assessment report tailored to the specific proceeding.

On reconsideration, we have determined not to make final the last sentence of § 312.14(b) of the proposed rule. This would generally require us to follow the procedures governing the preparation of Environmental Impact Statements when a detailed Negative Declaration is issued. We have determined that this provision is unduly restrictive. For example, although it is anticipated that in some situations a detailed treatment will not be warranted for all the NEPA issues listed in § 312.14(c), the terms of this sentence would seem to preclude the preparation of a Negative Declaration addressed only to a particular issue, since an Environmental Impact Statement requires discussion of all statutory points. To retain flexibility and avoid unproductive procedures, the last sentence of § 312.14(b) is eliminated.

Finally, we are making several minor changes of an editorial or clarifying nature. The § 312.7(d) definition of "environmental assessment" is amended to bring it into conformity with § 312.14(b), which provides for requests for assessments prior to the preparation of any type of environmental document, including a negative declaration or rejection, and not just an environmental impact statement. Section 312.13 (footnote) is amended to clarify that the "additional relevant and material data" which the responsible official may request prior to making his initial determination is authorized pursuant to § 312.14(b). And § 312.14(b) is amended to make explicit the responsible official's authority to require the filing of an environmental evaluation where none was previously filed, regardless of whether an environmental evaluation is or is not called for by § 312.9 of the rule.

4. *Hearing Procedures.* The Nine Carriers question the language of the last sentence of proposed § 312.17(b), claiming that it would allow parties to reopen or belatedly raise in the environmental phase of a proceeding questions which properly belong in the economic phase. This is not correct. The last sentence, providing that "nothing in this part shall be deemed to limit *environmental issues* to those described in section 102 (2)(C) of NEPA" (emphasis supplied), simply recognizes the Board's mandate to consider environmental issues pursuant to the public interest standards of section 102 of the Federal Aviation Act of 1958.[33] This mandate is, as we view it, in addition to the Board's specific responsibilities under NEPA. As a matter of procedure, we provide that all environmental considerations, whether arising under NEPA or under the broader public interest standards of section 102 of the Act, should be pursued in the environmental phase of a proceeding, if there is one. Nothing in § 312.17 permits the consideration of issues unrelated to the environment in the environmental hearing.

On the other hand, we agree with the Nine Carriers' suggestion that proposed § 312.17 may be overly broad in its grant of participation rights in the environmental hearing, since as written it permits a party to sit back and wait until the environmental hearing to make its objections known. It does not seem unduly burdensome—and is fairer to all concerned—to require, as a prerequisite to participation in the environmental phase of a proceeding, that all parties and intervenors make their views known in their comments to the draft Environmental Impact Statement.

The Nine Carriers would also limit participation to those disagreeing with the ultimate conclusion of the final environmental impact statement. We believe that this is entirely too restrictive and would be inimical to the development of a useful record on the environmental issues. Overall, we expect that adherence to the Board's Rules of Practice and to customary hearing procedures under the control of the Administrative Law Judge assigned to a proceeding will accord all commenting parties a reasonable opportunity to make their views known and will allow for the development of a more meaningful record. Of course, under the revised rule, no person will be precluded from presenting a written statement on the environmental issues prior to the close of the hearing, as provided for in Rule 14 of the Board's rules of procedure (14 CFR 302.14).

5. *Data Bank.* A number of comments pertain to the data bank we had hoped to establish, and to the standards regarding aircraft noise characteristics, engine emissions, etc. of proposed Appendix I of the rule. The Nine Carriers assert that establishment of a data bank of adequate size and sophistication is not economically feasible, or even desirable in light of the availability of the screening standards discussed previously, and that the proposed Appendix I is not in any event such a data bank. The Nine Carriers and other commenting parties, including Pratt & Whitney Aircraft, AVCO Lycoming, Aerospace Industries Association, and the EPA, point out various deficiencies in Appendix I, and refer to the fact that emissions and noise data are constantly in the process of being upgraded and updated.

The Board continues to believe that the concept of a data bank, from which information could be readily obtained on significant facts used repetitively in the preparation of environmental studies, is essentially meritorious, and that the goal of establishing such a data bank should not be abandoned. Nevertheless, we are persuaded by the comments that the tables contained in Appendix I do not constitute, as the Nine Carriers point out, a useable data bank; that some of the factual information therein is either incomplete, erroneous, or obsolete; that the data is subject to continuing updating and upgrading; and that other parts are not useful for meaningful noise or pollutant impact analysis. Accordingly, we believe that Appendix I as presently constituted should be eliminated in its entirety.

In lieu of the data contained in the proposed Appendix I, the Board will expect applicants and others to use the best updated emissions factors and noise data available from any reliable source, including the EPA, FAA/DOT, manufacturers, and others. While we agree with EPA that updated data should be used, we see no valid reason to limit data to that available from EPA only.

6. *Other Matters.* (a) The Nine Carriers recommend that the proposed section 312.10(b)(4), which provides for a review of secondary or indirect effects generated through the implementation of a Board action, be modified to take account of the EPA's determination in its "indirect source" regulation[34] that airport construction or modification

[32] Of course, such items could appropriately be included in the responsible official's request for an environmental assessment.

[33] *The Palisades Citizens Association v. C.A.B.*, 420 F.2d 188 (C.A.D.C. 1969).

[34] 40 C.F.R. 52.22(b)(2)(iii).

projects need not be reviewed under the Clean Air Act where the resultant change in operations is expected to be an increase of less than 50,000 aircraft operations (*i.e.*, 25,000 LTO's), or passengers by less than 1.6 million annually. We recognize that the EPA threshold has been cited previously in a number of Board proceedings with respect to the analysis of secondary effects of increased services.[24] It may well be a useful yardstick in Board cases if correctly applied, notwithstanding that the EPA rule is intended to apply to airport construction or modification projects rather than to air carrier schedule changes.[25] However, the status of the EPA "indirect sources" regulation is unclear at this time, having been temporarily suspended by that agency, and we believe it inappropriate to incorporate the EPA's standard directly into the rule under the circumstances.

(b) The Nine Carriers also suggest that § 312.14(e) be amended to require service of comments to draft environmental impact statements on all formal parties to a proceeding. We will not impose such a requirement, since it may often be unduly burdensome, particularly to individuals, citizens' groups, and local government entities,[26] and could well discourage the submission of comments. In any event, it is unnecessary. Under CEQ Guidelines and this rule all comments must be appended to any final statement in a proceeding, which is then served upon all parties at least 15 days before the environmental hearing. Since there is no provision for "reply comments," we believe this procedure will provide adequate notice to all parties.

(c) We do agree, however, that the time period for action following submission of a draft environmental impact statement should begin to run when announcement of the draft's availability is first made in the Federal Register, either by the Board or the Council on Environmental Quality (CEQ), and have revised § 312.16 accordingly. The legality, as the Nine Carriers note, comes from the publication and does not depend on which agency files the announcement.

(d) We see no need to modify § 312.9 (a) (2) (iv), as suggested by EPA, in order to add areas *adjacent* to national parks, monuments, and so forth as a separate category of points requiring an environmental evaluation in conjunction with first or additional service. Our definition of "point" in § 312.7 already encompasses a 10-mile radius surrounding the airport or place in question. In any event, all applications for new certificate authority will require the filing of an environmental evaluation report. We shall modify § 312.9(a) (2) (iv) in one respect, however, by adding "national recreation area" and "national seashore" as separate categories. We believe this change will help avoid any potential for confusion which might otherwise result from a too-literal reading of this provision.

(e) The comments of Maryland's Department of State Planning recommend the use of appropriate State and regional clearinghouses for the distribution of draft environmental impact statements, rather than direct distribution to state and local governments. Our rule already provides for distribution to clearinghouses, § 312.14(d). Additional distribution to state and local agencies is provided for simply to ensure satisfaction of the service requirements of formal Board proceedings which are subject to the Administrative Procedure Act. As suggested, we have provided that state clearinghouses be served with 15 copies and areawide clearinghouses with 5 copies of all draft statements. We have also modified § 312.14(d) to clarify the usual distribution requirements.

(f) We will not adopt the suggestion of the National Newspaper Association, which would require paid advertisements in the "public notice" columns of local newspapers for notices by the responsible official that an environmental impact statement will be prepared in a particular case (§ 312.13(c)). We believe that the rule adequately provides for public notice through distribution of news releases, notification of the parties, the EPA, and the CEQ. However, we are modifying § 312.13(c) to provide for notice in the FEDERAL REGISTER as well.

(g) The Nine Carriers suggest a revision of the footnote to § 312.6 which would, in effect, create a presumption in 402 cases that the existence of an air transport agreement signifies compliance with NEPA. We find no warrant for such a presumption, and will accordingly retain the existing language, which simply provides that section 402 proceedings need not duplicate earlier compliance with NEPA by the Department of State incident to execution of an air transport agreement for the same route rights.

(h) Finally, we are making several additional changes in the proposed rule, essentially of a technical, editorial, or clarifying nature. First, we amend § 312.13 to clarify the responsible official's duties with respect to initial review of applications for environmental impact. In sum, the intent of the revisions is to make it clear that all applications are subject to initial review for environmental impact, but that formal determinations (*e.g.*, environmental rejections, negative declarations, or notices that an environmental impact statement will be prepared) are required only with respect to applications which must be accompanied by environmental evaluations pursuant to § 312.9, or under certain other conditions such as an order of the Board or when environmental objections or comments are filed in reply to an application. The official may, of course, prepare a formal initial determination in any other instance at his descretion. Secondly, we are also amending § 312.13(a) to provide that a summary environmental rejection may encompass several unrelated applications. This change will reduce the administrative burden upon the responsible official.

Third, we are adding specific provisions in §§ 312.14(f) and 312.17(a) allowing a final Environmental Impact Statement to incorporate the draft statement by reference, in whole or in part. This change will codify prior practice, is designed to reduce the workload of the Board's staff, conserve paper and printing costs, and reduce the delay inherent in the environmental procedures. Fourth, § 312.8(c) (3) is amended to provide that the environmental coordinator's duties include guidance in the preparation and processing of other environmental documents as well as impact statements. And finally, §§ 312.7(d), 312.7(f), 312.7(i) (3), 312.8 (c) (1), 312.9(b), 312.10(a) (4) and 312.10(b) (4) are amended by the substitution of more precise language.

7. *Proceedings in Progress.* With respect to those proceedings already in progress, the Board recognizes that it often may not be possible to comply fully with the prescribed procedures. Moreover, it is our view that, in many instances, the public interest in fair, efficient and timely administration of the Board's regulatory activities will be best served by the prospective application of these rules, without adverse impact on the substantive consideration of environmental concerns inasmuch as § 399.110 of the Board's Policy Statements has up to this time provided adequate procedural and policy guidance in the implementation of NEPA. We therefore revise § 312.4 (e) to reflect this view, by permitting proceedings in progress to be governed by the practices and procedures of the former § 399.110 of the Board's Policy Statements. This does not preclude, of course, the application of this part where desirable and feasible under the circumstances of any particular case in the view of the Board, the Administrative Law Judge assigned to a case, or the responsible official, as appropriate. Section 312.4 (e) has also been revised to allow requests for environmental data in pending proceedings to be made either by the Board, the Administrative Law Judge, or the responsible official, as appropriate in the particular case.

In consideration of the foregoing, the Board hereby enacts Part 312 of the Economic Regulations (14 CFR Part 312) as set forth below, effective September 24, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[24] See, *e.g.*, Final Statement of Environment Assessment (dated October 15, 1974) in the *Transatlantic Route Proceeding*, Docket 25908, at 14–15.

[25] In this connection, we note that the EPA's threshold pertains to increased activity in the stated amounts (50,000 operations or 1.6 million passengers) within *ten years* of the construction or modification. The Nine Carriers' suggested change to § 312.10(b) (4) does not recognize this time factor.

[26] For example, the *Transatlantic Route Proceeding*, Docket 25908, has upwards of 140 parties.

Subpart A—General Provisions

Sec.
312.3 Authority.
312.4 Policy.
312.5 Interpretations.
312.6 Waivers or exemptions.

Subpart B—Definitions

312.7 Definitions.

Subpart C—Designation of Responsible Officials

312.8 Designation of responsible officials.

Subpart D—Identification of Major Federal Actions Significantly Affecting the Environment

312.9 Actions with a potential effect on the environment.
312.10 Actions significantly affecting the human environment.

Subpart E—Environmental Procedures

312.11 General.
312.12 Filing of environmental evaluations by applicants.
312.13 Initial determination with respect to environmental impact.
312.14 Preparation of environmental impact statements.
312.15 Public hearings in preparation of environmental impact statements, negative declarations or rejections.
312.16 Time limitations on use of environmental impact statements.

Subpart F—Final Determinations

312.17 Hearing Procedures.
312.18 Initial, recommended, and final decisions.

Subpart G—Miscellaneous Provisions

312.19 Required lists.
312.20 Costs of materials distributed to the public.

AUTHORITY: Sections 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788, 49 U.S.C. 1324 and 1481; the National Environmental Policy Act of 1969, 83 Stat. 852 *et seq.*, 42 U.S.C. 4321 *et seq.*; and Executive Order 11514.

Subpart A—General Provisions

§ 312.1 Purpose.

The National Environmental Policy Act of 1969 (83 Stat. 852, hereinafter called NEPA) authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies for the protection and enhancement of the environment set forth in NEPA, thus establishing national policy, goals and procedures for protecting and enhancing the environment.

(a) This statute governs all Federal departments and agencies and requires positive orientation of all existing administrative policies to support the new mandate. It requires that an explicit analysis of the environmental consequences of proposed "major Federal actions" which significantly affect the quality of the human environment shall be made and publicly commented upon prior to agency decision and that this detailed environmental statement shall accompany the proposals for actions through the existing agency review and decision processes. This environmental statement is to include an analysis of the physical, social and aesthetic dimensions of the environmental efforts to avoid or lessen adverse environmental consequences by means of modified approaches or alternatives.

(b) It is the purpose of this regulation to establish orderly environmental clearance processes within the Civil Aeronautics Board (CAB or Board) and to provide guidance in the preparation and utilization of environmental statements and comments.

§ 312.2 Scope.

(a) This regulation applies to all "Federal actions" as defined in § 312.7. However, this regulation shall not apply to permits of Canadian air carriers authorizing casual, occasional, and infrequent flights with small aircraft across the Canada-United States border or the Canada-Alaska border.

(b) Officials designated by the Board as set forth in § 312.8 are responsible for assuring that decisions on all actions falling within the scope of these regulations are made in compliance with NEPA and for establishing procedures consistent with the requirements of this regulation.

§ 312.3 Authority.

(a) NEPA establishes a broad national policy to promote efforts to improve the relationship between man and his environment and provides for the creation of a Council on Environmental Quality (CEQ) to oversee implementation of the policy. NEPA sets out certain policies and goals concerning the environment and requires that, to the fullest extent possible, the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

(b) (1) Section 102(2)(C) of NEPA requires that all agencies of the Federal government include in every major Federal action significantly affecting the quality of the human environment a detailed statement on the environmental impact of such action. (2) Prior to making detailed environmental impact statements, the Board is adjured to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved, a course with the Board will follow.

(c) Guidelines from CEQ, dated August 1, 1973, 38 FR 20550, set forth procedures which must be followed by Federal agencies in implementing NEPA, including consultation with the agencies listed in Appendices II and III of such guidelines.

(d) Office of Management and Budget Circular A-95 details the requirements for State and local review of environmental statements required by section 102(2)(C) of NEPA.

(e) Executive Order 11514, 35 FR 4247, orders all Federal agencies to initiate procedures needed to direct their policies, plans and programs so as to meet national environmental goals.

(f) Section 204(a) of the Act authorizes the Board to establish such rules, regulations and procedures as are necessary to the exercise of its functions and are consistent with the purposes of the Act.

§ 312.4 Policy.

(a) *General.* It is the policy of the Board to implement NEPA and related executive branch guidance documents on the environment as fully as statutory authority permits and to orient the Board's administrative policies under the Act toward the broad national goal of preserving and enhancing the environment. In this goal, environmental quality factors are to be considered in the decision-making process at the earliest possible time. Adverse environmental effects should be avoided or minimized, and environmental quality previously lost should be restored to the fullest extent possible.

(b) *Implementation.* The implementation of this policy shall consist of an environmental review of all major actions determined by this agency to potentially affect the environment. Environmental statements shall be prepared on all major Federal actions significantly affecting the environment in accordance with the provisions of NEPA. The policies and goals set forth in NEPA are supplementary to those set forth in the existing authorization of the Civil Aeronautics Board. The Board shall interpret the provisions of NEPA as supplemental to its existing authority and as a mandate. It will view traditional policies and missions in the light of national environmental objectives.

(c) *Other statutes.* To the extent possible statements of findings concerning environmental impacts required by other statutes such as the National Historic Preservation Act of 1966 (16 U.S.C. 470, *et seq.*), will be incorporated into the preparation of environmental impact statements to yield a single document.

(d) *Public notice and availability.* The Board will insure timely public information and understanding of its actions which may have a significant environmental impact in order to obtain the views of interested parties. A list of administrative actions for which environmental statements are being prepared and negative declarations filed will be maintained by the Board in its Public Reference Room. This list will be made available for public inspection and submitted to CEQ for publication.

(e) *Proceedings in progress.* (1) Proceedings in progress at the effective date of this part (those in which an application has been docketed) may continue to be governed by the procedures set forth in former § 399.110 of the Board's Policy Statements. (2) Nothing in paragraph (e)(1), of this section, shall be deemed to relieve any person or party from complying with any Board order, ruling of the Administrative Law Judge assigned to a proceeding, or request by the relevant responsible official, directing the submission of environmental impact data in any proceeding in progress.

§ 312.5 Interpretations.

Written interpretations with respect to the meaning of the regulations in this

Part will be rendered only by the Board's Environmental Coordinator. However, unless specifically authorized by the Board in writing, no such interpretation and no oral interpretation will be recognized as binding upon the Board.

§ 312.6 Waivers or exemptions.

The Board may, upon application of any interested person or upon its own initiative, grant such waivers or exemptions from the regulations of this Part as it determines are authorized by law and are otherwise in the public interest.[1] Among other cases, the Board, or staff members to whom authority to act on the particular request has been delegated by Part 385 of this chapter, may waive the requirement that an environmental evaluation accompany a request if it is found in writing, first, that the proposed Federal action is not "major," within the meaning of NEPA, and, second, that requiring the submission of a written environmental evaluation is impractical because of time limitations and would lead to delay having the effect of denying the relief requested. Such staff decisions are subject to review in accordance with the provisions of Subpart C of Part 385 of this chapter.

Subpart B—Definitions

§ 312.7 Definitions.

As used in this part:

(a) "Act" means the Federal Aviation Act of 1958 as amended.

(b) "Application" includes an application, petition, motion, contract or agreement filed under Subpart P of Part 302 of this subchapter, or other formal request for relief, but does not include the filing of a tariff under section 403 of the Act and Part 221 of this chapter or a registration statement under Part 298.

(c) "Environmental evaluation" is a report to accompany each application as provided in § 312.12 consisting of matter relating to the potential environmental impact of the proposed action. The purpose of this report and any responses thereto, together with the Board's own information, is to determine whether an environmental impact statement should be prepared.

(d) "Environmental assessment" is information to be provided to the Board as set forth in § 312.14(b) in those instances where an environmental impact statement or other environmental document may be prepared.

(e) "Environmental impact" is any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration.

(f) "Environmental impact statement" is a complete and fully comprehensive environmental analysis including formal review by other Federal, State and local agencies as prescribed by section 102(2)(C) of NEPA. The environmental impact statement is comprised of two stages, draft and final.

(g) "Environmental negative declaration" is a written determination by the responsible official, after review of the applicant's environmental evaluation, any response thereto, and other available information, that an environmental impact statement is not necessary. The declaration will set forth the reasons for the conclusion reached.

(h) "Environmental rejection" is a summary letter rejecting the presence of environmental issues in any matter in which such contentions are of an inconsequential or frivolous nature or the Federal action is not "major."

(i) "Federal actions" includes the entire range of activity undertaken by the Board. Actions include:

(1) Licensing proceedings;

(2) Mergers, acquisitions, and control proceedings;

(3) Ratemaking proceedings other than suspension orders;

(4) Contract or agreement approvals;

(5) Rulemaking;

(6) Legislative proposals.

(j) "Major Federal action" is any Federal action which requires the substantial commitment of resources or triggers such a substantial commitment by another.

(k) "NEPA" means the National Environmental Policy Act of 1969.

(l) "Point" means any airport or place within the United States or a Territory or possession of the United States where aircraft may be landed or taken off, including the area within a 10-mile radius of such airport or place.

(m) "Significantly affecting the environment" means a determination taking into consideration:

(1) The extent to which the action will cause adverse environmental affects in excess of those created by existing uses in the area affected by it; and

(2) The absolute quantitative adverse environmental effects of the action itself, including the cumulative harm that results from its contribution to existing adverse conditions or uses in the affected area.

(n) "Staff" means the responsible officials of the Board referred to in § 312.8.

(o) "Substantially greater or less service" means an increase in the number of flights at a point which is of such magnitude as to require further study under the screening standards set forth in Appendix I hereto, and a decrease which is substantial judged by the number and kind of other flights at the point and the environmental impact of the change judged by the standards of § 312.10.

Subpart C—Designation of Responsible Officials

§ 312.8 Designation of responsible officials.

(a) The Director of the Bureau of Economics and the Director of the Bureau of Operating Rights, or their designees, are assigned the responsibility of preparing environmental impact statements and related documents and taking other actions in connection therewith, as set forth in this part. Other staff of the Board may be assigned these responsibilities, as appropriate.

(b) Any other official of the Board who has been delegated authority to take action for the Board pursuant to Part 385 of the Board's Organization Regulations is assigned the responsibility of preparing environmental impact statements and related documents and taking environmental actions in connection therewith with respect to such delegated matters.

(c) The Board's Environmental Coordinator shall be the liaison official for the Board with the Council on Environmental Quality, the Environmental Protection Agency and the other departments and agencies concerning environmental matters. Duties of the Environmental Coordinator include:

(1) Responsibility to insure that Board actions with respect to the fulfillment of NEPA are coordinated.

(2) Provision for procedural and substantive training on environmental issues, policy, procedures, and requirements.

(3) Provision of guidance in the preparation and processing of environmental impact statements and other environmental documents.

(4) Participation in policy formulation, as necessary, in the application of the requirements of NEPA.

(5) Provision of written interpretations of the meaning of the regulations in this Part.

(6) Preparation of an annual report for submission to CEQ consisting of a review of the year's activities in carrying out the Board's responsibilities under NEPA.

(7) Preparation of a quarterly list of all negative declarations and environmental impact statements for submission to CEQ.

Subpart D—Identification of Major Federal Actions Significantly Affecting the Environment

§ 312.9 Actions with a potential effect on the environment.

(a) The following are the types of Federal actions which require the preparation of an environmental evaluation:

(1) Licensing proceedings under sections 401 or 402 of the Act.

(2) Proceedings involving agreements filed under section 412, merger or other proceedings under section 408, exemption proceedings under sections 101(3) or 416(b), and rate proceedings instituted by the Board under section 1002 of the Act, but only where they may demonstrably result.

(i) In the authorization of service to a point not previously served by air transportation;

(ii) In substantially greater or less service or traffic in a market or to a point;

(iii) In first or additional service to a point by helicopter, V/STOL aircraft or supersonic aircraft or in the elimination or reduction of such service;

[1] Unless otherwise directed, a § 402 proceeding for the same route right or rights described in a duly executed air transport agreement with the United States need not duplicate the earlier compliance by the Department of State with the National Environmental Policy Act incident to the execution of such agreement.

(iv) In first or additional service to a point within which is located, in whole or part, a national park, national historic park, national military park, national recreation area, national seashore or national monument (excluding the Statue of Liberty or any national monument located within a city limits) or in the limitation or reduction of such service; or

(v) In any change in service, the environmental impact of which is likely to be highly controversial.

(3) Rulemaking and legislative proposals which, if adopted, might result in changes in service as described in paragraphs (a)(2)(i), (ii), (iii), (iv) or (v) of this section.

(4) Other actions which require the substantial commitment of resources or trigger such a substantial commitment by another as determined by the Board to possibly have a significant effect on the quality of the environment.

(b) Environmental evaluations are required even though environmental impact statements will not normally be prepared in connection with certain types of Board actions delineated in paragraph (a), of this section. In particular, impact statements will not normally be prepared even though evaluations have been filed in connection with temporary suspensions under section 401(j) of the Act, emergency or temporary exemptions under sections 101(3) or 416(b) of the Act, rate proceedings involving suspensions under sections 1002 (g) or (j) of the Act, interim approval of agreements under section 412, other like proceedings where time is of the essence, or actions taken under delegated authority.

§ 312.10 Actions significantly affecting the human environment.

(a) Actions significantly affecting the human environment are not limited to, but include actions which would:

(1) Lead to a significant increase in air pollution;

(2) Lead to a significant increase in the ambient noise level for a substantial number of people;

(3) Destroy or significantly derogate from an important recreation area;

(4) Have a significant effect upon areas of historical, cultural, educational, or scientific importance;

(5) Have significantly adverse aesthetic or visual effect; or

(6) Have a detrimental effect on the safety of the community.

(b) In determining if an action is a major Federal action significantly affecting the environment the Board will consider the following:

(1) Actions which have become environmentally controversial;

(2) Actions or a complex of actions which are individually limited but cumulatively have an environmental impact;

(3) Actions which have both beneficial environmental effects and detrimental effects even if it is believed that on balance the effect will be beneficial;

(4) Secondary or indirect effects generated through the implementation of a Board action through private associated investments and changed patterns of social and economic activity; and

(5) Actions that would have little impact in an urban area but may have a significant impact in a rural setting or vice versa.

Subpart E—Environmental Procedures

§ 312.11 General.

The purpose of an environmental review procedures established by these regulations is to determine whether a proposed Board action is a major Federal action significantly affecting the quality of the human environment.

§ 312.12 Filing of environmental evaluations by applicants.

(a) Except where a waiver or exemption has been granted under § 312.6, every person filing an application falling within the scope of § 312.9(a)(1) shall attach to such application an environmental evaluation, as provided in paragraph (c) of this section.

(b) Except where a waiver or exemption has been granted under § 312.6, every person filing an application falling within the scope of § 312.9(a)(2) shall include in such application a representation of whether or not the application, if granted, would have any of the results set forth in §§ 312.9(a)(2)(i), (ii), (iii), (iv), or (v), along with an explanation. If grant of such application would produce any of those results, the applicant shall attach to such application an environmental evaluation, as provided in paragraph (c) of this section.

(c) An environmental evaluation shall contain:

(1) A description of the existing service affected by the application and of the proposed service, should the application be granted, to include:

(i) The number of existing flights and the number of flights which would be increased or decreased in each specified market;

(ii) The time of arrival and departure of the flights;[1]

(iii) The type of aircraft used or proposed to be used;

(iv) The block hours per flight; and

(v) The projected use of any aircraft to be released by the proposed action.

(2) A profile of the airport(s) used or proposed to be used, to include:

(i) Average daily scheduled air carrier operations, by aircraft type, peak season and off-peak season;

(ii) Ratio of day/night operations;

(iii) Percent of 4-engine low-bypass-ratio operations;

(iv) Percent of short-range (less than 1000 miles) operations; and

(v) Overall acreage of the airport(s).

(3) A description of any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented, including but not limited to any additional fuel usage.

(4) A forecast of the net number of additional annual passengers expected to be carried if the proposed action is implemented.

(5) The Noise Screening Test and Pollutants Screening Test, set forth in Appendix I to this part.

§ 312.13 Initial determination with respect to environmental impact.

After any application is filed and appropriate responses have been made the responsible official, after consideration of such filings and other available data,[2] shall make an initial determination with respect to environmental impact. For applications which must be accompanied by an environmental evaluation, or when directed by order of the Board, or when environmental objections or comments have been filed in response to an application, or otherwise at the discretion of the responsible official, he shall proceed as follows.

(a) *Environmental rejection.* If he finds that the Federal action contemplated is not "major" in character, within the meaning of NEPA, or that the resulting environmental consequences are inconsequential, frivolous or not cognizable under law, he shall send a summary letter to the party raising the objection or, if there is none, issue a summary notice stating his finding. A summary notice may encompass several unrelated applications. The letter or notice shall be termed an environmental rejection.

(b) *Environmental negative declaration.* If the responsible official finds that although an environmental rejection is not called for, nevertheless an environmental impact statement is not necessary, he shall prepare an environmental negative declaration stating those facts and the reasons for reaching such conclusions. The declaration shall also set forth a description of the proposed action and a summary description of its probable environmental impacts. In addition, if it has been identified in § 312.9 as an action normally having a potential effect on the environment, or it is similar to actions for which a significant number of environmental impact statements have been prepared, or if the action has previously been included in the list of proceedings for which environmental impact statements are being prepared, or if the proposed action has been the subject of a request by CEQ for the preparation of an environmental impact statement, the negative declaration shall discuss and explain the applicable circumstances.

(c) *Environmental impact statements.* If the responsible official believes that the proposed action may reasonably be expected to result in a major Federal action significantly affecting the quality of the human environment based on the

[1] At a minimum, it shall be indicated whether the times of departure and arrival are during the day (0700–2200 hours) or the night (2200–0700 hours), and during peak or off-peak hours, for each affected airport.

[2] The responsible official may request, pursuant to § 312.14(b), such additional relevant and material data from the applicants or others as he deems necessary for his initial determination, and all such persons shall comply therewith.

standards of §§ 312.9 and 312.10 he shall notify the parties, the public (through appropriate news releases, notice in the FEDERAL REGISTER and inclusion on a list in the Public Reference Room), and the EPA and CEQ (through the periodic submission of lists), that an environmental impact statement will be prepared in the particular matter.

§ 312.14 Preparation of environmental impact statements.

(a) *General.* Upon a determination that a proposed action may have a significant effect upon the environment, the staff will undertake to prepare an environmental impact statement. The impact statement is normally comprised of two stages: draft and final. The draft statement must satisfy to the fullest extent possible, at the time the draft is prepared, the requirements established for final statements by section 102(2)(C) of NEPA. Each draft and final environmental statement will be accompanied by a summary sheet in the form set forth in Appendix II. An environmental impact statement shall be prepared early enough to be part of the decision-making process on the proposed action to which it relates.

(b) *Environmental assessments.* Prior to the preparation of a draft environmental impact statement, negative declaration or rejection, an applicant or other person may be required to supply additional information in the form of an environmental assessment, or an environmental evaluation if none was previously filed. The environmental assessment will contain such relevant and material information as the responsible official shall deem necessary and will contain sufficient information to enable the responsible official to begin preparation of a draft environmental impact statement. After receipt of an environmental assessment, the responsible official may revise his judgment that an impact statement is required and, in lieu thereof, may prepare an environmental negative declaration. In such circumstances, the responsible official may conclude nevertheless that the unusual complexity or controversial nature of the case requires that the negative declaration should be circulated for comment as would an environmental impact statement.

(c) *Draft environmental impact statements.* In preparing draft environmental impact statements the staff shall take into account the guidelines set forth in 40 CFR 1500.7–1500.8 (39 FR 20552–3). Draft statements shall set forth in detail: (1) The environmental impact of the proposed or contemplated action; (2) any adverse environmental effects which cannot be avoided should the proposed or contemplated action be implemented; (3) alternatives to the proposed or contemplated action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed or contemplated action should it be implemented.

In some cases draft environmental impact statements may be prepared by private consultants. In all cases the Board will make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental impact statements.

(d) *Filing and distribution of draft environmental impact statements.* As soon as they have been prepared, draft environmental impact statements shall be filed in the Docket Section of the Board and distributed, in the number of copies indicated, as follows:

(1) Administrative Law Judge and any party to or Rule 14 participant in a proceeding (1 copy, or as directed by the Administrative Law Judge);

(2) CEQ (10 copies);

(3) EPA (2 copies);

(4) Federal agencies that have special expertise or jurisdiction by law with respect to any environmental impacts involved and which are authorized to develop and enforce relevant environmental standards (see Appendices II and III to 40 CFR Part 1500 (38 F.R. 20557–20562)) (1 copy);

(5) Appropriate State and local agencies authorized to develop and enforce relevant environmental standards (1 copy);

(6) Appropriate clearinghouses, including State (15 copies), regional (5 copies), and metropolitan (5 copies);

(7) Department of State, where the proposed or contemplated action will have significant international environmental effects (1 copy); and

(8) Any other person having requested a copy (1 copy).

(e) *Requests for comments on draft statements.* Draft statements shall be accompanied by or include a request for comments on the proposed action and on the draft statement, normally within forty-five (45) days from the date of publication in the FEDERAL REGISTER of the notice of availability described herein, through submission of an original and nineteen (19) copies of such comments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. A summary notice of the availability of the statement and an opportunity to comment thereon and the manner of doing so will be published in the FEDERAL REGISTER, together with a statement to the effect that comments so received will be available to the public. News releases will also be provided to local newspapers in affected areas and other appropriate media which will include the information contained in the summary notice.

(f) *Final environmental impact statements.* After receipt of comments on the draft statement, the staff will prepare a final environmental impact statement in accordance with the requirements for draft statements. To the extent that opposing professional views and responsible opinion on the environmental effects of the proposed or contemplated action have not been discussed in the draft statement and are brought to attention through the commenting process, the environmental effect of the action will be reviewed in the light of those comments. In such case, meaningful reference will be made in the final statement to the existence of any responsible opposing view not discussed in the draft statement, indicating the response to the issues raised. All substantive comments received on the draft statement (or summaries thereof where response has been exceptionally voluminous) will be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement. The final statement may incorporate the draft statement by reference, in whole or in part. The final statement will be filed and distributed in the same manner as specified for draft statements to those who submitted substantive comments on the draft statement, except that in any case the final statement will be distributed to CEQ, the Environmental Protection Agency, the Administrative Law Judge and any parties to a proceeding, and any person requesting a copy, subject to § 312.20. The final impact statement and any substantive comments received on the draft statement will be considered in the Board's review and decision-making processes.

§ 312.15 Public hearings in preparation of environmental impact statements, negative declarations or rejections.

Public hearings will not normally be held for the formulation of documents reflecting the staff position on an environmental determination whether of a preliminary or final nature. This is particularly true in connection with proposed actions which do not require notice and hearing as a prerequisite to decision under the Act. In such cases hearings would only be ordered in exceptional circumstances where the proposal was of great magnitude (in terms of cost, geography, and/or commitment), or widespread public interest, and presenting complex issues peculiarly subject to resolution through evidentiary hearings and the process of cross examination. On the other hand, hearings on proposed actions which are required under the Act in any event, while not available for the formulation of an environmental impact statement, will be available to receive such a final document in the record and for the exploration of its validity and weight.

§ 312.16 Time limitations on use of environmental impact statements.

(a) Subject to paragraph (d) of this section and to the maximum extent practicable, draft environmental impact statements must be on file at least ninety (90) days prior to the taking of any final administrative action with regard to the proposal. The period begins to run upon the date of publication of the announcement in the FEDERAL REGISTER.

(b) Subject to paragraph (d) of this section and to the maximum extent practicable, the final environmental impact statement shall be served upon the CEQ and other appropriate agencies and made available to the public at least thirty (30) days prior to any final administrative action with regard to the proposal, and

in a hearing case, at least fifteen (15) days before that portion of the hearing related to the impact statement. The thirty-day period, and the ninety-day period referred to in paragraph (a) of this section, may run concurrently to the extent that they overlap. Exceptions to the thirty- or ninety-day limits are permitted only under unusual circumstances.

(c) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Board will consult with CEQ about alternative arrangements.

(d) Nothing in this section shall be deemed to preclude the Board in any case, or the Administrative Law Judge after assignment to a hearing case, from regulating the course and conduct of the proceedings by setting procedural dates different from those provided in this section or as otherwise required in the interest of the orderly and expeditious conduct of the proceeding. If a hearing is scheduled to begin before the final environmental impact statement has been on file fifteen (15) days, that portion of the hearings on the impact statement, if required, must be scheduled after that date.

Subpart F—Final Determinations

§ 312.17 Hearing procedures.

(a) Subject to any procedural requirements imposed by the Administrative Law Judge consistent with this part, in appropriate hearing cases the staff shall submit the final environmental impact statement for the record, attaching to the statement all substantive comments thereon (or summaries thereof where the response has been exceptionally voluminous). If the final statement incorporates the draft statement by reference, both statements shall be submitted for the record.

(b) Any party to the proceeding which previously submitted comments on the draft environmental impact statement may take a position, offer probative evidence, and cross-examine witnesses of both the responsible official (with respect to the preparation of the statement) and the applicants or others (with respect to the matters supplied by them in the environmental assessments), in light of the final environmental impact statement and on environmental issues within the scope of the proceeding. Nothing in this part shall be deemed to limit environmental issues to those described in section 102(2)(C) of NEPA.

§ 312.18 Initial, recommended, and final decisions.

(a) Where environmental matters are in issue in a proceeding, the initial or recommended decision shall make all necessary findings and conclusions on such issues. The initial or recommended decision may include findings and conclusions which affirm or modify the content of a final environmental impact statement. To the extent that findings and conclusions different from those in the final environmental impact statement are reached, the statement will be deemed modified to that extent, and the initial or recommended decision will be distributed, in addition to its other distributions, as provided in § 312.14.

(b) If the Board in a final decision reaches conclusions different from those contained in an initial or recommended decision with respect to environmental issues, the final environmental impact statement will be deemed modified to that extent and will be distributed, in addition to its other distributions, as provided in § 312.14.

Subpart G—Miscellaneous Provisions

§ 312.19 Required lists.

(a) *Environmental impact statements in preparation.* The Public Reference Room will maintain a list of proceedings in which environmental impact statements are being prepared and make the list available for public inspection. The list will be revised and brought up to date every three (3) months. The list will be forwarded immediately after each revision to CEQ for publication in the FEDERAL REGISTER.

(b) *Rejections, negative declarations, and draft or final environmental impact statements.* The Public Reference Room will maintain separate lists of proceedings in which environmental rejections, negative declarations, and draft or final environmental impact statements have been made and make the lists available for public inspection. The lists will be revised and brought up to date every three (3) months. The lists will be forwarded immediately after each revision to CEQ for publication in the FEDERAL REGISTER.

§ 312.20 Costs of materials distributed to the public.

Copies of draft and final environmental impact statements, negative declarations, and rejections will be made available to the public upon request without charge to the extent practicable or at a fee not exceeding actual reproduction costs.

APPENDIX I

A. POLLUTANTS SCREENING TEST

For purposes of the Civil Aeronautics Board's consideration of the environmental effects of its actions, the Board and all parties to its proceedings may rely on the following Pollutants Screening Test, or any functional equivalent thereof, to determine if further study is required:

1. *Pollutant emission screening procedure.* The screening technique includes three successive tests to determine whether the proposed action (changes in the number of flights and/or types of aircraft) requires an examination of the effects on air quality in the vicinity of the airport.

1. If the proposed action would not increase the number of operations by any aircraft type or would not introduce operations by a new aircraft type, no further analysis is required.

2. If the proposed action would lead to a decrease in the total pollutant emissions (this may occur even if the number of operations increase provided there is a more favorable fleet mix) then no further analysis is required.

3. If the proposed action would lead to an increase in the total pollutant emissions but the perceived change in pollutant concentration at the airport boundary would be less than 1% of the primary national standards for air quality, then no further analysis is required.

The following is a step by step procedure to provide a means of screening the significance of the effect of aircraft operational changes with respect to air pollution:

Step 1

Determine the net change in operations as a result of the action by aircraft types on the basis of daily landing/takeoff cycles (LTO). If there are no net increases for any aircraft type, the analysis is terminated at this step. This corresponds to the first of the three tests above.

Step 2

For each aircraft type determine from Table 1 the "adjusted aircraft emission rate" (AAEM) by type of pollutant. The procedure involves the multiplication of the LTO value for each type of aircraft by the AAEM provided in the table. (Note: the value can be positive or negative to account for an increase or decrease respectively in LTO cycles as a result of the action.)

Step 3

Calculate the total AAEM by type of pollutant by summing the rates calculated in Step 3. If the total AAEM is negative there would be a net decrease in pollutant emissions and the analysis is terminated at this step. This is the second of the three tests above.

Step 4. Determine the overall acreage of the airport(s) being analyzed. This value can be determined from FAA airport facility records or direct contact with airport management.

Step 5. Using Chart 1, test airport (for each type of pollutant) to determine if the net operational changes would exceed the screening threshold (and require further analysis) or fall below the threshold (and require no further analysis). This is the third of the three tests.

EXAMPLE: Planned operating changes: Add 1 flight per day by B747; Add 3 flights per day by DC-10-10; Delete 4 flights per day by B727; Airport Area 2,000 acres. Consider NO_X emissions only. (Analysis is similar for other pollutants.)

Aircraft types	LTO cycles	AAEM (table 1)	Total AAEM
B747	+1	0.663	0.663
DC-10-10	+3	.499	1.497
B727	−4	.164	−.656
Total			+1.504

Enter chart 1 for airport area 2,000 acres; threshold level is 5. Calculated change in emissions is less than threshold, hence detailed analysis is not required.

TABLE 1.—*Adjusted aircraft emission rates* [1] *(for 1 additional daily LTO cycle)*

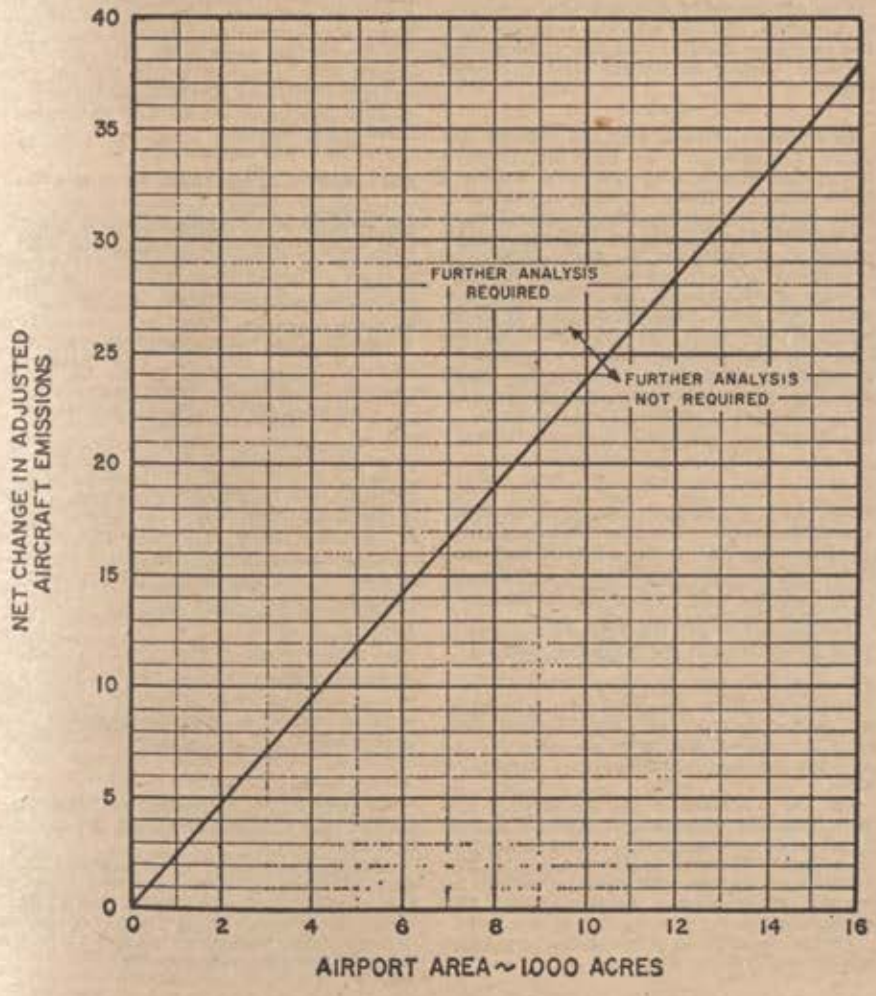
Aircraft type	Engine type	Pollutant types			
		CO	HC	NO_x	S.P.
A300B	CF6(2)	0.0045	0.054	0.332	0.001
B707/DC-8	JT4A(4)	.0113	.448	.253	.033
B707/DC-8	JT3D(4)	.0192	.086	.154	.031
B727-100/200	JT8D(3)	.0046	.044	.164	.008
B737/DC-9	JT8D(2)	.0030	.029	.109	.006
B747-100/200	JT9D(4)	.0178	.192	.663	.037
BAC 1-11	Spey(2)	.0058	.228	.088	.010
DC-10-10/30	CF6(3)	.0068	.082	.499	.002
DC-10-40	JT9D(3)	.0133	.144	.497	.027
L-188	A1 501-D13(4)	.0016	.059	.046	.031
CV-880	A1 501-D13(2)	.0008	.025	.023	.015
L-1011	RB-211(3)	.0149	.427	.295	N.A.

[1] Rate is expressed as grams per second for the particular pollutant type divided by 1 percent of the corresponding primary national standards in micrograms per cubic meter.

Source: Speas Associates analysis.

CHART I

POLLUTANT DETERMINATION GRAPH



2. *Procedures to use if threshold is exceeded.* If the test as described in section 1 shows that the pollutant concentrations fall above the screening threshold, additional analyses may be required. These should take into account: actual airport configuration including orientation of arrival and departure flight tracks; local wind and atmospheric stability data; existing (ambient) air quality; relative sensitivity of affected areas; and actual times in each mode of LTO cycle for the particular airport.

B. NOISE SCREENING TEST

For purposes of the Civil Aeronautics Board's consideration of the environmental effects of its actions, the Board and all parties to its proceedings may rely on the following Noise Screening Methodology, or any functional equivalent thereof:

Noise Screening Procedures

Step 1. Determine (a) the total number of aircraft operations per day in the base period, (b) the number of those operations conducted during the daytime (0700–2200), and (c) the number of those operations conducted during the nighttime (2200–0700).

Step 2. Determine whether the percentage of operations by four-engine aircraft with low-bypass-ratio engines (*i.e.*, all series of the B–707, B–702, DC–8, CV–880/990, VC–10) during the base period is (a) less than 5% of total operations; (b) between 5% and less than 10% of total operations; (c) between 10% and less than 15% of total operations; (d) equal to or greater than 15% of total operations.

Step 3. Determine whether the percentage of operations involving short-haul flights of 1,000 miles or less is (a) 80% or greater; (b) between 50% and less than 80%; (c) below 50%.

Step 4. Calculate the area affected by utilizing the following formula:

$$\frac{[10 \log N - 16 + C]}{15}$$

$A = 1.92 \cdot 10$

where

A = area affected

N = total number of aircraft operations

N_d = number of daytime aircraft operations (0700–2200)

N_n = number of nighttime aircraft operations (2200–0700)

$C = C_1 + C_2 + C_3$

$$C_1 = 10 \log \left[\frac{N_d + 16.7\, N_n}{N_d + N_n}\right] - 4.2$$

C_1 = 2.0 if 4-engine LBPR aircraft are less than 5 percent of operations

= −1.0 if 4-engine LBPR aircraft are between 5 percent and less than 10 percent of operations

= 0 if 4-engine LBPR aircraft are between 10 percent and less than 15 percent of operations

= 0.5 if 4-engine LBPR aircraft are equal to or greater than 15 percent of operations

C_2 = −1.0 if 80 percent or more of aircraft operations have a range of 1,000 miles or less

= −0.5 if between 50 percent and less than 80 percent of aircraft operations have a range of 1,000 miles or less

= 0 if less than 50 percent of aircraft operations have a range of 1,000 miles or less

Step 5. Repeat Steps 1 through 4, using the forecast-period rather than the base-period data.

Step 6. Subtract the area affected in the base period from the area affected in the forecast period, and express the difference as a percentage of the area affected during the base period. If the percentage is less than 17%, no further study is required. If the percentage exceeds 17% further study should be undertaken.

Notes: 1. The data base to be used in Steps 1 through 5 may conservatively be

limited to scheduled air carrier operations as shown in the Official Airline Guide (using nonstop arrivals doubled), without adding operations of other types of aircraft, inasmuch as this reduces the size of the base and thus magnifies the percentage impact of the new operations being screened for environmental significance. If the percentage difference is less than 17% when using this reduced base, than *a fortiori* no further study is required; if the percentage difference is 17% or more when using this reduced base, efforts should be made to determine the complete base and to recalculate the impact before concluding that further study is required.

2. Perform calculations with the maximum available accuracy and round off only when reporting. This process avoids error associated with rounding off during calculations.

APPENDIX II

SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENTS

Name of responsible Federal agency (with name of operating division where appropriate). Name, address, and telephone number of individual at the agency who can be contacted for additional information about the proposed action of the statement.

1. Name of action (Check one) ( ) Administrative Action. ( ) Legislative action.

2. Brief description of action and its purpose. Indicate what States (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

4. Summary of major alternatives considered.

5. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.

6. Date draft statement (and final environmental statement, if one has been issued) made available to the Council on Environmental Quality and the public.

APPENDIX A—MEMORANDUM

To: File 139639.
From: A. S. Harris.
Subject: Method for screening airport services proposals to determine whether a detailed noise analysis need be undertaken.
Date: March 14, 1974.

The Civil Aeronautics Board wishes to determine whether a proposed change of authority will result in adverse environmental impacts at the airports to be served. As far as noise is concerned, the adverse impact is reckoned in terms of the change of area enclosed by the NEF 40 contour (or an equivalent noise exposure index if another analysis method is used), or the change in numbers of people living within that contour. This evaluation requires the preparation of contours for each airport, showing a) the contour area with no change in authority, and b) the contour area after a change of authority. The difference between the areas and populations impacted, if there is any difference, may be reviewed to determine whether the impact was significant.

Such a procedure was followed in the analysis of the noise impact in the American Airlines/Hughes AirWest (Docket 25881) and American Airlines/Frontier Airlines (Docket 25397) applications. The analysis involved studies of 12 cities. The analysis method was the Aircraft Sound Description System (ASDS) developed by the FAA. As detailed in these applications, the change in level of operations ranged from a decrease of 10 per day to an increase of 8 per day. In only 3 of the 12 cities was there a discernible change in the contour areas; all others showed no change. In each of the 3 cities with a change, the difference appeared to be a quirk of the analysis method rather than a change in substantive impact. Our conclusion was that in all cities the changes of authority would result in no adverse environmental impact.

Because the preparation of contours and the comparison of impacted areas is time-consuming and because most changes of authority involve no basic change in fleet mix and few flights at any city, we believe that we should develop a tool that would allow us to review proposed changes and to determine whether potential adverse impact exists. Such a screening procedure should separate all proposals into two groups. The first group would include all proposals that clearly pose no adverse impact and thus require no detailed analysis; the second group would include all other proposals, which would be regarded as posing a potential risk of adverse impact. Applications falling into the second group would require detailed analysis.

The development and use of a screening tool requires that we consider carefully both the screening method and the dividing line between "clearly no impact" and "potential impact".

METHOD

In studies undertaken for the Aviation Advisory Commission[1] we have developed a model for determining the area within a Noise Exposure Forecast noise impact contour, based on the number of operations at an airport. The NEF model includes adjustments to account for the ratio of daytime operations to nightime operations, the percentage of old 4-engine, low-bypass-ratio aircraft (707, DC-8), the percentage of short-range to long-range operations, and the fleet mix. This model offers a reliable approach for preliminary screening.[2] The general model describes the relationship between contour area and airport operations as follows: [3]

$$\text{Area of Contour} = A_c \cdot 10^{\frac{[10 \log N - NEF + C]}{15}}$$

where A_c is a constant related to fleet mix and NEF contour, N is the effective number of operations, *NEF* is the contour value and C is the total of adjustments for day vs. night, 4-engine LBPR and short vs. long-haul operations.

For estimation of the NEF 40 contour in 1972, the model has the following formula:

$$\text{Area of contour} = 1.92 \cdot 10^{\frac{[10 \log N - 16 + C]}{15}}$$

where

$C = C_1 + C_2 + C_3$

$$C_1 = 10 \log \frac{N_d + 16.7\, N_n}{N_d + N_n} - 4.2$$

N_d = number of operations between 0700–2200
N_n = number of operations between 2200–0700
C_2 = 4-engine LBPF correction
= −2 if 4-engine LBPF <5 percent of operations
= −1 if 4-engine LBPF are between 5 percent and less than 10 percent of operations
= 0 if 4-engine LBPF are between 10 percent and less than 15 percent of operations
= 0.5 if 4-engine LBPF are equal to or greater than 15 percent of operations
C_3 = short-range correction
= −1.0 if 80 percent of aircraft have range of ≤1,000 miles
= −0.5 if 50 percent of aircraft have range of ≤1,000 miles

CRITERION FOR CHANGE OF NOISE IMPACT

The criterion for change of noise impact will be established so that questionable applications will receive detailed analysis. Changes resulting in a reduction of impact are obviously beneficial and acceptable. Work undertaken by the EPA [4] indicates that an increase of 5 units will clearly cause complaints and that an increase of the order of 2 units may cause complaints. We believe that (1) the criterion for change of impact should be at a level such that detailed analysis is required for any proposal which might possibly cause complaints, (2) that there should be a margin of safety, including corrections for flyover duration and the presence of pure tones, and (3) a 1 unit change meets these requirements.

The basic NEF equation is:

$$NEF = EPNL + 10 \log [N_{day} + 16.67\, N_{night}] - 88$$

where EPNL is the noisiness of an aircraft event, N_{day} is the number of aircraft operations during the daytime (0700–2200), N_{night} is the number of aircraft operations during the nighttime (2200–0700), and 88 is a normalizing constant.

The proposed changes in authority, provided no changes occur in the flight fleet, will affect only the effective number of operations.[5] A 1 NEF unit change results from a 27% change in operations, and corresponds to a 17% change in the area enclosed within contours in the NEF 30–40 range. Any change in authority resulting in an area reduction or an area increase less than 17% requires no detailed analysis. Any change in authority resulting in an area increase exceeding 17% according to the model estimate requires detailed analysis.

As a test of the validity of this procedure, we applied the model to San Diego, one of the airports studied in the American Airlines/Hughes AirWest route exchange application. The calculations follow.

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[1] "Aircraft Noise Analysis for the Existing Air Carrier System", Bolt Beranek and Newman Inc. Report No. 2218, prepared for the Aviation Advisory Commission, 1 September 1972.

[2] In the AA/Frontier and AA/Hughes AirWest analyses, we judged the 15 minute ASDS contour roughly equivalent to the NEF 40 contour. The area calculated by the NEF model is compared with the area calculated by the ASDS method at the end of this memorandum.

[3] A full description of the model appears in Appendix A attached.

[4] Eldred, K. M., "Community Noise," Environmental Protection Agency NTID 300.3, December 1971.

[5] Effective number of operations is a weighted sum of day operations taken at actual value and night operations at 16.67 times actual value. Thus, 300 day operations and 30 night operations have an effective value of 800 (300+(30×16.67)).

Analysis of San Diego

	1973	1974 with change of authority
Day jet operations—N_d	212	216
Night jet operations—N_n	34	34
Total jet operations	246	250
Percentage of LBPR:		
4-engine aircraft in fleet	28	26
Short haul (<1,000 miles)	<30	<30

$$C_1 = \frac{212 + (20 \cdot 16.67)}{246} - 4.2 \qquad C_1 = \frac{216 + (20 \cdot 16.67)}{250} - 4.$$

$$= -1.0342 \qquad = -1.0689$$

$C_2 = .5$ $\qquad$ $C_2 = .5$

$C_3 = -1$ $\qquad$ $C_3 = -1$

$C = -1.5342$ $\qquad$ $C = -1.5689$

Calculation of Area

$$A = 1.92 \cdot 10^{\frac{[10 \log 246+24 - 40 - 1.5342]}{15}}$$

$= 5.1087$ sq. mi.

$= 5.11$ sq. mi.

$$A = 1.92 \cdot 10^{\frac{[10\log 250 + 24-40 -1.5689]}{15}}$$

$= 5.1365$ sq. mi.

$= 5.14$ sq. mi.

Change in Area is .03 sq. miles

$$\% \text{ Change in Area} = \frac{.03}{5.11} = .6\%$$

Using the alternative ASDS method used in the American Airlines analysis, the area increase was estimated to be .01 sq. miles. The areas determined by the two methods should not be expected to agree exactly; nonetheless, the values obtained here are quite close and lead to the same judgment: no impact.

PREDICTING THE REDUCTION IN NOISE EXPOSURE AROUND AIRPORTS—INTRODUCTION

The use of airport noise models to identify areas of noise exposure around airports has become an accepted tool in many countries. These models generally consider the noise characteristics of the various types of aircraft operating at the airport, individual runway and flight path utilizations, day/night operations, and the total number of each aircraft type operating in some time period, usually a 24-hour day. The effect of altered flight procedures, changes in aircraft mix, or the impact of a new runway are usefully evaluated, for planning purposes at a specific airport, by exercising such models.

The present emphasis on means for reducing airport noise exposure has brought forth many proposals for changes in air carrier fleet composition as well as for uniform adoption of noise abatement flight procedures. To assess the impact of these proposals, if applied fleetwide to the 2000 jet aircraft U.S. system at all airports served by air carrier operations, would involve analyzing the many aircraft alternatives at more than 500 airports. It would be highly useful to have a simplified model that would allow planning analyses of alternate fleet configurations to be made without detailed knowledge of operations at each airport. We describe an approach to such a model.

GENERALIZED AIRPORT MODEL

The first step in the analysis consisted of computing NEF contours for 9 airports, ranging in size from Indianapolis (≃300 operations per day) to Chicago-O'Hare (≃2000 operations per day), for the forecast operations of 1985, if the attrition of older aircraft and introduction of current design aircraft were allowed to take place in a normal growth pattern. The areas enclosed by NEF contours from 30 to 45 were then plotted on a semi-logarithmic basis as shown in Figure 1. The striking similarity in the slopes of area as a function of NEF value, irrespective of the particular runway layouts and flight path utilizations at the individual airports, suggested that a simple model might represent NEF area for many airports, the primary variation between airports being number of operations.

Many airport noise models, including NEF, assume exposure to vary as 10 $\log_{10}$ of the number of operations. The empirical slope of area with NEF (at least from NEF 30 to 40) shown in Figure 1 suggested that a 15 $\log_{10}$ (area) relationship might be assumed. Using these assumptions a forced least squares fit of area and NEF produced the following relationship:

$$\text{Area (sq mi)} = A_s \cdot 10^{\frac{10 \log N + 24 - NEF}{15}}$$

where N is daily operations and A_s an arbitrary constant. Comparing this equation with the actual areas for the 9 airports, assuming A_s equal to unity, overpredicted *NEF* by 15%, with a standard deviation of 21%, and *NEF* 40 by 2%, with a standard deviation of 18%. The value of A_{30} for *NEF* 30 is thus chosen as 0.86 and that for *NEF* 40, A_{40}, as 0.98.

Closer examination of the differences between airports revealed that the most deviant predictions of actual area from the general model occurred at airports having substantial deviations from the average in three quantities: 1) ratio of day/night operations, 2) percent of 4-engine low bypass fan aircraft (707, DC-8), 3) proportions of short range to long range operations. Empirical corrections were derived for these factors, resulting in the following improved model:

$$\frac{10 \log N + 24 - NEF + C}{15}$$

$$A = A_1 (NEF)\ 10$$

where

A = area in square miles

$A_1(NEF)$ = 1.01 for NEF 30 for fleet 1

= 0.94 for NEF 40 for fleet 1

N = number of operations in 24 hours

NEF = NEF value

$C = C_1 + C_2 + C_3$

$$C_1 = 10 \log \frac{N_d + 16.7\ N_n}{N_d + N_n} - 4.2$$

N_d = number of operations between 0700–2200

N_n = number of operations between 2200–0700

C_2 = 4-engine LBPF correction

C_2 = −2 if 4-engine LBPF <5 percent of operations

= −1 if 4-engine LBPF are between 5 percent and less than 10 percent of operations

= 0 if 4-engine LBPF are between 10 percent and less than 15 percent of operations

= 0.5 if 4-engine LBPF are equal to or greater than 15 percent of operations

C_3 = short range correction

= −1.0 if 50 percent of aircraft have range of ≤1,000 miles

= −0.5 if 50 percent of aircraft have range of ≤1,000 miles

This model predicts the area of NEF 30 with a standard deviation of 3% and the NEF 40 area with a standard deviation of 6%.

SPECIALIZED MODELS

The second part of the problem is to find a mechanism for evaluating the effect of operating procedure changes (e.g. noise abatement takeoffs, two-segment approaches) and aircraft fleet configuration changes. The relative effect of many possible combinations can be evaluated simply by assuming a single runway airport having straight-in and straight-out flight paths. One can define a series of "base case" conditions as that made up of various mixes of current aircraft, the mixes being typical of those found at short range, long range domestic, international, etc., airports.

The relative effect of procedures, engine changes, new aircraft, or any other set of conditions, can be calculated by determining the ratios of specific NEF areas of the particular assumed case to the appropriate NEF areas for the base cases. These area ratios may then be used as multipliers to the appropriate A constants in the preceding area equations to estimate the area change at specific airports. We have used this approach to evaluate a large number of alternate fleet assumptions. When applied to specific airports where the full NEF analysis has also been performed, the simplified model approach predicts the areas for NEF 30 and 40 contours within a few percent of the areas determined by the detailed analysis.

APPLICATION TO A NATIONAL SYSTEM

As an example of the use of these techniques in a "global" planning problem, we examined the simple model for 1985 applied to all U.S. air carrier airports having more than 10 flights per day. It was assumed that operations at each airport would be from a fleet having aircraft types proportioned to the relative population of that type in the total U.S. air carrier fleet inventory. Area coefficients were derived for different 1985 fleet mixes, operational procedures, and for the 1972 fleet as presently constituted. The gross assessment of these effects is provided in Tables I and II.

CONCLUSION

A model is suggested for evaluating the gross effects of various aircraft fleet operations on airport noise exposure. The model is primarily directed at assessing policy implications and not for detailed planning at specific airports. The use of area coefficients to examine alternate fleet configuration effects at specific airports may be used for individual airport planning, however, if an initial detailed analysis is made for a "base case" condition at that airport.

TABLE 1.—*Area encompassed by NEF 30 U.S. air carrier airports having 10 or more flights per day*

Number of annual operations (in 1,000's)	Number of airports		NEF 30 area (square miles)	Total NEF 30 area (square miles)		Assumed airport area (square miles)	Total airport area (square miles)	
	1972	1985		1972	1985		1972	1985
0 to 50	148	206	5.2	770	1,070	2	296	412
51 to 100	22	35	10.8	238	378	2	44	70
101 to 150	10	11	15.4	154	169	3	30	33
151 to 200	6	8	19.3	116	154	3	18	24
201 to 250	2	4	22.6	45	91	4	8	16
251 to 300	3	3	25.8	77	77	4	12	12
301 to 350	2	2	29.2	58	58	5	10	10
351 to 400	1	2	31.9	32	64	5	5	10
401 to 450	1	2	35.0	35	70	7	7	14
451 to 500	0	1	37.7	----	38	9	9	9
501 to 550	0	1	40.0	----	40	10	----	10
551 to 600	1	0	42.5	43	----	10	10	----
Greater than 600	----	1	43.0	----	43	10	----	10
Total	196	276	----	1,568	2,252	----	440	630

NOTE.—1972 area: Effect of fleet composition and procedures shows 1985 to be 0.43 of 1972 area. Thus 1,568÷0.43=3,650 mi² total NEF 30 area. Area outside airports is 3,650−440=3,210 mi².

TABLE II.—EFFECT OF VARIOUS FLEET COMPOSITIONS ON NEF 30 AREAS

1. Area coefficients derived from single runway tradeoff analysis relative to 1985 base case.

Case:

A—Nacelle retrofit	0.55
B—Replace 707/ C-8 with 747, DC-10, L-1011, retrofit nacelle on 727, 737, DC-9	0.47
C—Retrofit with new front fans	0.47
D—Replace all earlier aircraft with 747, DC-10, L-1011 and new 2 engine	0.27
E—Re-engine with "quiet" engine	0.05

2. 1985 Area—Total NEF 30

Case:

A—2252 (0.55) = 1240 sq. mi.
B—2252 (0.47) = 1060 sq. mi.
C—2252 (0.47) = 1060 sq. mi.
D—2252 (0.27) = 610 sq. mi.
E—2252 (0.05) = 113 sq. mi.

Note: 1985 airport area to be subtracted is 630 sq. mi.

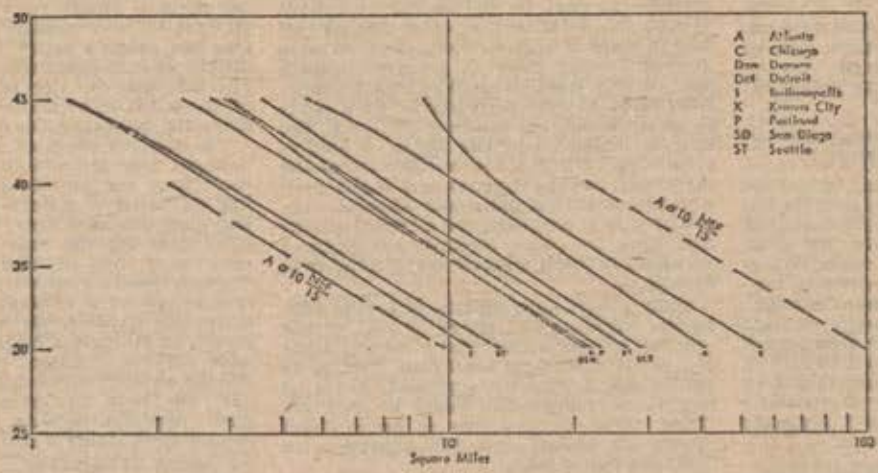


FIGURE 1. VARIATION IN TOTAL AREA WITH NEF - 1985 BASE CASE

Appendix A
Page 13 of 13 pages

APPENDIX B—AN ANALYSIS OF THE ENVIRONMENTAL SIGNIFICANCE OF CHANGES IN EMISSION RESULTING FROM AIRLINE ROUTE PROCEEDINGS BEFORE THE CIVIL AERONAUTICS BOARD

[August, 1974, R. Dixon Speas Associates, Inc., Revised September 4, 1974]

1. POLLUTANT EMISSION SCREENING PROCEDURE

The screening technique includes three successive tests to determine whether the proposed action (changes in the number of flights and/or types of aircraft) requires an examination of the effects on air quality in the vicinity of the airport.

1. If the proposed action would not increase the numbers of operations by any aircraft type or would not introduce operations by a new aircraft type, no further analysis is required.

2. If the proposed action would lead to a decrease in the total pollutant emissions (this may occur even if the numbers of operations increase provided there is a more favorable fleet mix) then no further analysis is required.

3. If the proposed action would lead to an increase in the total pollutant emissions but the perceived change in pollutant concentration at the airport boundary would be less than 1% of the primary national standards for air quality, then no further analysis is required.

The following is a step by step procedure to provide a means of screening the sig-

nificance of the effect of aircraft operational changes with respect to air pollution:

Step 1. Determine the net change in operations as a result of the action by aircraft types on the basis of daily landing/takeoff cycles (LTO). If there are no net increases for any aircraft type, the analysis is terminated at this step. This corresponds to the first of the three tests above.

Step 2. For each aircraft type determine from Table 1 the "adjusted aircraft emission rate" (AAEM) by type of pollutant. The procedure involves the multiplication of the LTO value for each type of aircraft by the AAEM provided in the table. (Note: the value can be positive or negative to account for an increase or decrease respectively in LTO cycles as a result of the action.)

TABLE 1.—*Adjusted aircraft emission rates* [1] *(for 1 additional daily LTO cycle)*

Aircraft type	Engine type	Pollutant types			
		CO	HC	NO_x	S.P.
A300B	CF6 (2)	0.0045	0.051	0.332	0.001
B707/DC-8	JT4A (4)	.0113	.448	.253	.053
B707/DC-8	JT3D (4)	.0122	.686	.154	.031
B727-100/200	JT8D (3)	.0046	.044	.164	.003
B737/DC-9	JT8D (2)	.0030	.029	.109	.004
B747-100/200	JT9D (4)	.0178	.192	.663	.037
BAC 1-11	Spey (2)	.0056	.228	.088	.010
DC-10-10/30	CF6 (3)	.0068	.082	.499	.002
DC-10-40	JT9D (3)	.0133	.144	.497	.027
L-188	A1 501-D13 (4)	.0016	.050	.046	.031
CV-580	A1 501-D13 (2)	.0008	.025	.023	.015
L-1011	RB-211 (3)	.0149	.427	.295	N.A.

[1] Rate is expressed as grams per second for the particular pollutant type divided by 1 percent of the corresponding primary national standards in micrograms per cubic meter.

Source: Speas Associates analysis.

Step 3. Calculate the total AAEM by type of pollutant by summing the rates calculated in Step 3. If the total AAEM is negative there would be a net decrease in pollutant emissions and the analysis is terminated at this step. This is the second of the three tests above.

Step 4. Determine the overall acreage of the airport(s) being analyzed. This value can be determined from FAA airport facility records or direct contact with airport management.

Step 5. Using Chart 1, test airport (for each type of pollutant) to determine if the net operational changes would exceed the screening threshold (and require further analysis) or fall below the threshold (and require no further analysis). This is the third of the three tests.

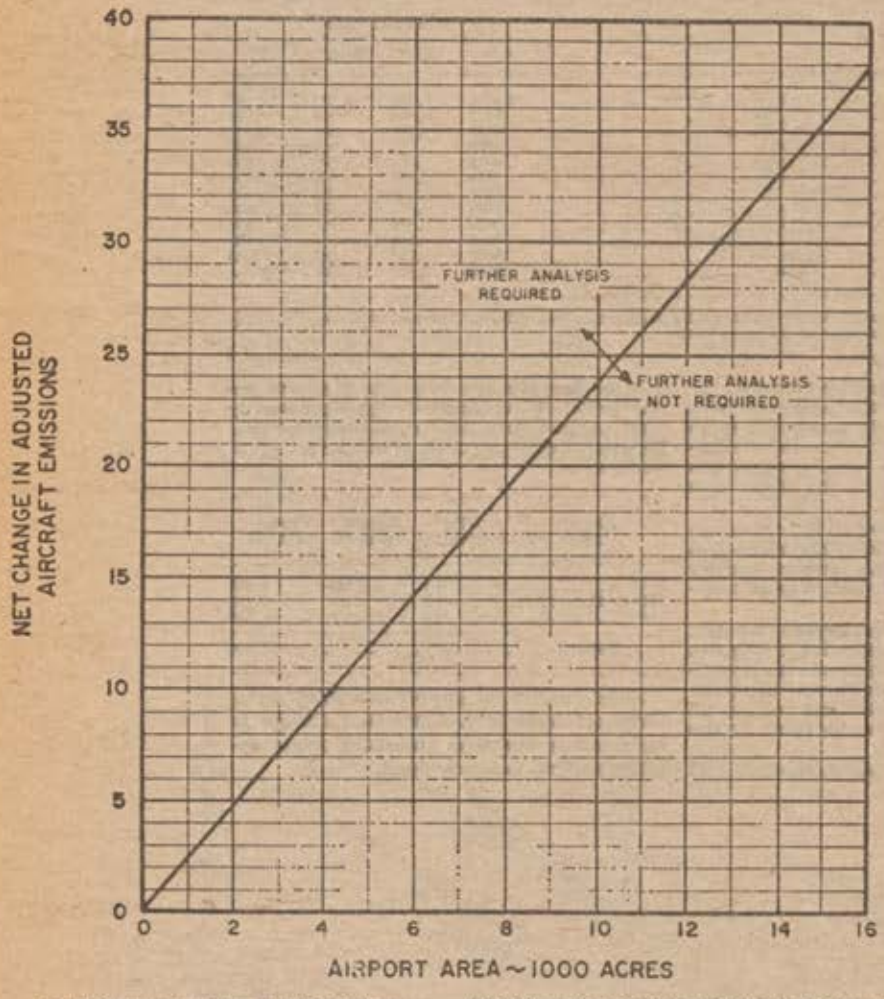
EXAMPLE: Planned operating changes: Add 1 flight per day by B747; Add 3 flights per day by DC-10-10; Delete 4 flights per day by B727; Airport Area 2,000 acres. Consider NO_x emissions only. (Analysis is similar for other pollutants).

Aircraft types	LTO cycles	AAEM (table 1)	Total AAEM
B747	+1	0.663	0.663
DC-10-10	+3	.499	1.497
B-727	−4	.164	−.656
Total			+1.504

Enter chart 1 for airport area 2,000 acres; threshold level is 5. Calculated change in emissions is less than threshold, hence detailed analysis is not required.

CHART 1

POLLUTANT DETERMINATION GRAPH



2. PROCEDURES TO USE IF THRESHOLD IS EXCEEDED

If the test as described in section 1 shows that the pollutant concentrations fall above the screening threshold, additional analyses may be required. These should take into account: actual airport configuration including orientation of arrival and departure flight tracks; local wind and atmospheric stability data; existing (ambient) air quality; relative sensitivity of affected areas; actual times in each mode of LTO cycle for the particular airport.

3. DISCUSSION OF METHODOLOGY

Theoretical Development

The areal distribution of ground-level concentrations of a pollutant emanating from a continuous point source can be estimated using standard techniques. These are described in detail in the Environmental Protection Agency publication, "Workbook of Atmospheric Dispersion Estimates," by D. Bruce Turner and are used in modelling pollution dispersal in EPA's Air Quality Display Model (AQDM), for example. Modelling the numerous sources of pollutants found on an airport is a complicated and time-consuming process, necessitating the use of high-speed computers.

A simplified process can be employed, however, to obtain an order-of-magnitude estimate of the concentration of a particular pollutant at the boundaries of an airport, corresponding to a given rate of emission of the pollutant and standardized meteorological conditions.

Consider a pollutant emitted at a steady rate at ground level from a point source. If the wind speed and atmospheric stability are known, the area contained within any specified ground level concentration isopleth can be calculated (Hilsmeier and Gifford, Turner). The latter reference provides a graphical solution. Thus it is possible to calculate the area within the 1 microgram per cubic meter isopleth, for example. With steady wind, the area will be more-or-less elliptical in shape. As wind direction varies over time (i.e., as the averaging time increases), the area will become more irregular in shape. If the averaging period includes winds from all directions in equal proportion, the area will become circular.

If we now assume that the point source is at the center of a circular airport, the concentration isopleths will be circles, with one circle coinciding with the airport boundary. We can use the area calculated for a single wind direction as a first-order approximation of the area enclosed by the more-or-less circular isopleth generated by a varying wind direction. Because the area within the circular isopleth will be somewhat smaller than that within the elongated isopleth generated by the constant-direction wind, the emission criteria developed below will be conservative.

A graph can now be constructed showing the boundary pollutant concentration as a function of airport size and pollutant emission rate. A family of curves can be plotted, corresponding to selected levels of ground-level pollutant concentration. These can be related conveniently to the levels and time periods specified in the National Air Quality Standards. Then, knowing the pollutant emission rate and the airport size, a graphical determination of the relation of the boundary concentration to the National Standard can be made. A judgment can then be made of the contribution of the emission to the air quality of the surrounding community.

Although two of the variables entering into the calculation, wind speed and atmospheric stability, vary widely throughout a day or year, the simplified method described requires specification of a single speed and stability. For daytime conditions, a wind speed of 5 meters per second (10 knots) and a slightly unstable ("C") atmosphere are typical. With these values, the equation relating area, emission rate, and the selected concentration isopleth, is

$$\text{Area} = a \text{ antilog } (b \log \frac{5X}{Q} + c)$$

where X is the selected concentration isopleth; Q is the average pollutant emission rate over the time period selected in grams per second; and the area is in acres. The constants have the values: $a = 2.47 \times 10^{4}$; $b = -1.028$; and $c = 0.737$. This relationship is illustrated graphically in Chart 2.

In the EPA Rule on Review of Indirect Sources (FR39(38) 25 Feb 1974), it is stated that the rule does not apply to increases in airport operations of less than 50,000 per year (25,000 landing and takeoff cycles). Assuming that these apply to a typical major airport size of about 3,000 acres, and assuming an appropriate aircraft mix, pollutant concentrations at the airport boundary can be calculated. These can be expressed in percentages of the Primary National Air Quality Standards. The percentage varies between 0.1% and 2.4%. Thus a threshold of 1% of the National Standards at the airport boundary is selected.

With emission data on aircraft types (as given in EPA "Compilation of Emission Factors), a table of $Q/X_1\%$ (where Q is emission rate in grams per second calculated for the time period specified in the National Standards, and $X_1\%$ is the concentration in micrograms per cubic meter equal to 1% of the particular standard) can be constructed. These adjusted emission rates are summed for the increase in aircraft LTO cycles.

A graph of adjusted emission rates vs. airport area can be constructed using the previous equation. The line on the graph then represents the threshold denoting the adjusted emission required to produce the threshold value at the boundaries of a circular airport with the area denoted on the X-axis. Outside the airport boundaries the concentrations would be lower.

With this methodology, the contribution to a community air pollution of an increase in pollutant emissions resulting from a change in airport operations can be evaluated in

terms of the National Standards. It should be emphasized that this simplified methodology is not a substitute for the more detailed and accurate modelling techniques (such as AQDM), but is designed to give a base for deciding whether or not a more detailed study is necessary.

Calculation of Working Tables

The amounts of each of the pollutants produced by various aircraft types were computed using EPA Publication AP-42. Table 3.2.1-2 or AP-42 provides times in each mode of operation and Table 3.2.1-4 provides rates of emission for each mode for several engine types. Thus the total pollutants produced in a typical LTO cycle may be calculated directly for each engine type. These appear in Table 2. These *engine* emissions may be used to compute the emissions by *aircraft* type by simply multiplying the number of engines by the emissions for the appropriate engines of each aircraft type. These are shown in Table 3.

TABLE 2.—*Pollutants per LTO cycle per engine*

[Pounds]

Engine	CO	HC	NO_x	S.P.
JT9D	46.9	12.2	31.5	1.3
CF6	24.0	6.9	31.6	.1
JT3D	50.6	43.5	7.3	1.1
JT4A	29.9	28.4	12.0	1.9
JT8D	16.1	3.7	10.4	.4
Spey Mk 511	29.4	28.9	8.4	.7
Allison 501-D13	4.2	3.2	2.2	1.1
RB-211	52.4	36.1	18.7	.....

Source: Speas Associates analysis based on EPA publication AP-42. RB-211 based on Rolls Royce data.

TABLE 3.—*Pollutants per LTO cycle all engines*

[Pounds]

Aircraft	Engines	Pollutant			
		CO	HC	NO_x	S.P.
A-300B	CF6(2)	48.0	13.8	63.2	0.2
B707/DC-8	JT4A(4)	119.6	113.6	48.0	7.6
B707/DC-8	JT3D(4)	202.4	174.0	29.2	4.4
B727-100/200	JT8D(3)	48.3	11.1	31.2	1.2
B737/DC-9	JT8D(2)	32.2	7.4	20.8	.8
B747-100/200	JT9D(4)	187.6	48.8	126.0	5.2
BAC 1-11	Spey (2)	58.8	57.8	16.8	1.4
DC-10-10/30	CF6(3)	72.0	20.7	94.8	.3
DC-10-40	JT9D(3)	140.7	36.6	94.5	3.9
L-188	Allison (4)	16.8	12.8	8.8	4.4
CV-580	Allison (2)	8.4	6.4	4.4	2.2
L-1041	RB-211 (3)	157.2	108.3	56.1	N.A.

Source: Speas Associates analysis.

The primary National Standards for pollutant concentrations are:

Type	Micrograms per cubic meter	Notes
Carbon monoxide (CO).	10,000	8 hour period.
Hydrocarbons (HC)	160	3 hours 6 a.m.-9 a.m.
Nitrogen oxides (NO_x).	100	24 hours.
Solid particulates (S.P.).	75	Do.

A review of traffic records for a representative set of U.S. airports showed that one could conservatively estimate that 60% of an airport's daily operations would occur in an 8-hour period and no more than 15% would occur between 6 AM and 9 AM. Thus, conversion of the emission data in Table 3 into effective average *rates* of emission in gm/sec must take into account the varying standards.

Thus, a daily LTO cycle which produces one unit (1 lb.) of CO is the equivalent of an average emission rate of:

$$\frac{0.6 \times 454}{8 \times 3600} = .00947 \text{ gm/sec.}$$

Similarly for HC (15% in 3 hours) 1 lb. per LTO cycle would yield:

$$\frac{0.15 \times 454}{3 \times 3600} = .00681 \text{ gm/sec.}$$

For NO_x and S.P. (100% in 24 hours) 1 lb. per LTO cycle would yield

$$\frac{454}{24 \times 3600} = .00526 \text{ gm/sec.}$$

These conversion factors could be applied to each of the numbers in Table 3 to express the pollutant production rates (Q) in gm/sec per daily LTO cycle (rather than in lbs. per cycle). However, as indicated in the theoretical development above, it is the ratio of Q/X (emission rate/pollutant concentration) which is the principal variable of interest.

Thus, Table 1 in Section 1 shows the Q/X ratio for each aircraft type where X in each case is the selected 1% of the appropriate National Standard concentration for the particular pollutant types.

The total of the Q/X values for each of the aircraft types may then be added algebraically with a unit weight for each planned LTO cycle to determine the cumulative Q/X for the planned mix and frequencies by aircraft types (some may be zero if no changes are planned and some may be negative if reductions are planned). Provided that the cumulative Q/X ratios are below those corresponding to 1% of the National Standards, then the indication is that the planned aircraft operations would contribute an added pollutant concentration of less than 1% of these standards at the airport boundary and consequently further analysis should not be required.

Chart 1 in Section 1 shows the cumulative Q/X ratio corresponding to this 1% threshold level for a range of airport sizes. The graphical procedure thus requires only that one determine whether the computed cumulative Q/X ratio falls above or below the line on this chart.

TABLE 4.—POLLUTION GENERATION ANALYSIS

(Conversion of thousand lbs./year to grams/second in accordance with national standard criteria)

CO—Thous. lbs./year:
÷365=lbs./day
÷2.2=kgs./day
×1000=grams/day
×.60=grams in 8 hour period (assume 60% of daily ops.)
÷28,800=grams/sec. in 8 hour period
OR
Thous. lbs./year÷38,544=grams/sec. in 8 hour period

NO_x—Thous. lbs./year:
÷365=lbs./day
÷2.2=kgs./day
×1000=grams/day
÷24=grams/hour
÷3600=grams/second
OR
Thous. lbs./year÷69,379=grams/second

PART.—Thous. lbs./day:
÷365=lbs./day
÷2.2=kgs./day
×1000=grams/day
÷24=grams/hour
÷3600=grams/second
OR
Thous. lbs./year÷69,379=grams/second

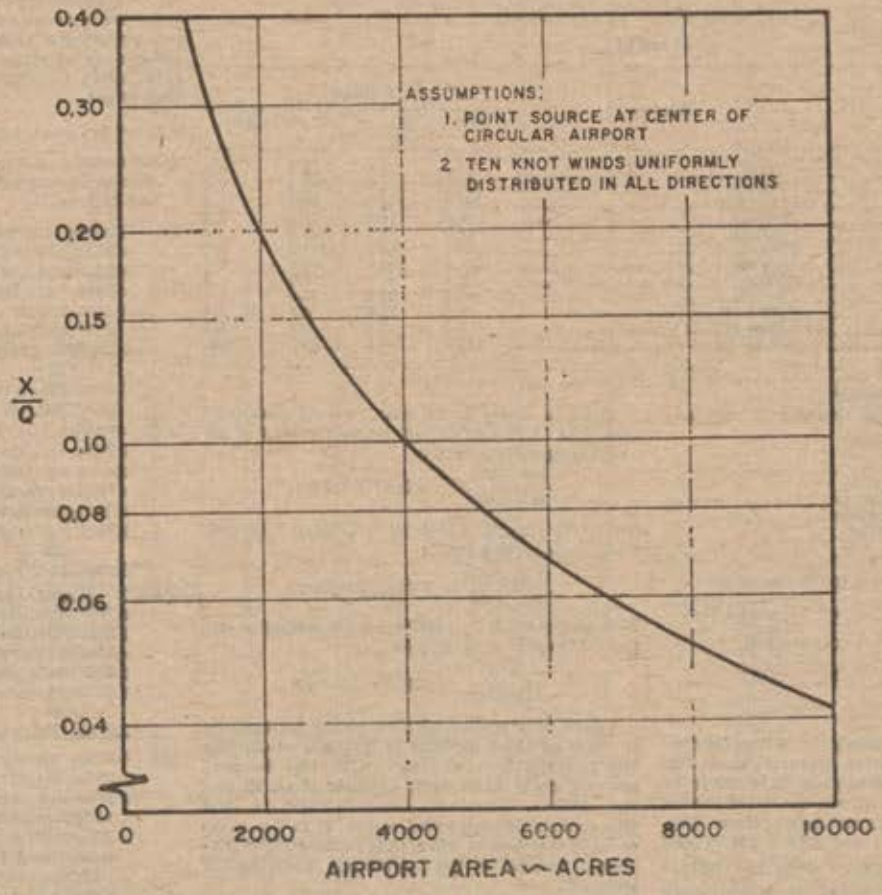
HC—Thous. lbs./year:
÷365=lbs./day
÷2.2=kgs./day
×1000=grams/day
×.15=grams in 3 hours from 6-9 AM (assuming 15% of daily ops.)
÷10,800=grams/sec. in 3 hour period from 6-9 AM
OR
Thous. lbs./year÷57,816=grams/second

CHART 2

POLLUTANT DISPERSION ANALYSIS

X = POLLUTANT CONCENTRATION AT AIRPORT BOUNDARY (μgm/m^3)

Q = POLLUTANT EMISSION RATE (gm/sec)



4. ANALYSIS OF ENVIRONMENTAL EFFECTS OF INCREMENTAL EMISSIONS IN PRIOR ROUTE PROCEEDINGS

An analysis was made of the incremental emissions resulting from schedule changes in three prior route proceedings, the trans-Atlantic route proceeding, and the American-Frontier/Air West route exchanges.

Emisisons for the respective route exchanges had already been calculated in terms of thousands of pounds per year. By means of the conversion factors shown in Table 4, these data were converted into grams per second.

Given the various airport sizes in acres, Chart 2 was used to determine the various "dispersion factors" which are the ratios of the boundary concentrations to the emissions rates. This dispersion factor was then applied to the percentage of standard for each pollutant component (except where no particulate data was provided in the Frontier exchange cases) to determine the threshold number of grams per second (which would not exceed a 1% of standard concentration at the airport boundary).

Comparison of these threshold numbers with forecast increments, all in grams per second, confirmed that none of the route actions resulted in incremental pollution of significance (Tables 5 and 6).

TABLE 5.—*Analysis of emission effects, 27 airports, transatlantic route proceeding*

Pollution component National standard 1 percent national standard			CO 10,000 μgms/m³ 100 μgms/m³		NO_x 100 μgms/m³ 1 μgm/m³		HC 160 μgms/m³ 1.6 μgm/m³		Particulates 75 μgms/m³ .75 μgm/m³	
Airport	Acres	Dispersion factor (X/Q)	Threshold [1]	Forecast [2] increment	Threshold [1]	Forecast [2] increment	Threshold [1]	Forecast [2] increment	Threshold [1]	Forecast [2] increment
Atlanta	4,200	0.096	1,041.67	6.46	10.43	2.75	16.67	2.89	7.81	0.10
Baltimore	3,231	.123	813.01	2.56	8.13	.30	13.01	1.59	6.10	.05
Boston	2,384	.166	602.41	11.38	6.02	1.47	9.64	6.36	4.52	.20
Chicago	9,000	.046	2,173.91	6.06	21.74	1.54	34.78	2.73	16.30	.12
Cleveland	1,500	.260	384.62	4.56	3.85	.41	6.15	2.64	2.88	.06
Dallas	17,000	.023	4,347.83	7.58	43.48	1.98	69.57	4.02	32.61	.11
Denver	3,978	.100	1,000.00	Nil	10.00	Nil	16.00	Nil	7.50	Nil
Detroit	4,809	.085	1,176.47	7.81	11.76	1.03	18.82	4.65	8.82	.16
Hartford	2,350	.166	602.41	Nil	6.02	Nil	9.64	Nil	4.52	Nil
Houston	7,200	.057	1,754.39	5.26	17.54	1.12	28.07	3.01	13.16	.06
Kansas City	5,000	.050	1,709.40	Nil	17.09	Nil	27.35	Nil	12.83	Nil
Las Vegas	1,450	.270	370.37	Nil	3.70	Nil	5.93	Nil	2.78	Nil
Los Angeles	3,000	.133	751.88	6.70	7.52	3.30	12.03	2.73	5.64	.12
Miami	2,600	.147	680.27	N/A	6.80	N/A	10.88	N/A	5.10	N/A
Minneapolis/St. Paul	2,930	.135	740.74	4.78	7.41	.56	11.85	2.81	5.56	.09
New Orleans	1,500	.260	384.62	N/A	3.85	N/A	6.15	N/A	2.88	N/A
New York:										
LGA	647	.560	178.57	Nil	1.79	Nil	2.86	Nil	1.34	Nil
JFK	5,000	.059	1,709.40	38.97	17.09	8.20	27.35	16.99	12.82	.57
EWR	2,167	.183	546.45	N/A	5.46	N/A	8.74	N/A	4.10	N/A
Philadelphia	2,500	.160	625.00	4.89	6.25	.50	10.00	2.85	4.69	.25
Phoenix	3,000	.133	751.88	N/A	7.52	N/A	12.03	N/A	5.64	N/A
Pittsburgh	3,100	.129	775.19	N/A	7.75	N/A	12.40	N/A	5.81	N/A
Portland, Oreg	3,000	.133	751.88	N/A	7.52	N/A	12.03	N/A	5.64	N/A
St. Louis	1,850	.215	465.12	N/A	4.65	N/A	7.44	N/A	3.49	N/A
San Francisco	5,207	.079	1,273.89	1.32	12.74	.24	20.38	.63	9.55	.04
San Juan	1,555	.258	387.60	N/A	3.88	N/A	6.20	N/A	2.91	N/A
Seattle	1,809	.220	454.55	2.71	4.55	.24	7.27	1.57	3.41	.04
Tampa	3,300	.121	826.45	1.97	8.27	.16	13.22	1.13	6.20	.02
Washington:										
DUL	9,380	.042	2,409.64	7.69	24.10	.62	38.55	4.41	18.07	.09
NAT	650	.560	178.57	Nil	1.79	Nil	2.86	Nil	1.34	Nil

[1] Threshold level, resulting in 1-percent increase in respective national air quality standard.
[2] Greatest increase in operations under assumed proceeding scenarios, converted from thousand pounds/year to grams/second in accordance with emission standards (see table 4).
Source: Civil Aeronautics Board, Transatlantic Route Proceeding, vol. I, text, August 1974.

TABLE 6.—*Analysis of emission effects, 18 airports, American-Frontier/Hughes Air West route exchanges*

Pollution component National standard 1 percent national standard			CO 10,000 μgms/m³ 100 μgms/m³		NO_x 100 μgms/m³ 1 μgm/m³		HC 160 μgms/m³ 1.6 μgm/m³		Particulates 75 μgms/m³ .75 μgm/m³	
Airport	Acres	Dispersion factor (X/Q)	Threshold	Forecast increment	Threshold	Forecast increment	Threshold	Forecast increment	Threshold	Forecast increment
Albuquerque	1,280	0.320	312.50	1.01	3.13	0.63	5.00	0.12	2.34	N/A
Dallas	17,000	.023	4,347.83	.47	43.48	.32	69.57	.05	32.61	N/A
El Paso	4,000	.100	1,000.00	.91	10.00	.62	16.00	.09	7.50	N/A
Houston	7,200	.057	1,754.39	.96	17.54	.55	28.07	.10	13.16	N/A
Las Vegas:										
FL	1,450	.270	370.37	.54	3.70	.33	5.93	.05	2.78	N/A
RW	1,450	.270	370.37	.26	3.70	.16	5.93	.02	2.78	N/A
Los Angeles	3,000	.133	751.88	.05	7.52	.09	12.03	.03	5.64	N/A
Palm Springs	800	.453	220.75	−.18	2.21	−.09	3.53	−.05	1.66	N/A
Phoenix:										
FL	3,000	.133	751.88	−1.09	7.52	.20	12.03	−.81	5.64	N/A
RW	3,000	.133	751.88	.67	7.52	.46	12.03	.07	5.64	N/A
Salt Lake	2,787	.142	704.23	.49	7.04	.36	11.27	.07	5.28	N/A
San Antonio	1,607	.230	434.78	.52	4.35	.46	6.96	.03	3.26	N/A
San Diego	487	.650	153.85	−2.13	1.54	−.06	2.46	−1.23	1.15	N/A
Tucson:										
FL	2,200	.180	555.56	−.47	5.56	.04	8.89	−.49	4.17	N/A
RW	2,200	.180	555.56	.44	5.56	.33	8.89	.03	4.17	N/A

Source: Speas Associates, "Conclusions on the Environmental Assessment, etc.," American-Frontier/Hughes Air West, January 1974.

REFERENCES

Hilsmeier, W. F., and F. A. Gifford, 1962. Graphs for Estimating Atmospheric Diffusion. ORO-545, Oak Ridge, Tenn. Atomic Energy Commission. 10 pp.

Turner, D. Bruce, Workbook in Atmospheric Dispersion Estimates. U.S. Environmental Protection Agency.

Anon. Compilation of Air Pollution Emission Factors, Second Edition, U.S. Environmental Protection Agency.

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