

# federal register

THURSDAY, SEPTEMBER 11, 1975



## highlights

### PART I:

<b>COLUMBUS DAY</b> Presidential proclamation.....	42167
<b>FIRE PREVENTION WEEK</b> Presidential proclamation.....	42165
<b>VETERANS DAY</b> Presidential proclamation.....	42169
<b>ADJUDICATIONS</b> SEC prescribes minimum procedures.....	42186

CONTINUED INSIDE

### PART II:

<b>FEDERAL ELECTIONS</b> FEC publishes advisory opinion regarding incorporation of political committees.....	42301
--	-------

### PART III:

<b>PRIVACY ACT OF 1974</b> The following agencies issue documents relating to imple- mentation of the Act: Commission on the Review of the National Policy Toward Gambling (2 documents).....	42306, 42307
Office of Telecommunications Policy; comments by 10-1-75.....	42311
<b>PUBLICATIONS</b> OFR issues table of pages and dates.....	42308
<b>MEETINGS—</b> ACTION: National Voluntary Service Advisory Council, 10-1 and 10-2-75.....	42235
DOT/FAA: Aviation War Risk Insurance Program, 9-30-75.....	42234
FEA: Food Industry Advisory Committee, 10-1-75.....	42240
HEW: President's Biomedical Research Panel, 10-27 and 10-28-75.....	42233
NSF: Workshop on Electric Utility Financial Problems and Potential Solutions, 9-25 and 9-26-75.....	42246
Research Advisory Committee, 9-25 and 9-26-75.....	42247
Advisory Panel for Atmospheric Sciences, 9-30 and 10-1-75.....	42246
Astronomy Advisory Panel, 10-2 and 10-3-75.....	42247
USDA/CCC: Commodity Credit Corporation Advisory Board, 9-29 and 9-30-75.....	42227
FS: Okanogan National Forest Grazing Advisory Board, 10-14-75.....	42227
Tonto National Forest Grazing Advisory Board, 10-10-75.....	42227

# 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

- DOT/FAA—Designation of transition area; Marlette, Michigan..... 32742; 8-4-75
- NRC—Special nuclear material; measurement control program for control and accounting..... 33649; 8-11-75

The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St. NW., Rm. 8401. They will be published according to the following schedule:

<i>Agency</i>	<i>1975 Date of Issue</i>
Consumer Product Safety Commission, proposed rules.....	Sept. 10

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HIGHLIGHTS—Continued

**ALERTING SYSTEMS**

DOT/FAA establishes standards and requirements for installation of ground proximity warning-glide slope deviation equipment; effective 10-13-75..... 42183

**AVIATION WAR RISK**

DOT/FAA requests public ideas on need for expanding insurance program; comments by 9-30-75..... 42234

**BENEFICIAL OWNERS**

SEC proposes to require brokers to furnish information; comments by 11-30-75..... 42219

**BUSINESS REPORTS**

FTC issues notice of resolution and confidentiality rules and procedures for 1974..... 42243

**CASTOR OIL PRODUCTS**

Treasury/CS issues preliminary countervailing duty determination..... 42222

**CENSUS DATA**

Commerce/Census proposes rule regarding obtaining information from population schedules; effective 10-14-75..... 42209

**CIVIL PENALTY PROCEDURES**

DOT/CG proposes provisions vesting authority for final agency action; comments by 10-27-75..... 42210

**CORPORATE OWNERSHIP**

SEC proposes disclosure requirements; comments by 11-30-75..... 42212

**CREW MEMBER INTERPHONE SYSTEMS**

DOT/FAA revokes requirements for two-way communication in operation of large turbojet-powered airplanes; effective 9-8-75..... 42185

**DISCHARGE REVIEW**

DOD/Air issues notice of geographical accessibility of boards..... 42223

**FOREIGN ASSISTANCE**

State issues notice of determination to permit continuation of aid to certain countries..... 42222

**GEOGRAPHIC NAMES**

Board of Geographic Names standardizes spelling of foreign and domestic features..... 42235

**HOME LOANS**

VA increases interest rate; effective 9-2-75..... 42190

**HORSEBACK RIDING SAFETY**

Interior/FWS rules correcting hazards between riders and pedestrians; effective 1-1-76..... 42195

**LOANS AND APPLICATIONS**

USDA/FmHA establishes a closing date for entitlement to veterans' preference for Vietnam service (3 documents); effective 9-11-75..... 42178, 42179

**NATIONAL MALL**

Interior announces availability of final environmental statement regarding rehabilitation..... 42223

**NATIONAL MAXIMUM SPEED LIMIT**

DOT/FHA and NHTSA issue regulations providing notice of State's nonconformity with rules on certification of enforcement; effective 10-10-75..... 42186

**OFF-BASE HOUSING**

DOD sets forth policy, assigns responsibilities, prescribes enforcement and complaint procedures, and establishes reporting requirements..... 42186

**PESTICIDES**

USDA/APHIS regulation permitting Prolate<sup>®</sup> for use against scabies in cattle; effective 9-11-75..... 42179

**RURAL AREA**

USDA/FmHA issues rule expanding and clarifying definition; effective 9-11-75..... 42178

**SECURITIES**

SEC expresses views on brokers' confirmations of transactions under unfixed commission rates..... 42252

# contents

## THE PRESIDENT

Columbus Day.....	42167
Fire Prevention Week.....	42165
Veterans Day.....	42169

## EXECUTIVE AGENCIES

### ACTION

#### Notices

##### Meetings:

National Voluntary Service Advisory Council.....	42235
--	-------

### AGRICULTURAL MARKETING SERVICE

#### Rules

Limitation of handling: Oranges (Valencia) grown in Ariz. and Calif.....	42177
--	-------

### AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Federal Crop Insurance Corporation; Forest Service; Soil Conservation Service.

#### Rules

Committees management; policies and procedures.....	42171
---	-------

### AIR FORCE DEPARTMENT

#### Notices

##### Hearings:

Regional Discharge Review Boards.....	42223
--	-------

### ALCOHOL, TOBACCO, AND FIREARMS BUREAU

#### Notices

Firearms; granting of relief.....	42222
-----------------------------------	-------

### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

#### Rules

Quarantine areas: Scabies in cattle.....	42179
---	-------

### BOARD ON GEOGRAPHIC NAMES

#### Notices

Foreign and domestic geographic names; availability of information.....	42235
---	-------

### CENSUS BUREAU

#### Proposed Rules

Population schedules; furnishing personal census data.....	42209
--	-------

### CIVIL AERONAUTICS BOARD

#### Notices

##### Hearings, etc.:

Aloha Airlines, Inc.....	42235
--------------------------	-------

### COAST GUARD

#### Rules

Drawbridge operation: Hood Canal, Washington.....	42189
--	-------

#### Pollution:

Prohibited oil spaces.....	42189
Ships carrying bulk grain cargoes; intact stability requirements; correction.....	42195

#### Proposed Rules

Civil penalty procedures; final agency action.....	42210
--	-------

### COMMERCE DEPARTMENT

See Census Bureau; Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

### COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

#### Rules

Privacy Act of 1974; implementation regulations.....	42306
--	-------

#### Notices

Privacy Act, 1974; record systems.....	42307
--	-------

### COMMODITY CREDIT CORPORATION

#### Notices

##### Meeting:

Commodity Credit Corporation Advisory Board.....	42227
---	-------

### CONSUMER PRODUCT SAFETY COMMISSION

#### Notices

Airless paint spray guns; pre-hearing conference.....	42235
---	-------

### CUSTOMS SERVICE

#### Notices

Countervailing duty determinations, etc.:	
Castor oil products from Brazil.....	42222

### DEFENSE DEPARTMENT

See also Air Force Department.

#### Rules

Equal opportunity in off-base housing.....	42186
--	-------

### DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

#### Notices

Organization and functions: Office of Industrial Mobilization.....	42228
Scientific articles; duty free entry: Maryland State Department of Health & Mental Hygiene, et al.....	42229

### ENVIRONMENTAL PROTECTION AGENCY

#### Rules

##### Air pollution:

National emission standards, for hazardous air pollution; delegation of authority-California.....	42195
---	-------

Standards of performance for new stationary sources; delegation of authority-California.....	42194
--	-------

Air quality implementation plans: Kansas.....	42190
Puerto Rico.....	42191

#### Proposed Rules

Air quality implementation plans: Puerto Rico.....	42211
---	-------

#### Notices

Air pollution; standards of performance for stationary sources:

California; authority delegations (3 documents).....	42236-42238
--	-------------

##### Meetings:

Effluent Standards and Water Quality Information Advisory Committee; correction.....	42240
--	-------

Water pollution; control of discharge of pollutants: Vermont.....	42240
--	-------

### FARMERS HOME ADMINISTRATION

#### Rules

Business and industrial loans: Veterans' preference; Vietnam era.....	42179
--	-------

Farmers loans: Veterans' preference; Vietnam era.....	42179
--	-------

Receiving and processing applications; veterans' preference; Vietnam era.....	42178
---	-------

Rural housing loans and grants: Rural area; definition.....	42178
--	-------

### FEDERAL AVIATION ADMINISTRATION

#### Rules

Airworthiness directives: Raven.....	42180
---	-------

Crewmember interphone systems; turbojet-powered airplanes.....	42185
--	-------

Federal airways.....	42180
----------------------	-------

Ground proximity warning; glide slope deviation alerting system.....	42183
--	-------

IFR altitudes.....	42181
--------------------	-------

#### Notices

Meetings: Aviation War Risk Insurance Study.....	42234
---	-------

### FEDERAL CROP INSURANCE CORPORATION

#### Notices

Crop applications 1976; extension of closing date: Sugar beets, Calif.....	42227
---	-------

### FEDERAL ELECTION COMMISSION

#### Notices

Advisory opinions: Incorporation of political committees.....	42301
--	-------

### FEDERAL ENERGY ADMINISTRATION

#### Notices

Meetings: Food Industry Advisory Committee.....	42240
--	-------

### FEDERAL HIGHWAY ADMINISTRATION

#### Rules

Engineering and traffic operations:	
Speed limit, national; enforcement of vehicle weight and size limitations.....	42186

CONTENTS

FEDERAL MARITIME COMMISSION

Notices  
 Environmental assessment:  
 Massachusetts Port Authority  
 and United States Lines, Inc. 42241  
 Agreements filed:  
 Maher Terminals, Inc., et al. 42240  
 Robin Line and Green "R" Line  
 (PTY) Ltd. 42241  
 Trans-Pacific Freight Confer-  
 ence of Japan/Korea and  
 Japan/Korea-Atlantic and  
 Gulf Freight Conference. 42241

FEDERAL POWER COMMISSION

Notices  
 Hearings, etc.:  
 Superior Oil Co., et al. 42242

FEDERAL REGISTER OFFICE

Notices  
 Privacy Act publications; table of  
 pages and dates. 42308

FEDERAL RESERVE SYSTEM

Notices  
 Applications, etc.:  
 Peoples Bancshares, Inc. 42242  
 Springview Bancorp. 42243

FEDERAL TRADE COMMISSION

Rules  
 Prohibited trade practices:  
 Heftler Realty Sales, Inc., et al. 42201  
 Levine, Huntley & Schmidt, Inc. 42202  
 Slyman, James and Slyman  
 Real Estate Co. 42202  
 Xerox Corp. 42203  
 Proposed Rules  
 Funeral industry practices; trade  
 regulation; correction. 42212  
 Notices  
 Line of business reporting pro-  
 gram; annual reports from cor-  
 porations and confidentiality  
 rules and procedures; 1974 re-  
 porting year. 42243

FISH AND WILDLIFE SERVICE

Rules  
 Hunting:  
 Chautauqua National Wildlife  
 Refuge, Ill. (2 documents) 42198  
 Cibola National Wildlife Ref-  
 uge, Ariz. and Calif. 42196  
 De Soto National Wildlife Ref-  
 uge, Ia. and Nebr. (3 docu-  
 ments) 42200, 42201  
 J. Clark Salyer National Wild-  
 life Refuge, N. Dak. (2 docu-  
 ments) 42199  
 Mark Twain National Wildlife  
 Refuge, Ia. 42198  
 National Wildlife Refuges, cer-  
 tain, Calif. and Wash. (2  
 documents) 42197, 42199  
 Sherburne National Wildlife  
 Refuge, Minn. 42198  
 Public access, use and recreation:  
 Dungeness National Wildlife  
 Refuge, Washington. 42195  
 Notices  
 Endangered species permits, appli-  
 cation. 42225

FOOD AND DRUG ADMINISTRATION

Notices  
 Food additives; petitions filed or  
 withdrawn:  
 Warf Institute, Inc. 42231

FOREST SERVICE

Notices  
 Meetings:  
 Okanogan National Forest Graz-  
 ing Advisory Board. 42227  
 Tonto National Forest Grazing  
 Advisory Board. 42227

GENERAL SERVICES ADMINISTRATION

Notices  
 Authority delegation:  
 Secretary of Defense. 42246  
 Secretary of Transportation. 42245  
 Procurement:  
 Federal data system. 42245  
 Motor vehicles; requests. 42245

HEALTH, EDUCATION, AND WELFARE  
DEPARTMENT

See also Food and Drug Adminis-  
 tration; Public Health Ser-  
 vice; Social Security Admin-  
 istration.  
 Notices  
 Authority delegations:  
 Administrator, Health Re-  
 sources Administration. 42232  
 Social Security Administration. 42233  
 Meeting:  
 President's Biomedical Research  
 Panel. 42233  
 Organization and functions:  
 Office of Administration. 42233

HOUSING AND URBAN DEVELOPMENT  
DEPARTMENT

Notices  
 Authority delegations:  
 Deputy Regional Administrator,  
 et al., Region IV. 42234  
 Deputy Area Director, et al.,  
 Newark Area Office. 42234

INTERIOR DEPARTMENT

See also Fish and Wildlife Service;  
 Land Management Bureau; Na-  
 tional Park Service.

INTERSTATE COMMERCE COMMISSION

Proposed Rules  
 Grain transportation; settlement  
 of loss and damage claims. 42221  
 Notices  
 Applications filed after January  
 20, 1975. 42261  
 Car service exemptions, manda-  
 tory (6 documents) 42254, 42255  
 Fourth section applications for re-  
 lief. 42283  
 Hearing assignments. 42254  
 Motor carriers:  
 Irregular route property carri-  
 ers; gateway elimination. 42261  
 Temporary authority applica-  
 tions. 42284  
 Transfer proceedings. 42283  
 Broker, water carrier, and  
 freight forwarder applica-  
 tions. 42255

LAND MANAGEMENT BUREAU

Rules  
 Public land order:  
 Montana; enlargement of ad-  
 ministrative site. 42195  
 Notices  
 Applications:  
 New Mexico (7 documents) 42223,  
 42224  
 Wyoming (2 documents) 42225  
 Withdrawal and reservation of  
 lands:  
 Nevada. 42225

MANAGEMENT AND BUDGET OFFICE

Notices  
 Clearance of reports; list of re-  
 quests (2 documents) 42250

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

Proposed Rules  
 Commercial fishing operations;  
 reissuance of incidental take  
 general permits; correction. 42210  
 Notices  
 Eastern Pacific tuna fisheries; no-  
 tice of intent and finding. 42229  
 Marine mammal permit applica-  
 tions, etc.:  
 Brownell, Robert L., Jr. 42230  
 Mystic Marinelife Aquarium. 42230  
 Naval Undersea Center. 42230  
 Utica Zoological Society. 42231  
 Van Donwen's Seals. 42231

NATIONAL PARK SERVICE

Notices  
 Environmental statement:  
 National Mall, Washington,  
 D.C., rehabilitation. 42233

NATIONAL SCIENCE FOUNDATION

Notices  
 Meetings:  
 Astronomy Advisory Panel. 42247  
 Atmospheric Sciences Advisory  
 Panel. 42246  
 Electric Utility Financial Prob-  
 lems and Potential Solutions  
 Workshop. 42246  
 Research Advisory Committee. 42247

NATIONAL TRANSPORTATION SAFETY  
BOARD

Notices  
 Safety recommendations and acci-  
 dent reports. 42247

NUCLEAR REGULATORY COMMISSION

Notices  
 Applications, etc.:  
 Carolina Power and Light Co. 42248  
 Connecticut Light and Power Co  
 (2 documents) 42248, 42249  
 Florida Power and Light Co. 42249  
 Kansas Gas and Electric Co., et  
 al. 42249  
 Toledo Edison Co., et al. 42250

PUBLIC HEALTH SERVICE

Notices *Health Service Adm.*  
 Professional Standards Review  
 Organization:  
 Poll of physicians, Area VI re-  
 sults. 42232

## CONTENTS

### RURAL ELECTRIFICATION ADMINISTRATION

Notices	
Environmental statement: Central Electric Power Cooperative, Inc.; financial assistance.....	42227

### SECURITIES AND EXCHANGE COMMISSION

Rules	
Adjudications not required to be determined on the record after notice and opportunity for hearing; procedures.....	42186
Proposed Rules	
Registered brokers; communications to beneficial owners.....	42219
Disclosure of corporate ownership.....	42212
Notices	
Confirmation of transactions under unfix commissions.....	42252
<i>Hearings, etc.:</i>	
No-Load Selected Funds, Inc.....	42250
Pindestock Associates, Inc.....	42251

### SMALL BUSINESS ADMINISTRATION

Rules	
Disaster loans:	
Physical, economic injury, and product interest rates.....	42180
Notices	
Applications, etc.:	
Cottman Capital Corp.....	42253
Credito Investment Co.....	42253

### SOCIAL SECURITY ADMINISTRATION

Notices	
Authority delegation:	
Preadjustment conferences in overpayment cases.....	42233

### SOIL CONSERVATION SERVICE

Notices	
Environmental statement:	
Buckhorn-Mesa Watershed Project, Ariz.....	42227
Chippewa and Long Prairie Headquarters Fish and Wildlife Development, Minn.....	42228
Rock Creek Watershed Project, Oreg.....	42228

### STATE DEPARTMENT

Notices	
Secretarial determination:	
Continuation of assistance to certain countries under the Foreign Assistance Act of 1961.....	42222

### TELECOMMUNICATIONS POLICY OFFICE

Notices	
Privacy Act; records systems.....	42311

### TRANSPORTATION DEPARTMENT

<i>See</i> Coast Guard; Federal Aviation Administration; Federal Highway Administration.	
--	--

### TREASURY DEPARTMENT

<i>See</i> Alcohol, Tobacco and Firearms Bureau; Customs Service.	
---	--

### VETERANS ADMINISTRATION

Rules	
Loan guaranty: Interest rate change.....	42190

## 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.

<p><b>1 CFR</b></p> <p>410..... 42306</p> <p><b>3 CFR</b></p> <p>Proclamations</p> <p>4387..... 42165</p> <p>4388..... 42167</p> <p>4389..... 42169</p> <p><b>7 CFR</b></p> <p>25..... 42171</p> <p>25A..... 42171</p> <p>908..... 42171</p> <p>1801..... 42178</p> <p>1822..... 42178</p> <p>1842..... 42179</p> <p>1843..... 42179</p> <p><b>9 CFR</b></p> <p>73..... 42179</p> <p><b>13 CFR</b></p> <p>123..... 42180</p> <p><b>14 CFR</b></p> <p>37..... 42183</p> <p>39..... 42180</p> <p>71..... 42180</p> <p>95..... 42181</p> <p>121 (2 documents)..... 42183, 42185</p>	<p><b>15 CFR</b></p> <p>PROPOSED RULES:</p> <p>80..... 42209</p> <p><b>16 CFR</b></p> <p>13 (4 documents)..... 42201-42203</p> <p>PROPOSED RULES:</p> <p>453..... 42212</p> <p><b>17 CFR</b></p> <p>201..... 42186</p> <p>PROPOSED RULES:</p> <p>231..... 42212</p> <p>239..... 42212</p> <p>240 (2 documents)..... 42212, 42219</p> <p>241..... 42212</p> <p>249..... 42212</p> <p>259..... 42212</p> <p><b>23 CFR</b></p> <p>658..... 42186</p> <p><b>32 CFR</b></p> <p>197..... 42186</p> <p><b>33 CFR</b></p> <p>117..... 42189</p> <p>155..... 42189</p>	<p>PROPOSED RULES:</p> <p>1..... 42210</p> <p><b>38 CFR</b></p> <p>36..... 42190</p> <p><b>40 CFR</b></p> <p>52 (2 documents)..... 42190, 42191</p> <p>60..... 42194</p> <p>61..... 42195</p> <p>PROPOSED RULES:</p> <p>52..... 42211</p> <p><b>43 CFR</b></p> <p>PUBLIC LAND ORDERS:</p> <p>5526..... 42195</p> <p><b>46 CFR</b></p> <p>Ch. I..... 42195</p> <p><b>50 CFR</b></p> <p>28..... 42195</p> <p>32 (12 documents)..... 42196-42201</p> <p>PROPOSED RULES:</p> <p>216..... 42210</p> <p>PROPOSED RULES:</p> <p>1037..... 42221</p>
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**CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER**

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 September.

<b>1 CFR</b>		<b>9 CFR—Continued</b>		<b>15 CFR—Continued</b>	
410.....	42306	PROPOSED RULES:		PROPOSED RULES:	
		113.....	41139	80.....	42209
<b>3 CFR</b>		317.....	41139		
PROCLAMATIONS:		319.....	41139	<b>16 CFR</b>	
4385.....	41989	<b>10 CFR</b>		4.....	40780
4386.....	41991	50.....	40816	13.....	40143-
4387.....	42165	205.....	40141	40154, 40508, 41071-	41081, 41756-
4388.....	42167	210.....	40818	41758, 42201-42203	
4389.....	42169	211.....	40821	259.....	42003
EXECUTIVE ORDERS:		212.....	40824	1116.....	42004
July 2, 1910 (Revoked in part by		213.....	40143	PROPOSED RULES:	
PLO 5512).....	40162	RULINGS:		453.....	42212
(Revoked in part by PLO		1975-9.....	40826	454.....	41144
5517).....	40814	1975-10.....	40826	1014.....	42025
1959 (Revoked in part by PLO		1975-11.....	40827	<b>17 CFR</b>	
5515).....	40811	1975-12.....	40828	17.....	41117
7594 (Revoked in part by PLO		1975-13.....	40831	18.....	41117
5515).....	40811	1975-14.....	40833	146.....	41056
7595 (Revoked in part by PLO		1975-15.....	40832	200.....	40512
5515).....	40811	1975-16.....	40834	201.....	42186
11861 (Amended by EO 11877).....	40797	<b>11 CFR</b>		240.....	40512, 41520
11864 (Superseded by EO 11877).....	40797	Ch. I.....	40668	249.....	40512, 41521
11876.....	40501	PROPOSED RULES:		270.....	41759
11877.....	40797	113.....	41932	PROPOSED RULES:	
MEMORANDUMS:		<b>12 CFR</b>		210.....	40550
Memorandum of August 17, 1975.....	40139	213.....	40506	230.....	40555
<b>4 CFR</b>		215.....	40506	231.....	42212
PROPOSED RULES:		523.....	41755, 41996	239.....	42212
410.....	41801	545.....	41756	240.....	40858, 41808, 42212, 42219
<b>5 CFR</b>		563.....	41997	241.....	42212
213.....	41755, 41993	603.....	40454	249.....	40858
<b>7 CFR</b>		701.....	41090	259.....	42212
25.....	42171	703.....	41997	270.....	40555, 41818
25A.....	42171	760.....	41998	PROPOSED RULES:	
2.....	41085, 41993	PROPOSED RULES:		35.....	42029
354.....	41513	9.....	40859	154.....	41539
725.....	41513	202.....	42030	157.....	41539
908.....	40505, 40815, 41855, 42171	208.....	40857	201.....	41539
910.....	41086	337.....	40548, 41530	260.....	41539
915.....	41993	341.....	40856	<b>18 CFR</b>	
919.....	41994	<b>13 CFR</b>		1.....	42005
982.....	41994	123.....	42180	2.....	41760, 42005
989.....	40141	<b>14 CFR</b>		157.....	41769
1421.....	41087	37.....	42183	PROPOSED RULES:	
1434.....	41087	39.....	41090-41092, 41519, 42180	35.....	42029
1801.....	42178	71.....	41520, 41998, 42180	154.....	41539
1822.....	42178	73.....	41092	157.....	41539
1842.....	42179	95.....	42181	201.....	41539
1843.....	42179	97.....	41092	260.....	41539
PROPOSED RULES:		121.....	42183, 42185	<b>19 CFR</b>	
1.....	40849	171.....	41093	112.....	41084
51.....	40522	378a.....	41093	148.....	41084
201.....	40524	PROPOSED RULES:		PROPOSED RULES:	
910.....	40528	39.....	41143, 41537, 42023	12.....	41118
927.....	42023	67.....	42024	201.....	40173
931.....	40170	71.....	42025	210.....	40173
948.....	40528	385.....	40816	<b>20 CFR</b>	
982.....	40836	<b>15 CFR</b>		200.....	41084
989.....	40842	371.....	40507	260.....	41084
1046.....	40843, 42023	377.....	40507	405.....	42006
1464.....	41530	903.....	41998	PROPOSED RULES:	
<b>9 CFR</b>				405.....	40171, 40537, 40850
54.....	40505			<b>21 CFR</b>	
73.....	42179			Ch. I.....	40520
91.....	40506			121.....	40799, 41085
78.....	41516			431.....	41522
112.....	41994			436.....	41522
113.....	41088, 41994			449.....	41523
				452.....	41773

FEDERAL REGISTER

21 CFR—Continued

510	42007
522	42007
540	42007
556	41085
561	41773
1010	40800
1040	40800

PROPOSED RULES:

1	40682
2	40682
5	40682
6	40682
8	40682
10	40682
11	40682
80	40682
90	40682
100	40682
102	40682
121	40529, 40682, 41797
202	40682
310	40682
312	40682
314	40682
328	40682
330	40682
429	40682
430	40682
431	40682
433	40682
511	40682
514	40682
601	40682
640	41799
701	40682
1003	40682
1004	40682
1210	40682

22 CFR

PROPOSED RULES:

6a	40456
----	-------

23 CFR

658	41774, 42186
710	41523

24 CFR

280	42061, 42007
570	41509
888	40513
1914	41509, 42009
1915	41510
1917	41108, 41115
1920	41115, 41116

25 CFR

PROPOSED RULES:

33	40982
43h	42020
401	40982
402	40982
403	40982
404	40982
405	40982
406	40982
407	40982

26 CFR

PROPOSED RULES:

1	41118
---	-------

28 CFR

2	41328
---	-------

29 CFR

570	40800
1952	40155-40157
2530	41654

PROPOSED RULES:

603	40537
608	40537
609	40537
687	40537
1910	40170, 40849, 41530, 41797
1915	41530
1916	41530
1917	41530
1918	41530
1926	40170, 41530
1952	41148

30 CFR

77	41775
----	-------

PROPOSED RULES:

211	41122
216	41122

32 CFR

197	42186
-----	-------

PROPOSED RULES:

2102	40792
------	-------

33 CFR

117	41524, 42189
155	42189

PROPOSED RULES:

1	42210
117	41537
305	41636

35 CFR

PROPOSED RULES:

10	40485
----	-------

36 CFR

901	41524
1000	40802

PROPOSED RULES:

7	41138
903	41530

38 CFR

36	42190
----	-------

PROPOSED RULES:

3	41540
---	-------

40 CFR

52	40158-40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191
60	42194
61	42195
162	41788
180	40161
230	41292

PROPOSED RULES:

16	40792
35	41644
52	40172, 40854-40856, 42211
60	42028
126	41649
142	40538
162	40538
173	40545
180	41538
430	41298

41 CFR

8-2	40803
8-3	40803
14-3	40517
101-26	41093
114-42	40517

PROPOSED RULES:

14H-70	41025
60-5	41149

42 CFR

110	41095
-----	-------

43 CFR

PUBLIC LAND ORDERS:

2249 (Revoked in part by PLO 5515)	40811
4089 (Revoked in part by PLO 5515)	40811
4148 (Revoked in part by PLO 5515)	40811
4643 (Revoked in part by PLO 5511)	40162
4889 (Revoked in part by PLO 5515)	40811
5175 (Amended by PLO 5519)	40814
5180 (Amended by PLO 5519)	40814
5191 (Amended by PLO 5519)	40814
5394 (Amended by PLO 5519)	40814
5418 (See PLO 5519)	40814
5438 (Amended by PLO 5519)	40814
5511	40162
5512	40162
5513	40162
5514	40811
5515	40811
5516	40814
5517	40814
5518	40814
5519	40814
5520	40815
5521	40815
5522	41096
5523	41095
5524	41095
5525	41794
5526	42195

PROPOSED RULES:

4	42020
23	41122
3040	41122

45 CFR

30	40162
46	40163
100	41795
101	41795
169	40518
250	42013
1208	40805

PROPOSED RULES:

56	41140
160a	41670
233	41143
706	40783

46 CFR

Ch. 1	42195
32	40163
35	40163
50	40163
52	40163
53	40163
54	40163



FEDERAL REGISTER

46 CFR—Continued

56	40164
58	40168
63	40169
146	41795
410	41526
402	41526

47 CFR

2	40810
74	40810
91	40169

PROPOSED RULES:

2	42028
73	40172, 42028
91	42028

49 CFR

25	41040
171	41527
172	41527
173	41527
174	41527
175	41527
177	41527
178	41527

49 CFR—Continued

385	40810
Ch. V	41796, 42013
552	42013
553	42015
555	42015
1033	40518, 40519
1037	42221
1306	40518
1320	41528
1322	41528

PROPOSED RULES:

102	41537
107	41537
170	41537
171	40171, 40853, 40854, 41537
172	41537
173	41537
174	41537
175	41537
176	41537
177	41537
178	41537
179	41537
180	41537

49 CFR—Continued

PROPOSED RULES—Continued

181	41537
182	41537
183	41537
184	41537
185	41537
186	41537
187	41537
188	41537
189	41537
571	40537, 40853
1106	41153, 40854
1307	42033

50 CFR

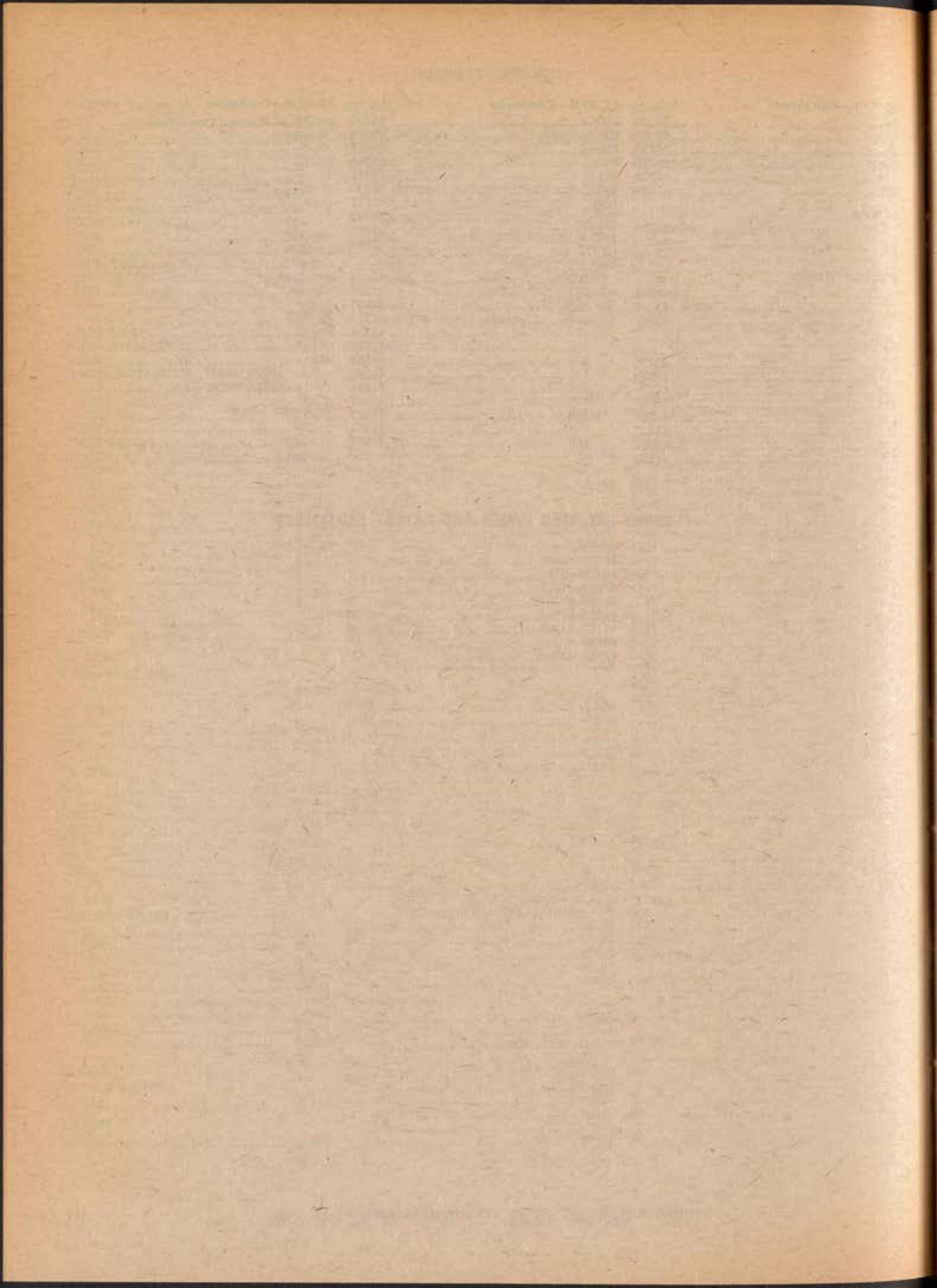
20	41096, 42015
28	41105, 42017, 42195
32	40519, 40520, 40811, 41105-41108, 42017, 42018, 42196-42201

PROPOSED RULES:

17	40521
216	41531, 42210
501	41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139-40500	2
40501-40795	3
40797-41070	4
41071-41507	5
41509-41754	8
41755-41988	9
41989-42163	10
42165-42314	11



# presidential documents

## Title 3—The President

PROCLAMATION 4387

### Fire Prevention Week, 1975

*By the President of the United States of America*

#### A Proclamation

The United States can ill-afford to continue to see its resources devoured by ruinous fires. The personal suffering and loss of life, and the destruction of our national wealth and production capabilities, are a needless drain on our Nation. We need to eliminate it.

A recent Bureau of Census survey of household fires indicates that annually one in every sixteen households has a fire which does or could have disastrous results. Most of these fires are avoidable—caused by needless and careless acts. Our national goal should be to achieve an annual reduction in fire deaths, injuries and property losses, cutting those losses in half within a generation. Every American can and must help to prevent these fires.

The business community has a special responsibility to provide fire-safe products. Builders, architects and engineers have a responsibility to provide fire-safe places in which to work and live. Local governments have a responsibility to enact and enforce adequate codes and encourage good fire prevention practices. And fire departments have important responsibilities in providing strong fire prevention programs in their communities, as well as to fight fires and save lives when all else fails.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 5, 1975, as Fire Prevention Week. I call upon each individual and family to participate in the programs of Fire Survival and Exit Drills In The Home to assure safe evacuation in emergencies; and for businesses to conduct year-round fire prevention to include emphasis of on-and-off-the-job applications of fire safety practices.

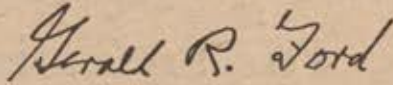
I also call upon the National Fire Protection Association, members of the Joint Council of National Fire Service Organizations, and other fire safety organizations to join with the National Fire Prevention and Control Administration in providing leadership and materials for a national fire prevention effort.

Local community and fire department organizations are asked to provide the direction and support necessary to assure that each home and business is invited to participate in Fire Prevention Week activities; and Federal agencies are asked to provide an example for the Nation by

## THE PRESIDENT

communicating fire-safe practices to all employees, and by cooperating in State and local activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

A handwritten signature in dark ink, reading "Gerald R. Ford". The signature is written in a cursive style with a large, prominent "G" and "F".

[FR Doc.75-24399 Filed 9-10-75;10:51 am]

## PROCLAMATION 4388

## Columbus Day, 1975

*By the President of the United States of America*

## A Proclamation

On October 13, we honor the great Italian navigator whose historic westward voyage blazed the way for the settlers from many lands who followed to build a new world.

Our admiration for the achievement of Christopher Columbus has not dimmed over the span of nearly five centuries. Sailing in the service of the Spanish Crown, whose vision and support made his journey possible, Columbus pursued his dream in the face of enormous challenges with an unshakable courage and faith that set an example for future generations of Americans.

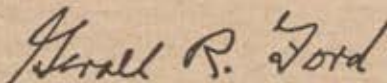
We can all take great pride, as we look forward to our Bicentennial celebrations, in honoring the memory of the epic accomplishments of Christopher Columbus which led to the development of the Americas and the founding of this great Nation.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657, 36 U.S.C. 146), as modified by the Act of June 28, 1968 (82 Stat. 250, 5 U.S.C. 6103(a) and note), requested the President to proclaim the second Monday in October of each year as Columbus Day.

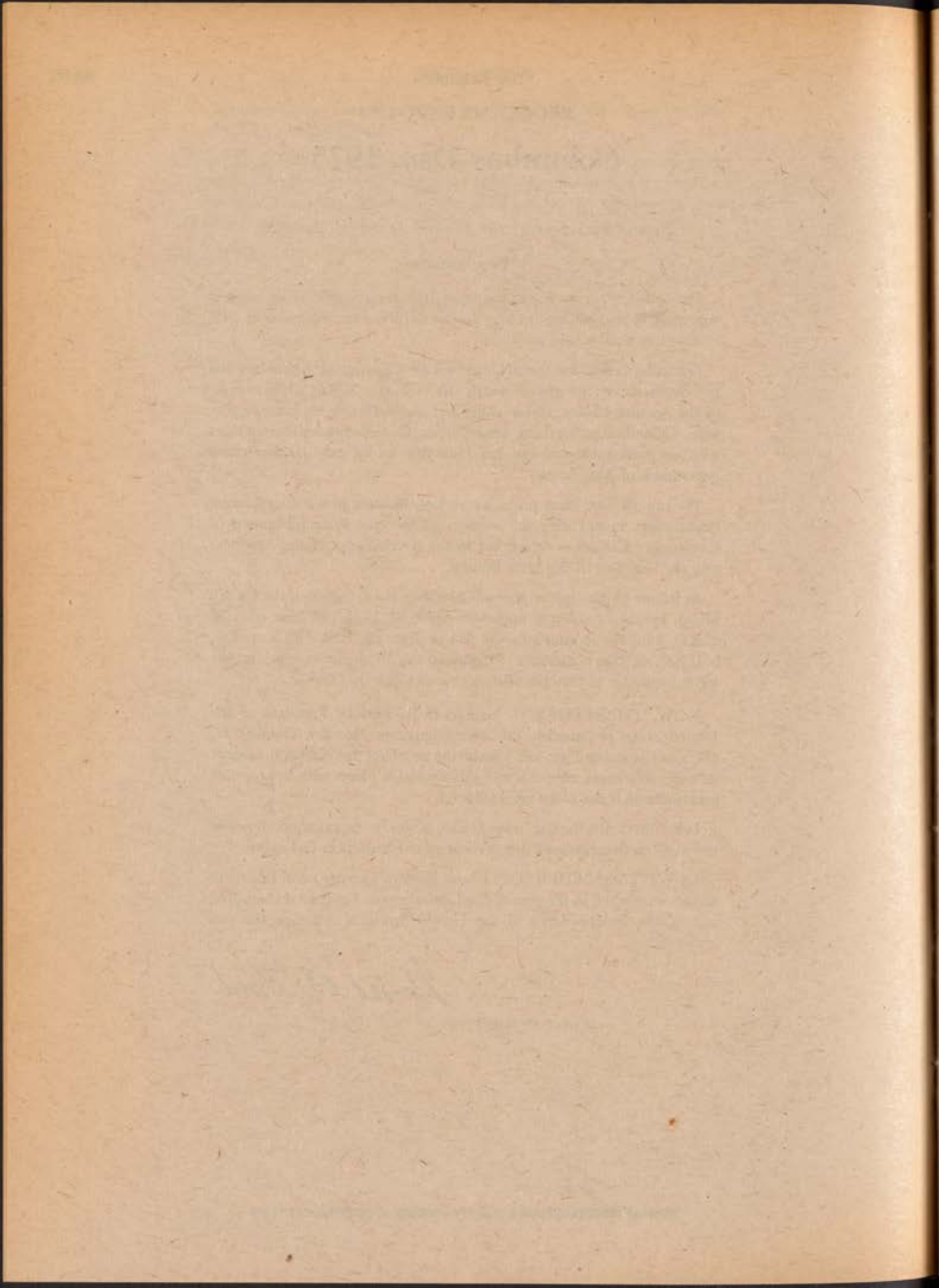
NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Monday, October 13, 1975, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.



[FR Doc.75-24400 Filed 9-10-75;10:52 am]



## PROCLAMATION 4389

## Veterans Day, 1975

*By the President of the United States of America*

## A Proclamation

Of all of the important days to be celebrated during America's Bicentennial, none is more worthy of special observance than Veterans Day. Had not the patriotic men and women, to whom we pay deserved and grateful tribute on Veterans Day, heard and answered freedom's call during the past 200 years, there would be no American Bicentennial of freedom.

From Lexington and Concord in 1775 to the present, these courageous, selfless patriots served and sacrificed and died so that their fellow-citizens could live under a government that still is in the full tide of successful experiment and still is the world's best hope.

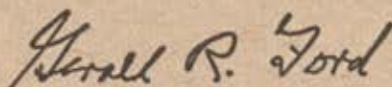
It is both fitting and proper that a legal holiday, designated by the Congress (5 U.S.C. 6103(a)), be set aside to honor our veterans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby invite and urge you, my fellow-Americans, to observe Monday, October 27, 1975, as Veterans Day. I commend public ceremonies as well as private contemplation as a meaningful expression of gratitude to our veterans for the priceless heritage of freedom which they have bequeathed to us.

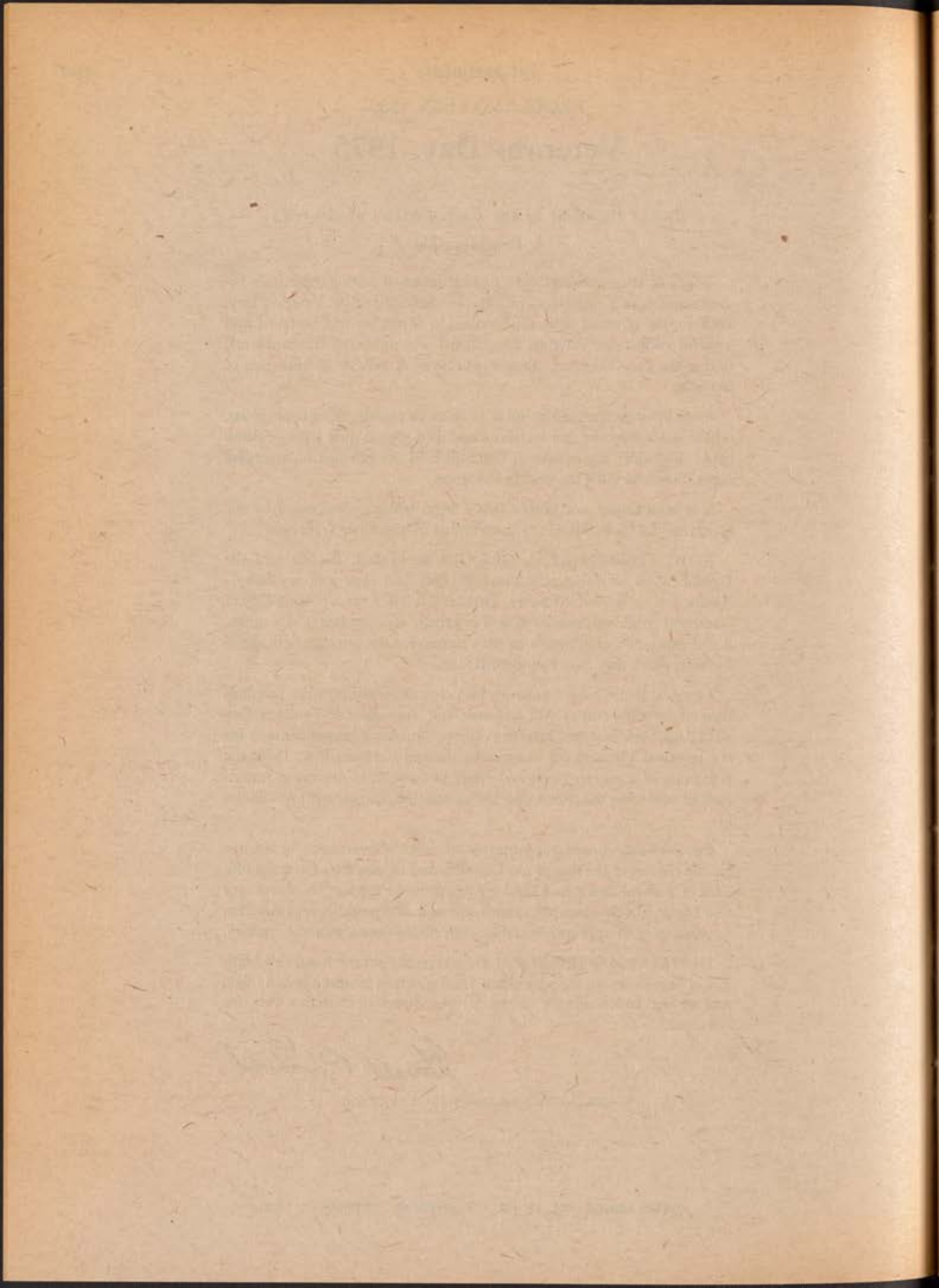
I suggest that disabled veterans in Veterans Administration hospitals throughout the country will welcome and appreciate a Veterans Day visit. And I ask that you help to evidence America's special concern for our returned Vietnam era veterans by making Veterans Day, 1975, the beginning of a renewed personal effort to assist these deserving Americans in achieving the fullest and fastest possible readjustment to civilian life.

Finally, I call upon the appropriate officials of Government to arrange for the display of the flag of the United States on this day. I request officials of Federal, State and local governments to support its observance and I urge schools, churches, unions and civic and patriotic organizations to participate in appropriate public ceremonies throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.



[FR Doc. 75-24401 Filed 9-10-75; 10:53 am]





# rules and regulations

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

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

## Title 7—Agriculture

### SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

#### PART 25—ADVISORY COMMITTEE MANAGEMENT

#### PART 25A—OTHER COMMITTEE MANAGEMENT

Pursuant to the authority delegated to me by the Secretary of Agriculture (37 FR 28471) to maintain Department-wide policies and procedures for the management of committees, the following is announced.

On March 3, 1975, notice was given in the FEDERAL REGISTER (40 FR 8824) of a proposal to add new Parts 25 and 25A to Title 7, Code of Federal Regulations. As a result of comments received, Part 25 now sets forth guidelines and procedures to be followed by Departmental agencies for the establishment, operation, duration and public accessibility to advisory committees under its jurisdiction. Part 25A provides guidelines and procedures for the establishment, operation and duration of all other committees, except advisory committees, under the jurisdiction of the Department.

As a result of the comments received, the following changes were made:

1. Additional wording has been included in § 25.11(b) (6) allowing officials other than agency committee management officers to sign charters for regional, State, and local committees.
2. Deleted the portion of § 25.12(a) pertaining to committees which terminated on January 5, 1975.
3. Deleted § 25.12(b) (2) (A) which also pertained to the committees which expired on January 5, 1975.
4. Included additional wording in § 25.15(d) to further clarify the meaning of financial interest of proposed members.
5. Strengthened the position on use of minorities and women as committee members by additional wording in § 25.15(e).
6. Removed the clearance requirement in § 25.16(a) for those proposed members not appointed by the Secretary.
7. Incorporated the material contained in § 25.18 in § 25.17 which was retitled.
8. Renumbered § 25.19-21 to § 25.18-20.
9. Section 25.20(n) has been amended to allow each agency to dispose of its committee records in accordance with their disposal schedule.
10. Section 25.24 has been amended to reflect the separate requirements for the comprehensive review and the annual report.
11. The requirement that agencies submit the Committee Control Record

for other committees (§ 25.42(a)) has been deleted.

Accordingly, with these changes and additions, the regulations are set forth below.

#### Subpart A—Purpose and Policy

- Sec.  
25.1 Purpose.  
25.2 Policy.  
25.3 Definitions.

#### Subpart B—Responsibilities

- Sec.  
25.7 Department.  
25.8 Agencies.

#### Subpart C—Establishment and Renewal of Advisory Committees

- Sec.  
25.11 Establishment of Advisory Committees.  
25.12 Duration and Renewal of Advisory Committees.

#### Subpart D—Membership and Meeting Procedure

- Sec.  
25.15 General Procedure.  
25.16 Clearance of Advisory Committee Members.  
25.17 Appointment of Members.  
25.18 Pay Guidelines.  
25.19 Meetings.  
25.20 Disclosure of Official Information to Public Members.

#### Subpart E—Reporting and Records

- Sec.  
25.24 Annual Reporting and Comprehensive Review.  
25.25 Reports Issued by Advisory Committees.  
25.26 Committee Control System.  
25.27 Financial Records.

#### Subpart F—Exceptions

- Sec.  
25.30 Exceptions.

AUTHORITY: 5 U.S.C. 301; Sec. 8, Stat. 773, 5 U.S.C. App. I.

#### Subpart A—Purpose and Policy

##### § 25.1 Purpose.

The regulations in this Part provide guidelines and procedures for the establishment, operation, duration and accessibility to the public of advisory committees under the jurisdiction of the Department of Agriculture.

##### § 25.2 Policy.

In addition to complying with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770, 5 U.S.C. App. I) and Office of Management and Budget Circular A-63, Revised, requirements with respect thereto, it shall be the policy of this Department to maintain control over the establishment and use of all advisory committees. The provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, and all regulations issued by the Office of Management and Budget, the Department, and applicable Department agency shall apply to all advisory committees,

unless otherwise provided by law. The number of such committees shall be held at the absolute minimum required for effective program operation and compliance with various provisions of law.

##### § 25.3 Definitions.

As used herein, terms are defined as follows:

(a) *Advisory Committee.* Any committee, subcommittee, board, commission, council, conference, panel, task force, or similar group, subgroup, or body which is not composed wholly of full-time officers or employees of the Federal Government and which is established or utilized in the interest of obtaining advice or recommendations for one or more agencies or officers of the Federal Government.

(1) *Non-statutory Advisory Committee.* Any advisory committee established or utilized by the President or a Government official, including an advisory committee authorized, but not established, by a Federal Statute.

(2) *Statutory Advisory Committee.* Any advisory committee established by an Act of Congress. (If the statute directs the Secretary to establish an advisory committee, it is a statutory committee since the Secretary has no discretion in its establishment.)

#### Subpart B—Responsibilities

##### § 25.7 Department.

(a) The Assistant Secretary for Administration is the Advisory Committee Management Officer of the Department. He is responsible for:

(1) Exercising control and supervision over the establishment, procedures, and accomplishments of advisory committees;

(2) Assigning responsibility for the assembling and maintenance of the reports, records, and other papers of advisory committees; and

(3) Carrying out, on behalf of the Department, the provisions of section 552 of Title 5, United States Code, with respect to such reports, records, and other papers. To carry out these responsibilities and to evaluate advisory committee activities, the Advisory Committee Management Officer shall hold periodic review meetings, but not less than one per year. The review meetings shall include the Deputy Under Secretary. Agency personnel shall attend as requested.

(b) The Office of Management and Finance provides staff assistance for the Advisory Committee Management Officer by:

(1) Maintaining systematic information on the nature, functions and operations of each Department advisory com-

mittee, including a complete set of charters and the annual reports for advisory committees;

(2) Filing advisory committee charters with appropriate House and Senate committees, the Library of Congress, and the Office of Management and Budget;

(3) Maintaining committee control records for advisory committees (see Subpart E of this part).

(4) Complying with advisory committee management reporting requirements;

(5) Providing advice and guidance on the establishment, renewal, utilization, management, and reporting of all advisory committees throughout the Department; and

(6) Scheduling periodic review meetings of advisory committee procedures and providing adequate notification to those who will attend.

#### § 25.8 Agencies.

The head of each agency engaged in advisory committee activity shall be responsible for providing an orderly procedure for:

(a) Establishing or terminating advisory committees and providing guidelines for the selection of members;

(b) Adhering to the law and regulations governing the use of advisory committees;

(c) Designating for each advisory committee a central location for the assembling and maintenance of the reports, records, and other papers of the advisory committee for public inspection and copying;

(d) Conducting periodic reviews of advisory committee activities (see Subpart E of this part);

(e) Maintaining an adequate advisory committee control system. This includes maintaining records of all advisory committees sponsored by the agency; and

(f) Submitting Committee Control Records (Form AD-241) for all advisory committees (see Subpart E of this part).

#### Subpart C—Establishment and Renewal of Advisory Committees

#### § 25.11 Establishment of Advisory Committees.

(a) *Policy on Establishment.* The following policy shall govern the establishment of any advisory committee.

(1) No advisory committee shall be established within the Department unless:

(i) It has been specifically authorized by statute or Presidential directive, or determined as a matter of formal record by the Secretary or appropriate Assistant Secretary or Director of Agricultural Economics to be in the public interest.

(ii) It has been established in accord with these regulations.

(iii) Prior consultation with the Office of Management and Budget has been accomplished.

(iv) Timely notice of the intent to establish the advisory committee is published in the FEDERAL REGISTER.

(v) It has been determined that the functions of the advisory committee are

not being and could not be performed by an existing agency or advisory committee.

(vi) The purpose of the advisory committee has been clearly defined.

(2) An annual report for each advisory committee shall be prepared by the agency providing support services. This report shall describe the committee's membership, functions, and actions.

(3) Unless provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Decisions regarding actions or policies relating to matters dealt with by an advisory committee shall be made solely by an official of the Government.

(b) *Procedure for Establishment—(1) Obtaining Approval.* An agency desiring to establish an advisory committee that is not specifically established by statute or by the President shall first consult with and obtain the approval of the appropriate Assistant Secretary or Director of Agricultural Economics.

(i) If the Assistant Secretary or Director approves, that agency shall prepare a letter for the signature of the Advisory Committee Management Officer, to the Director, Office of Management and Budget, containing the following:

(A) The nature and purpose of the proposed advisory committee and the reasons why it is needed.

(B) An explanation of why the functions could not be performed by the agency or by an existing advisory committee.

(C) A description of the agency's plan to attain balanced membership on the proposed advisory committee.

(D) A statement that notice of the action will be published in the FEDERAL REGISTER.

(E) A statement that establishment is in the public interest in connection with the work of the Department.

(F) A request for Office of Management and Budget concurrence in the Department's decision to establish the advisory committee.

(ii) A draft copy of the charter for the proposed advisory committee will be submitted with the letter.

(iii) This letter shall be submitted to the Office of Management and Budget. The Office of Management and Budget is responsible for obtaining Departmental clearances and signature of the letter, and forwarding it to the Office of Management and Budget.

(iv) The Office of Management and Budget shall notify the Assistant Secretary or Director and the agency by memorandum as to whether the Office of Management and Budget concurs in the decision to establish the advisory committee.

(2) *Preparation of Federal Register Notice.* (i) If the Office of Management and Budget concurs, the agency providing support services shall then prepare, for publication in the Federal Register, a notice advising the public of the Department's intent to establish the advisory committee. The notice shall state

the name and purpose of the advisory committee, a statement that it is in the public interest to establish the advisory committee in connection with the duties of the Department, and the name and address of the agency official to whom the public may submit comments. The Advisory Committee Management Officer shall sign notices for national advisory committees. Notices for regional, state, and local advisory committees shall be signed by an official of the agency providing support services. All notices shall receive clearance by the Office of Management and Finance prior to signature.

(ii) In the case of advisory committees specifically established by statute or by the President, neither approval by the Office of Management and Budget nor Federal Register notice of intent to establish said advisory committee is required.

(3) *Preparation of Establishment Document.* The agency providing support services shall prepare an establishment document as follows:

(i) For a national advisory committee (one operating on a national basis), the establishment document shall be in the form of a numbered Secretary's Memorandum. The document shall include:

(A) Name, clearly defined purpose, and functions of the advisory committee.

(B) Statement of reasons why the advisory committee is necessary, and statutory authorization, if any.

(C) Titles and/or names of the chairman, vice-chairman and executive secretary and a statement designating the Department employee to attend the meeting if the chairman or vice-chairman are not Department employees. National advisory committees shall be chaired by an official from the Office of the Secretary with an agency official as vice-chairman, unless another arrangement is approved by the Advisory Committee Management Officer (see § 25.19(b)).

(D) Statement that the advisory committee will terminate in two years, unless otherwise provided by statute.

(E) Statement that establishment of the advisory committee is in the public interest in connection with duties imposed on the Department by law.

(F) Statement concerning the plan to achieve balanced membership on the advisory committee (§ 25.15).

The document shall be routed to the Office of Management and Finance through the Office of the General Counsel.

(G) Names or titles of committee members or a statement as to who will appoint them.

(ii) Regional, State, and local advisory committees shall be established by the appropriate Assistant Secretary or Director of Agricultural Economics. The establishment document shall be in the form of an unnumbered Secretary's Memorandum. The document shall include:

(A) Name, clearly defined purpose, and functions of the advisory committee.

(B) Statement of reasons why the advisory committee is needed and statutory authorization, if any.

(C) Titles and/or names of the chairman, vice-chairman and executive secretary and a statement designating the Department employee to attend the meeting if the chairman or vice-chairman are not Department employees (§ 25.19).

(D) Statement that the advisory committee will terminate in two years, unless provided otherwise by statute.

(E) Statement that establishment of the advisory committee is in the public interest in connection with duties imposed on the Department by law.

(F) Statement concerning the plan to achieve balanced membership on the advisory committee (§ 25.15).

(G) Names or titles of committee members or a statement as to who will appoint them.

(4) *Preparation of charter.* Before an advisory committee meets or takes any action, the agency providing support services for the advisory committee shall prepare a charter. The original and four copies of this charter shall be submitted to the Office of Management and Finance no sooner than 15 days following publication of the notice in the FEDERAL REGISTER provided above. The charter shall contain:

(i) The advisory committee's official designation.

(ii) The advisory committee's objectives and the scope of its activity.

(iii) The period of time necessary for the advisory committee to carry out its purposes.

(iv) The agency or official to whom the advisory committee reports.

(v) The agency responsible for providing the necessary support for the advisory committee.

(vi) A description of the duties for which the advisory committee is responsible and, if such duties are not solely advisory, a specification of the authority for such functions.

(vii) The estimated annual operating costs in dollars and man-years.

(viii) The estimated number and frequency of advisory committee meetings.

(ix) The advisory committee's termination date, if less than two years from the date of the advisory committee's establishment.

(x) Space for the "date of filing" to be filled in by the Office of Management and Finance.

(5) *Establishment document as charter.* The establishment document shall serve as the charter if it contains the required information. If it does not, a separate document entitled "Charter of \_\_\_\_\_ Advisory Committee" shall be prepared and submitted to the Office of Management and Finance.

(6) *Signing of charter.* The Advisory Committee Management Officer shall sign charters for national advisory committees when the charter is not included in the establishment document. Charters for regional, State, and local committees shall be signed by the agency committee management officer or other agency official having responsibility for the com-

mittee when the charter is not included in the establishment document.

(7) *Filing of charter.* The Office of Management and Finance shall file the charters with the appropriate House and Senate Committees, the Library of Congress, and the Office of Management and Budget, and notify the agency providing support services when this has been done.

(c) *Termination of approval to establish Advisory Committee.* If an advisory committee is not established within one year from the date on which Office of Management and Budget concurred in its establishment, the approval to establish said committee shall be considered terminated unless the Advisory Committee Management Officer grants an extension. In no case shall the approval extend beyond two years from the date on which the Office of Management and Budget concurred in the establishment of the advisory committee. The policy governs both the establishment and the renewal of advisory committee.

§ 25.12 Duration and renewal of Advisory Committees.

(a) Unless otherwise provided for by law, each advisory committee shall terminate not later than two years after its establishment or renewal unless it is renewed prior to that time by appropriate action. Unless provided otherwise by the establishing authority, the duration of a subgroup shall be the same as that of the parent committee.

(b) No advisory committee shall be renewed unless it is clearly demonstrated that the committee provides advice necessary to the operation of the Department which can be obtained in no other way.

(1) *Non-statutory Advisory Committees.* Not more than 60 days before the scheduled date of termination, the agency providing support services and desiring to renew a non-statutory advisory committee shall consult with and obtain the approval of the appropriate Assistant Secretary or Director of Agricultural Economics.

(i) If the Assistant Secretary or Director approves, the agency providing support services shall prepare a letter for the signature of the Advisory Committee Management Officer, to the Director Office of Management and Budget. The policy and procedure provided for in § 25.11 (a), (b), and (c) for establishing an advisory committee apply to renewal of an advisory committee, except that the renewal document shall be signed before the Federal Register notice is published.

(ii) Any request to the Office of Management and Budget for approval to renew an advisory committee submitted less than 30 days before the expiration date or after the expiration date of the advisory committee shall be treated for all purposes as a request to establish a new advisory committee.

(2) *Statutory Advisory Committees.* Statutory advisory committees shall terminate in accordance with § 25.12.

(i) The charter for a statutory advisory committee whose termination as

provided for by law is in excess of two years shall be filed when the committee is established and upon the expiration of each successive two-year period, if any, following the date of enactment of the statute establishing the advisory committee.

(ii) No advisory committee required to file a new charter shall take any action, other than preparation and filing of such charter, between the date the new charter is required and the date it is filed.

Subpart D—Membership and Meeting Procedure

§ 25.15 General Procedure.

(a) The membership of an advisory committee shall be "fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee" (sec. 5(b)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I). In addition, committee members shall be appointed with a view toward safeguarding against any special interest inappropriately influencing the advisory committee.

(b) Members shall not serve on more than one advisory committee at any one time unless prior approval is obtained from the Advisory Committee Management Officer. Requests for multiple membership shall be submitted in writing through the Office of Management and Finance. Appointment of new members in the event of vacancies shall be for the unexpired period of the committee. Committee appointments expire when the committee is terminated in accordance with § 25.12. The appointing authority may, however, terminate an appointment at an earlier time.

(c) In the event the advisory committee is extended for another two-year period, the membership shall be reconstituted. Appointment of new members shall provide for rotation to the extent feasible and practicable, but reappointments may be made to assure effectiveness and continuity of operations consistent with the above constraints.

(d) It shall be the responsibility of the agency providing support services to insure that no person selected as a member of an advisory committee is engaged in employment or has a financial interest which is deemed likely to affect the integrity of his service on the committee.

(e) There shall be no discrimination on the basis of race, color, national origin, religion, or sex in the selection of members. Minorities and women will be represented on committees in reasonable proportion to the degree they are affected by the work of the committee.

§ 25.16 Clearance of Advisory Committee Members.

(a) *Policy.* A background clearance is required for all proposed advisory committee members to be appointed by the Secretary except those who are Federal employees.

(b) *Procedures.* (1) The agency which provides support services shall submit for each prospective appointee a biographical sheet showing, at a minimum, the

person's name, date and place of birth, company affiliation, title of position, name of parent company if appropriate, business address, residence address, a brief statement of his current business or profession, and past achievements. Clearance procedures will not be instituted if biographical data is insufficient to permit a complete background review.

(2) An original and three copies of the above information shall be sent to the Deputy Under Secretary.

(3) The procedures described above shall be utilized for both existing and prospective members when an advisory committee is renewed. Therefore, names and biographical data of members should be submitted for clearance when a request for renewal is forwarded.

(4) No direct contact shall be made with prospective appointees by agency officials until clearance is obtained.

#### § 25.17 Appointment of members.

(a) *Authority.* National and/or statutory advisory committee members shall be appointed by the Secretary. Regional, State, and local advisory committee members shall be appointed by the agency official responsible for the committee, unless determined otherwise by the Department's Committee Management Officer.

(b) *Invitation to Serve on National Advisory Committees.* Letters of invitation shall be prepared for the signature of the Secretary by the agency providing support services and shall include:

- (1) Purpose of the advisory committee.
- (2) Name of the chairman.
- (3) Frequency of meetings, if known.
- (4) Location of meetings, if known.
- (5) Travel and per diem allowances, if applicable.
- (6) Expiration date of appointment.

The agency shall provide appropriate followup where letters of invitation have been issued and no response is received within 21 days of the date the invitation was mailed.

(c) *Certificates of Appointment.* For national advisory committees, a Certificate of Appointment, signed by the Secretary, shall be presented to each member. The responsible agency shall have the certificates engrossed with the name of the appointee and the committee. Form AD-73 (Request for Art and Graphic Services), together with the certificates and the information to be engrossed, shall be submitted to the Art and Graphics Division, Office of Communication. The certificates may be requisitioned from the Records and Distribution Division, Office of Operations. The agency shall arrange for presentation of the certificates either by mail at the time of appointment or at the next meeting of the committee.

#### § 25.18 Pay guidelines.

Unless otherwise specifically provided by law, members of advisory committees shall receive no compensation but may receive travel and per diem allowances in accordance with Departmental regula-

tions. If a statute provides for compensation to members of an advisory committee but does not specify a rate of compensation, the agency which provides support services shall review the significance, scope and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of its members and shall recommend to the Advisory Committee Management Officer the rate of pay for the members. This recommendation shall be forwarded, in duplicate, through the Office of Management and Finance. If approved, the original shall be endorsed by the Advisory Committee Management Officer and returned to the agency. The rate of pay may not be higher than the daily equivalent of the maximum rate for GS-15.

#### § 25.19 Meetings.

Advisory committee meetings shall be subject to the following provisions:

(a) No meeting shall be held except at the call of, or with the advance approval of, a designated Department official and with an agenda approved by such official. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting will concern matters within the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)).

(b) Committees shall meet under the chairmanship of, or in the presence of, a Department official who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest. No committee shall conduct a meeting in the absence of the Department official designated in the establishment document to chair or attend the meeting.

(c) The Department shall maintain an open-door policy with respect to meetings. Meetings will be open to the public except when a determination is made in writing by the Secretary that the meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b), and that the public interest requires such activities to be withheld from disclosure.

(d) If an advisory committee seeks to have all or part of a meeting closed on the basis of an exemption contained in 5 U.S.C. 552(b), the agency providing support services shall prepare a determination for the Secretary's signature, stating that it is essential to close the meeting and the specific reasons for closing all or part of the meeting. Such determination shall be accompanied by any additional explanation of the facts and reasons why the meeting should be closed as are pertinent. This determination, in duplicate, and accompanying explanation shall be forwarded to the Advisory Committee Management Officer, through the Office of the General Counsel and the Office of Management and Finance, at least 45 days before the scheduled meeting.

(e) Only the Secretary has the authority to close a meeting or a part of a meeting.

(f) Requests to close meetings shall be prepared on a case-by-case basis.

(g) The closing of a meeting or any portion of a meeting may be reviewed by the Advisory Committee Management Officer after the meeting is held. If it is determined that a meeting or any portion of a meeting was closed inappropriately, corrective action may be taken.

(h) Timely notice of all meetings, both open and closed, shall be published in the Federal Register. The agency providing support services shall be responsible for preparation of the notice and submitting it to the Federal Register in sufficient time to allow for publication at least 15 days in advance of the meeting. Shorter notice may be provided in emergency situations and the reasons for such emergency exceptions shall be made part of the meeting notice. The agency providing support services should normally start processing meeting notices no later than 30 days before the meeting is scheduled to allow for clearance within the Department and handling time at the FEDERAL REGISTER. The notice shall contain:

(1) The name of the advisory committee.

(2) The time and purpose of the meeting, including a summary of the agenda or the person from whom it may be obtained.

(3) The extent to which the public will be permitted to attend or participate in the meeting.

(4) Statement that the meeting is open and the place where the meeting will be held or, if the meeting is to be closed, an explanation of why it is closed.

(5) The name of the person to whom written comments may be made.

(i) In addition, a press release containing all the above information shall be prepared announcing all committee meetings at least 15 days in advance of the meetings. For national committee meetings, the agency providing support services shall provide this release to the Office of Communication at least 20 days prior to the meeting date. The Office of Communication shall make the release available to the appropriate media. Releases announcing regional, State, and local advisory committee meetings shall be furnished by the agency providing support services to the local media.

(j) The Director, Office of Management and Budget, may waive the requirement of notice of meeting if he determines otherwise for reasons of national security. If such a determination is desired, the agency providing support services shall prepare a letter to the Director for the Secretary's signature. This request, stating the reasons, shall be submitted to the Advisory Committee Management Officer, through the Office of the General Counsel and the Office of Management and Finance, no later than 45 days prior to the meeting. If the Director determines that public notice would be inconsistent with national security, the meeting shall be closed to the public.

(k) The agency that provides support services to the committee is responsible for complying with the following rules

regarding open or partially-open meetings:

(1) The meeting shall be held at a reasonable time and at a place that is reasonably accessible to members of the public.

(2) The size of the meeting room shall be large enough to accommodate the committee members, its staff, and those members of the public who could reasonably be expected to attend.

(3) Any member of the public shall be permitted to file a written statement with the committee before or at a reasonable time following the meeting.

(4) Interested persons may be permitted by the committee chairman to speak at the meeting in accordance with procedures established by the committee.

(1) Detailed minutes shall be kept of all meetings. The chairman or the designated Department employee shall certify to the accuracy of the minutes, which shall include at least the following items:

(1) The time and place of the meeting.

(2) A list of committee members, committee staff, and Department employees present.

(3) A complete summary of all matters discussed and conclusions reached.

(4) Copies of all reports received, issued, or approved by the advisory committee.

(5) A description of the extent to which the meeting was open to the public.

(6) A description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number who attended the meeting.

(m) The records, reports, transcripts, working papers, etc., of all open committee meetings shall be available for public inspection and copying. If a portion of a meeting was closed, the minutes of the open portion shall be available to the public.

(n) Committee records shall be maintained by the agency providing support services for the life of the committee and disposed of in accordance with that agency's records disposal schedule.

(o) If transcripts are made of a meeting, they shall be available within a reasonable period of time following the meeting.

(p) Advice or recommendations of the committee shall be given only with respect to matters covered in the record of the committee's proceedings.

(q) When the meeting ends, a press release shall be issued and/or a briefing held for the news media. The Department shall provide such appropriate additional information as may be requested. The responsibility for the release or briefing rests with the chairman of the advisory committee (or the designated Department representative) working with the agency information person assigned to the meeting and with the Department's Office of Communication.

#### § 25.20 Disclosure of official information to public members.

Certain types of information classified under security regulations, or specially restricted by law or Presidential

directives, may not be disclosed to members of advisory committees. However, material otherwise restricted "FOR OFFICIAL USE ONLY" may, in some circumstances, be made available when essential to the transaction of committee business. When making material available to committee members, it must be clearly understood that all material presented for review at an open committee meeting is to be available for public inspection and copying. Therefore, good judgment must be exercised to assure:

(a) That presentation of the information is essential.

(b) That risk of consequences adverse to the public interest has been carefully weighed.

#### Subpart E—Reporting and Records

##### § 25.24 Annual Reporting and Comprehensive Review.

(a) The Department shall submit an annual report to the General Services Administration by February 1 for preparation of the annual report required by the Federal Advisory Committee Act. The reporting period is the calendar year. The General Services Administration will provide exact instructions, but at least the following information must be included:

(1) Exact name of advisory committee.

(2) The date of and authority for its establishment.

(3) Whether the committee is ad hoc (less than 12 months), continuing, or Presidential.

(4) The termination date or the date it is to make a report.

(5) Brief statement of function.

(6) Actual dates of all meetings.

(7) Title(s) and date(s) of report(s) submitted, if any.

(8) Summary of the total number of advisory committee meetings and the number of closed or partially closed meetings, including a recapitulation of the exemptions of the Freedom of Information Act used as basis for closed meeting.

(9) If an advisory committee has had closed or partially closed meetings, a summary of its activities and such related matters, which are informative to the public and consistent with 5 U.S.C. 552(b) should be included in its annual report.

(10) Names and occupations of current members.

(11) Total number of committee members, number of female members, and number of members by ethnic composition.

(12) Estimated total aggregate annual cost to the Government to fund, service, supply and maintain the committee.

(b) If meetings of an advisory committee have been entirely or partially closed, the agency that provides support services to the committee shall prepare, for Federal Register publication, a notice of the availability of the annual report for that committee no later than 60 days after the report's completion. The notice shall include instructions which allow the public access to the report.

(c) A comprehensive review shall be conducted by the agencies and the results forwarded to the Office of Management and Finance by November 15 of each year. The review shall cover the most recent 12-month period of the committee's work. The report shall contain:

(1) Recommendations of advisory committees to be continued.

(1) Justification should be included for each committee to be continued, making reference to:

(A) The number of meetings held.

(B) The number of reports or recommendations submitted.

(C) An evaluation of the substance of the reports or recommendations relative to agency programs.

(D) An evaluation of the agency utilization of such reports and recommendations.

(E) Whether information or recommendations could have been obtained from other sources within the agency or an existing advisory committee and the degree of duplication, if any.

(F) Estimated annual cost.

(2) A list of advisory committees whose responsibilities should be revised.

(3) A list of advisory committees to be merged with other advisory committees.

(4) Recommendations of advisory committees to be terminated.

##### § 25.25 Reports Issued by Advisory Committees.

The agency that provides support services will forward eight copies of any report issued by an advisory committee, at the time it is issued, to:

Library of Congress Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540

This requirement excludes minutes of meetings, material exempt under 5 U.S.C. 552(b), and the annual report prepared for submission to the General Services Administration (§ 25.24). If appropriate, background papers prepared for use of the committee may also be provided to the Library of Congress.

##### § 25.26 Committee Control System.

(a) *Responsibility.* (1) Each agency head shall designate an official to be responsible for the maintenance of central control records of all advisory committees which the agency sponsors or for which it provides support services. Such information shall be kept current at all times and agencies shall be prepared to furnish such information upon request.

(2) Each agency sponsoring an advisory committee shall provide the support services for that committee. The Secretary shall designate the agency which will provide support services for advisory committees established or authorized by statute.

(b) *Submission of Committee control record (AD-241).* (1) To provide current and uniform information on all advisory committees in the Department and of interest to the Department, a Department-wide uniform Committee Control Record (AD-241) shall be used for:

## RULES AND REGULATIONS

(i) Department records maintained in the Office of Management and Finance.

(ii) Agency committee control records. Each agency, through the official responsible for committee management, shall submit an original and one copy of a complete Form AD-241, Committee Control Record, to the Office of Management and Finance for each advisory committee for which it provides support services.

(2) As committees are established or renewed, agencies shall submit a Form AD-241 to the Office of Management and Finance. When changes are made on established committees in individual memberships, addresses, or expiration dates, agencies shall submit a Form AD-241 to the Office of Management and Finance with only blocks 1, 2, and 4 completed and showing and identifying in block 14 the specific change(s) made. Agencies shall submit this form within 15 days after a change occurs. Form AD-241 for statutory advisory committees should be submitted when the advisory committee is established and at the same two-year intervals as its charter is filed.

(c) In addition to the Committee Control Record (AD-241), agencies shall maintain:

- (1) Copies of committee charters.
- (2) Minutes of committee proceedings.
- (3) Copies of press releases and committee reports.

(4) Copies of Secretarial determinations under 5 U.S.C. 552(b) that committee activities will be closed to the public.

(5) Any other working papers properly a part of advisory committee or subcommittee records.

#### § 25.27 Financial records.

(a) Each agency, through the official responsible for committee management, shall maintain up-to-date records which disclose the disposition of funds made available to its advisory committees. These records shall be available for inspection and audit by officials of the Department and the Comptroller General or his representatives.

(b) When it appears that committee expenses will exceed estimates by ten percent or more, prior approval of payment of such additional expenses must be obtained from the Advisory Committee Management Officer. An original and two copies of a memorandum should be routed through the Office of Management and Finance justifying increased expenses and requesting approval of payment. If approved, the original shall be endorsed by the Advisory Committee Management Officer and returned to the requesting agency.

#### Subpart F—Exceptions

##### § 25.30 Exceptions.

The requirements of this Part shall not apply to:

(a) Any local civic group whose primary function is that rendering a public service with respect to a Federal program.

(b) Any State or local committee or similar group established to advise State and local officials or agencies.

#### Subpart A—Purpose and Policy

- Sec.  
25a.33 Purpose.  
25a.34 Policy.  
25a.35 Definitions.

#### Subpart B—Responsibilities

- Sec.  
25a.38 Department.  
25a.39 Agencies.

#### Subpart C—Establishment of Committees

- Sec.  
25a.42 Establishment of Committees.

#### Subpart D—Reporting and Records

- Sec.  
25a.45 Committee Control System.  
25a.46 Financial Records.

#### Subpart E—Liaison Membership

- Sec.  
25a.49 Policy.  
25a.50 Procedure.

AUTHORITY: 5 U.S.C. 301.

#### Subpart A—Purpose and Policy

##### § 25a.33 Purpose.

The regulations in this Part provide guidelines and procedures for the establishment, operation, and duration of all committees, except advisory committees, under the jurisdiction of the Department, and also cover Department liaison members on other committees.

##### § 25a.34 Policy.

It shall be the policy of the Department to maintain control over the establishment and use of all committees. The number of such committees shall be held at the absolute minimum required for effective program operation and compliance with various provisions of law.

##### § 25a.35 Definitions.

As used herein, terms are defined as follows:

(a) *Committee*—any committee, subcommittee, board, commission, or body other than an advisory committee (as defined in § 25.3 of this chapter).

(b) *Interagency Committee*—any committee made up wholly of full-time Government officers or employees of more than one department or agency, which is expected to be in existence for more than twelve months.

(c) *Departmental Committee*—any committee composed exclusively of representatives of two or more agencies of the Department.

(d) *Agency Committee*—any committee composed exclusively of members from a single agency of the Department.

(e) *Liaison Membership*—Departmental representation by the Secretary or his designated representative on committees, councils, boards, and similar bodies established by law, Executive Order, or by Presidential direction and not sponsored by the Department. Such membership may relate to international, government, or nongovernment activities, but excludes association with professional, fraternal, civil or similar types of nongovernment groups.

#### Subpart B—Responsibilities

##### § 25a.38 Department.

(a) The Assistant Secretary for Administration is the Committee Manage-

ment Officer of the Department. He is responsible for:

(1) Exercising control and supervision over the establishment, procedures, and accomplishments of all committees under the jurisdiction of the Department.

(2) Assigning responsibility for the assembling and maintenance of the reports, records, and other papers of committees during their existence.

(b) The Office of Management and Finance provides staff assistance for the Committee Management Officer by:

(1) Maintaining systematic information on the nature, functions and operations of each Department committee.

(2) Providing advice and guidance on the establishment, renewal, utilization, management, and reporting of all types of committees throughout the Department.

##### § 25a.39 Agencies.

The head of each agency engaged in committee activity shall be responsible for providing an orderly procedure for:

(a) Establishing or terminating committees and providing guidelines for the selection of members.

(b) Adhering to law and regulations governing the use of committees.

(c) Designating for each committee a central location for the assembling and maintenance of the reports, records, and other papers of the committee.

(d) Periodic review of committee activities.

(e) Maintenance of an adequate committee control system. This includes maintaining records of:

(1) All interagency committees which the agency has established or chairs.

(2) All Departmental committees which the agency has established or chairs.

(3) All agency committees.

(4) All liaison memberships held by officials or employees of an agency as designees of the Secretary for committees not established or sponsored by the Department.

#### Subpart C—Establishment of Committees

##### § 25a.42 Establishment of Committees.

(a) *Committees Not Under Federal Advisory Committee Act.* Committees may be established which have public members but do not perform an advisory function (e.g., Honor Awards Committee). Agencies desiring to establish such a committee shall consult with the Committee Management Officer and prepare a Secretary's Memorandum. Members are required to receive clearance (§ 25.16 of this chapter). No charter is required. The committee shall terminate not later than two years after its establishment.

(b) *Interagency Committees.* Interagency committees shall be established only after exchange of letters between the participating agencies. A Secretary's Memorandum shall be drafted to formalize or publicize committee activities of major importance. No charter is required.

(c) *Departmental Committees.* Other Departmental committees may be authorized by the sponsoring agency in accordance with agency regulations.

(d) *Agency Committees.* Agency regulations shall provide for the establishment, conduct, and termination of agency committees.

#### Subpart D—Reporting and Records

##### § 25a.45 Committee Control System.

(a) *Responsibility.* Each agency head shall designate an official to be responsible for the maintenance of central control records of all departmental agency and interagency committees which the agency sponsors or provides support services for including liaison memberships. Such records shall be kept current at all times and shall include:

- (1) Minutes of committee proceedings.
- (2) Copies of press releases and committee reports.
- (3) Any other working papers properly a part of committee or subcommittee records. Agencies shall be prepared to furnish information on these committees upon request. Each agency sponsoring a committee shall provide the support services for that committee.

##### § 25a.46 Financial Records.

(a) Each agency, through the official responsible for committee management, shall maintain up-to-date records which disclose the disposition of funds made available to interagency committees which it sponsors, establishes, or chairs. These records shall be available for inspection and audit by officials of the Department and the Comptroller General or his representatives.

(b) When it appears that committee expenses will exceed estimates by 10 percent or more, prior approval of payment of such additional expenses shall be obtained from the Committee Management Officer. Route an original and two copies of a memorandum to the Office of Management and Finance justifying increased expenses and requesting approval of payment. If approved, the original shall be endorsed by the Committee Management Officer and returned to the requesting agency.

#### Subpart E—Liaison Membership

##### § 25a.49 Policy.

(a) The Secretary may, in his discretion, designate a representative and alternate representative to bodies on which the Department maintains liaison membership. Only such authorized representatives or alternates as the Secretary designates may attend meetings of such bodies for the Department. The delegation of authority to represent the Department provided to the Secretary's representative and alternate may not be re delegated.

(b) When it is impossible for either the representative or alternate to attend the regular meetings of these bodies, the Office of the Secretary should be notified in sufficient time to make necessary arrangements.

##### § 25a.50 Procedure.

(a) When the Secretary's representative and alternate on a Government-wide council, commission, or similar body are officials of the Office of the Secretary,

the representative and alternate shall notify the Committee Management Officer of their designation. The Office of Management and Finance shall provide the Committee Management Officer with all necessary staff assistance.

(b) When the Secretary's representative and alternate are agency officials, the representative's agency shall carry out the following procedure.

(1) Prepare a letter for the Secretary's signature informing the Chairman, Executive Director, or similar appropriate official of the body in question of the designation of the Department's representative and alternate.

(2) Route the above materials to the Office of Management and Finance for appropriate review and clearance.

(3) Maintain a current listing of all such liaison memberships held by agency officials. If an agency official can no longer maintain such a liaison membership, immediately inform the Office of Management and Finance so that action to appoint a new representative may be taken.

*Effective Date.* These regulations shall become effective October 14, 1975.

JOSEPH R. WRIGHT, Jr.,  
Assistant Secretary  
for Administration.

SEPTEMBER 8, 1975.

[FR Doc. 75-24133 Filed 9-10-75; 8:45 am]

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

[Valencia Orange Reg. 515]

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

###### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 12-18, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

##### § 908.815 Valencia Orange Regulation 515.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve. Prices f.o.b. averaged \$3.76 per carton on a reported sales volume of 650,000 cartons last week, compared with an average f.o.b. price of \$3.70 per carton and sales of 650,000 cartons a week earlier. Track and rolling supplies at 349 cars were up 106 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of

the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 9, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 12, 1975, through September 18, 1975, are hereby fixed as follows:

- (i) District 1: 233,000 cartons;
- (ii) District 2: 517,000 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: September 10, 1975.

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

[FR Doc. 75-24428 Filed 9-10-75; 11:49 am]

## CHAPTER XVII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 410.1]

#### PART 1801—RECEIVING AND PROCESSING APPLICATIONS

##### Subpart A—Receiving and Processing Applications

###### VETERANS' PREFERENCE

Section 1801.5(a) of Subpart A of Part 1801, Title 7, Code of Federal Regulations (36 FR 15737, 38 FR 4772, 40 FR 10953) is amended to provide for a closing date for service establishing entitlement to veterans' preference during the Vietnam era.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER because the change being made by this amendment is to conform the Farmers Home Administration regulations to the Presidential Proclamation 4373, May 7, 1975, "Fixing Terminal Date Respecting Service in the Armed Forces Entitling Persons to Certain Veteran Benefits". The President proclaimed May 7, 1975, the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during the Vietnam era.

As amended, § 1801.5(a) reads as follows:

#### § 1801.5 Persons entitled to veterans' preference.

(a) *Farmer loans.* Veterans' preference will be extended to any person applying for a farm ownership, soil and water, recreation, or operating loans who has been discharged or released

from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, who served on active duty in such forces: (1) During the period of April 6, 1917, through March 31, 1921; (2) during the period of December 7, 1941, through December 31, 1946; (3) during the period of June 27, 1950, through January 31, 1955; or (4) for a period of more than 180 days, any part of which occurred after January 31, 1955, but on or before May 7, 1975. Discharges under conditions other than dishonorable include "clemency discharges".

*Effective date.* This amendment is effective on September 11, 1975.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 4, 1975.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc. 75-24199 Filed 9-10-75; 9:45 am]

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

[FmHA Instruction 444.1]

#### PART 1822—RURAL HOUSING LOANS AND GRANTS

##### Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

###### DEFINITION OF A RURAL AREA

On pages 28094-28095 of the FEDERAL REGISTER dated July 3, 1975, there was published a proposed amendment to Subpart A of Part 1822, Title 7 Code of Federal Regulations. The purpose of the amendment is to further improve the operation and administration of the section 502 rural housing loan program. This amendment expands and clarifies the definition of a rural area and redefines and redesignates the definition of a place.

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

All comments submitted with respect to the proposed amendment were given due consideration. As a result of the comments received, certain proposed changes published in the FEDERAL REGISTER Notice of proposed rulemaking of July 3, 1975, are being adopted. Additional changes for clarity are also being made to the section published on that date.

1. In § 1822.3, paragraph (c) (3) (ii) with reference to "bedroom communities" is deleted.

2. Paragraph (c) (4) (ii) is clarified by inserting after the word "disposal" a phrase which reads as follows: " . . . however, consolidated schools and/or combined facilities do not necessarily indicate being 'associated with.'" Paragraph (d) is also revised.

Accordingly, with these changes the proposed amendments are adopted as set forth below:

#### § 1822.3 Definitions.

(c) *Rural area.* (1) Open country which is not part of or associated with an urban area; or

(2) Any town, village, city, or place, including the immediately adjacent densely settled area, which:

(i) Is not part of or associated with an urban area; and

(ii) Has a population not in excess of 10,000 if it is rural in character; or

(iii) Has a population in excess of 10,000 but not in excess of 20,000; and

(A) Is not contained within a standard metropolitan statistical area; and

(B) Has a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development.

(3) A determination that open country, place, town, village, or city is not part of or associated with an urban area must include a finding that any densely populated section of the area in question is separated from the densely settled section of any adjacent urban area by open spaces (which are undeveloped, agricultural, or sparsely settled) other than minor open spaces due to physical barriers, commercial and industrial developments, public parks and similar open spaces, and areas reserved for recreational purposes; and

(4) The determination in paragraph (c) (3) of this section should also consider such factors as:

(i) The existence of known plans for development of a substantial portion of the intervening land within the near future (e.g., 3 to 5 years) between the area in question and an urban area;

(ii) The area in question has a separate school system and separate utilities such as water and sewer and solid waste disposal; however, consolidated schools and/or combined facilities do not necessarily indicate being "associated with."

(iii) Other relevant factors.

(5) Two or more towns, villages, cities, and places may have contiguous boundaries and each be considered separately if they are not otherwise associated with each other as determined after considering the factors in paragraph (c) (4) of this section and if any densely populated areas are separated by open spaces as described in paragraph (c) (3) of this section.

(6) "Place" consists of an area containing a concentration of inhabitants within a determinable unincorporated area.

(7) "Urban area" means either a town, village, city or place, or any associated combination thereof, which with the immediately adjacent densely settled area has a population in excess of the limits prescribed in paragraph (c) (2) (ii) and (iii) of this section.

(8) Population counts will be based on the latest official figures.

(9) The State Director, through appropriate State regulations, shall identify



by list and maps "rural areas" for the purposes of this regulation. *Provided, however,* That no list or map of areas in excess of 10,000 but not in excess of 20,000 that are to be characterized as "rural areas" will be identified in said State regulation without the prior authorization of the National Office.

(d) *Town.* A "town" means a municipality similar to a city but not a New England-type town which resembles a township or county in most states.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

*Effective date.* This amendment shall become effective September 11, 1975.

Dated: August 29, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc.75-24130 Filed 9-10-75; 8:45 am]

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instruction 449.1]

PART 1842—BUSINESS AND INDUSTRIAL LOANS

Veterans' Preference

Section 1842.31(d) (5) of Part 1842, Title 7, Code of Federal Regulations (39 FR 34263) is amended to revise subdivision (ii) and to add a new subdivision (iii) to conform the veterans' preference provisions with § 1801.5(a) of this chapter; to redesignate former subdivision (iii) to subdivision (iv) and to revise the redesignation to provide for a closing date for service establishing entitlement to veterans' preference during the Vietnam era.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER because the changes being made by this amendment are to conform the Farmers Home Administration regulations to the Presidential Proclamation 4373, May 7, 1975, "Fixing Terminal Date Respecting Service in the Armed Forces Entitling Persons to Certain Veteran Benefits". The President proclaimed May 7, 1975, the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during the Vietnam era.

As revised and added, § 1842.31(d) (5) (ii), (iii) and (iv) read as follows:

§ 1842.31 Application and loan processing.

(d) *Preliminary determination by FmHA.* \* \* \*

- (5) \* \* \*
- (ii) During the period of December 7, 1941, through December 31, 1946;
- (iii) During the period of June 27, 1950, through January 31, 1955; or
- (iv) For a period of 180 days or more, any part of which occurred after Jan-

uary 31, 1955, but on or before May 7, 1975.

*Effective date.* This amendment is effective on September 11, 1975.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 4, 1975.

FRANK W. NAYLOR, JR.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.75-24197 Filed 9-10-75; 8:45 am]

[FmHA Instruction 449.1]

PART 1843—FARMER LOANS

Veterans' Preference

Section 1843.41(a) of Part 1843, Title 7, Code of Federal Regulations (38 FR 29051) is amended to revise subparagraph (2) and to add a new subparagraph (3) to conform the veterans' preference provisions with § 1801.5(a) of this chapter; to redesignate former subparagraph (3) to subparagraph (4) and to revise this redesignation to provide a closing date for service establishing entitlement to veterans' preference during the Vietnam era.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER because the changes being made by this amendment are to conform the Farmers Home Administration regulations to the Presidential Proclamation 4373, May 7, 1975, "Fixing Terminal Date Respecting Service in the Armed Forces Entitling Persons to Certain Veteran Benefits". The President proclaimed May 7, 1975, the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during the Vietnam era.

As revised and added, § 1843.41(a) (2), (3) and (4) reads as follows:

§ 1843.41 Preference between FO applicants.

- Preference will be given:
- (a) *Veterans.* \* \* \*
- (2) During the period of December 7, 1941, through December 31, 1946;
- (3) During the period of June 27, 1950, through January 31, 1955; or
- (4) For a period of 180 days or more, any part of which occurred after January 31, 1955, but on or before May 7, 1975.

*Effective date.* This amendment is effective on September 11, 1975.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 4, 1975.

FRANK W. NAYLOR, JR.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.75-24198 Filed 9-10-75; 8:45 am]

Title 9—Animals and Animal Products  
CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Permitted Dips

The purpose of this amendment is to add approved proprietary brands of (Prolate<sup>®</sup>) used at a concentration of 0.20 percent to 0.25 percent, to the list of dips permitted by the Department for use in the treatment of cattle affected with or exposed to scabies.

*Statement of considerations.* (Prolate<sup>®</sup>) is to be used at a concentration of 0.20 percent to 0.25 percent for official use against cattle scabies. Trials were carried out by the U.S. Department of Agriculture in 1973, 1974, and 1975. The results of these trials and trials carried out by Thuron Industries were the basis for the Environmental Protection Agency granting approval to a label for the product and its use against scabies mites in official programs. All these trials were carried out to demonstrate both the efficacy of (Prolate<sup>®</sup>) in the treatment against scabies mites and to demonstrate the stability of the product in the vat, as well as the vat managers ability to maintain it at the desired concentration. The Environmental Protection Agency action approving the new label and use pattern was taken July 16, 1975. It should be noted that (Prolate<sup>®</sup>) has been registered by the Environmental Protection Agency for some time and may also be used against grubs, lice, hornflies, cattle ticks, and southern cattle ticks.

(Prolate<sup>®</sup>) is an organophosphorous product which is biodegradable. The product has the added benefit of acting as a grubicide at the same time it is used as official treatment for scabies.

After careful evaluation of the product, consideration of the need, and its desirability as a permitted pesticide, it has been determined that (Prolate<sup>®</sup>) should be added to the list of permitted pesticides for use against scabies.

Accordingly, in § 73.10(a) a new paragraph (4) is added to read:

§ 73.10 Permitted dips; substances allowed.

- (a) \* \* \*
- (4) Approved proprietary brands of organophosphorous insecticides (Prolate<sup>®</sup>) used at a concentration of 0.20 percent to 0.25 percent.

(Sec. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

*Effective date.* The foregoing amendment shall become effective September 11, 1975.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the interstate spread of cattle scabies and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 5th day of September 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc.75-24129 Filed 9-10-75;8:45 am]

#### Title 13—Business Credit and Assistance

##### CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 9, Amdt. 3.]

#### PART 123—DISASTER LOANS

##### Physical, Economic Injury and Product Disaster Loan Interest Rates

This amendment reflects the change in physical, economic injury, and product disaster loan interest rates which became effective with the signing of Pub. L. 94-68 on August 5, 1975. Since this change is the result of a statutory enactment, notice and public procedure is not required. This amendment is effective as of August 5, 1975.

Part 123 is hereby amended by revising § 123.5(c) (1) as follows:

§ 123.5 Amount of loan and interest rates.

(c)

(1) For disaster relief described under § 123.1 (a), (b), (1), and (3), the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be 3 percent per annum for disasters occurring between January 1 and December 31, 1971; at 1 percent per annum for disasters occurring between January 1, 1972, and prior to April 20, 1973, except that loans made in connection with natural disasters declared only by the Secretary of Agriculture and which occurred during this period shall bear an interest rate of 3 percent per annum; at a rate not to exceed 5 percent per annum on loans made in connection with disasters occurring between April 20, 1973, and August 5, 1975, and at the same rate charged on the SBA share of loans made under section 7(b) (3) (5) (6) (7) and (8) of the Small Business Act, as amended, in connection with disasters

occurring on or after August 5, 1975. In any loan made under this subsection, except for loans approved as the result of disasters occurring prior to July 1, 1973, deferment may be made in payments of principal or interest, or both, for a period not to exceed 3 years. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA at the time of approval.

Dated: August 29, 1975.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.75-24181 Filed 9-10-75;8:45 am]

#### Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-RM-1-AD Amdt. 39-2563]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Raven Model S-40A, S-50A, S-55A, S-60A, RX-6 Hot Air Balloons

There have been failures of the "O" ring seal on the valve stem; instances of the valve seat washer becoming loose which caused valve malfunction; and instances of the rollpin in the actuating handle falling out rendering the valve inoperable. Since this condition is likely to exist or develop in other valves of this type design, this airworthiness directive requires inspection, replacement and safing of these items on Rego P/N 7553S series valves as used on Raven Models S-40A, S-50A, S-55A, S-60A and RX-6 Hot Air Balloons.

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

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

RAVEN Model S-40A, S-50A, S-55A, S-60A, and RX-6 Hot Air Balloons:

Applies to Rego 7553S series blast valves installed on all models of the Raven hot air balloons certificated in all categories.

Compliance required as indicated below after the effective date of this AD unless already accomplished.

To prevent failures of the "O" ring on the valve stem; valve seat washer loosening; or valve actuating handle rollpin becoming dislodged, accomplish the following or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Rocky Mountain Region.

Within the next 25 hours time in service unless already accomplished within the last 25 hours time in service, accomplish Paragraph a, b, c, and d. Paragraph "a" and "c" are to be accomplished thereafter at each 100 hours time in service or at intervals not to exceed 12 calendar months from the last inspection, whichever comes first.

a. Remove the valve actuating lever rollpin P/N 7553S-8 from actuating lever. (Be careful to remove any burrs in the stem area around the rollpin hole before removing the valve stem P/N 7553S-1 from the bonnet

P/N 7553-5). Replace the "O" ring stem seal with a new Rego "O" ring P/N 1421-7. Lubricate the new "O" ring with Orange Solid Oil (Rego P/N 5555GS) or unmedicated Vaseline lubricant before reassembly. Other lubricants may cause shrinkage of the "O" ring.

b. Check the torque of the valve seat retaining screw to 8 to 10 in-lbs in the counterclockwise (loosening) direction. If it turns, the screw must be removed, cleaned of lubricant and reinstalled using MIL-S 22473 high strength thread locking compound, or equivalent. Recheck torque after thread locking compound has cured.

Caution: Do not permit the thread locking compound to adhere to the rubber seating surface.

c. Reinstall valve actuating lever on the valve body with rollpin, P/N 7553S-8. Install a number three machine screw and stop nut or a 3/32 inch stainless steel cotter pin or .040 inch diameter safety wire through the hole in the rollpin, holding the actuating handle to the valve body and secure.

d. Appropriate maintenance records must be kept in accordance with FAR 91.173.

This amendment becomes effective on September 17, 1975.

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

Issued in Aurora, Colorado on September 3, 1975.

M. M. MARTIN,  
Director, FAA Rocky  
Mountain Region.

[FR Doc.75-24080 Filed 9-10-75;8:45 am]

[Airspace Docket No. 75-GI-45]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CON- TROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Federal Airway

On July 14, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 29554) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate V-340 from Fort Wayne, Ind., direct to Richmond, Ind.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended to add the following: V-340 From Fort Wayne, Ind., to Richmond, Ind.

(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 September 5, 1975.

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

[FR Doc.75-24081 Filed 9-10-75;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 14970; Amdt. No. 95-261]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(e)))

Section 95.47 *Green Federal Airway 7* is amended to read in part:

*From; to; and MEA*

Koyuk INT, Alaska; Bishop, Alaska NDB; 5,800.

Bishop, Alaska NDB; \*5,200—MOCA; Birch INT, Alaska; \*5,800.

Section 95.102 *Amber Federal Airway 2* is amended to read in part:

Chena, Alaska NDB, Evansville, Alaska NDB; 5,500.

Evansville, Alaska NDB; \*9,400—MOCA; Chip River INT, Alaska; \*10,000.

Section 95.103 *Amber Federal Airway 3* is amended to read:

Evansville, Alaska NDB; \*9,600—MOCA; Put River, Alaska NDB; \*10,000.

Section 95.104 *Amber Federal Airway 4* is added to read:

Evansville, Alaska NDB; Umiat, Alaska NDB; 10,000.

Umiat, Alaska NDB; Put River, Alaska NDB; 3,000.

Section 95.106 *Amber Federal Airway 6* is added to read:

Chandler Lake, Alaska NDB; Umiat, Alaska, NDB; 10,000.

Umiat, Alaska NDB; Browerville, Alaska NDB; 3,000.

Section 95.250 *Red Federal Airway 50* is amended to read:

Bishop, Alaska NDB; Bear Creek, Alaska NDB; 6,000.

Bear Creek, Alaska NDB; Chena, Alaska NDB; 5,000.

Section 95.612 *Blue Federal Airway 12* is amended to read:

Takotna River, Alaska NDB; \*5,500—MOCA; Bishop, Alaska NDB; \*6,000.

Bishop, Alaska NDB; \*5,300—MOCA; Hotham, Alaska NDB; \*6,000.

Section 95.626 *Blue Federal Airway 26* is amended to read in part:

Willow INT, Alaska; \*4,100—MOCA; Peters Creek, Alaska NDB; \*4,800.

\*Peters Creek, Alaska NDB; \*5,000—MCA Peters Creek NDB, N-bound; Summit, Alaska NDB; 10,000.

Chena, Alaska NDB; Yukon River, Alaska NDB; 7,000.

Yukon River, Alaska NDB; \*4,100—MCA Barter Island NDB, SE-bound; \*\*10,800—MOCA; \*Barter Island, Alaska NDB; \*\*12,000.

Section 95.627 *Blue Federal Airway 27* is amended to delete:

Ft. Davis, Alaska, LF/RBN; Kotsbue, Alaska, LF/RBN; 6,000.

Section 95.627 *Blue Federal Airway 27* is amended by adding:

Ft. Davis, Alaska, NDB; Hotham, Alaska, NDB; 6,000.

Section 95.628 *Blue Federal Airway 28* is added to read:

U.S. Canadian Border; Nichols, Alaska, NDB; 5,000.

Nichols, Alaska, NDB; Sitka, Alaska, NDB; 6,900.

Section 95.637 *Blue Federal Airway 37* is added to read:

Petersburg, Alaska, NDB; Elephant, Alaska, NDB; 6,900.

Elephant, Alaska, NDB; Cape Spencer, Alaska, NDB; 6,000.

Cape Spencer, Alaska, NDB; Hapit INT, Alaska; 6,000.

Section 95.638 *Blue Federal Airway 38* is amended to read:

Sitka, Alaska, NDB; Elephant, Alaska, NDB; 6,500.

Elephant, Alaska, NDB; Chikat INT, Alaska; 7,300.

Chikat INT, Alaska; Haines, Alaska, NDB; 9,000.

Haines, Alaska, NDB; U.S. Canadian Border; 10,000.

Section 95.679 *Blue Federal Airway 79* is amended to read:

U.S. Canadian Border; Nichols, Alaska, NDB; 5,000.

Section 95.1001 *Direct Routes—U.S.* is amended by adding:

Knoxville, Tenn., VORTAC; Henderson, W. Va., VORTAC; 18,000; MAA-34,000.

Henderson, W. Va., VORTAC; Bellaire, Ohio, VORTAC; 18,000; MAA-45,000.

Missoula, Mont., VORTAC; Dillon, Mont., VORTAC; 16,500; MAA-35,000.

Section 95.5000 *High Altitude RNAV Routes.*

*From to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA*

J808R is amended to read:

Sardi, N.Y., W/P, Patty, N.Y., W/P; 42; 075/255 to COP; 078/258 to Patty; 18,000; 45,000.

Patty, N.Y., W/P, Nantucket, Mass., VOR TAC; 92; 087/267 to COP; 088/268 to Nantucket; 18,000; 45,000.

Nantucket, Mass., VORTAC, Whale, Mass., W/P; 146; 082/262 to Whale; 18,000; 45,000.

J809R is amended to read:

Sardi, N.Y., W/P, Patty, N.Y., W/P; 42; 075/255 to COP; 078/258 to Patty; 18,000; 45,000.

Patty, N.Y., W/P, Nantucket, Mass., VOR TAC; 92; 087/267 to COP; 088/268 to Nantucket; 18,000; 45,000.

Nantucket, Mass., VORTAC, Daves, Me., W/P; 150; 083/243 to Daves; 18,000; 45,000.

Section 95.6001 *VOR Federal Airway 1* is amended to delete:

*From; to; and MEA.*

Myrtle Beach, S.C. VOR; \*3,000—MRA, \*\*1,600—MOCA; \*Chatham INT, N.C.; \*\*2,000.

Chatham INT, N.C.; \*3,000—MRA, \*\*1,600—MOCA; \*Green INT, N.C.; \*\*2,000.

Green INT, N.C.; \*3,000—MRA, \*\*1,600—MOCA; \*Swamp INT, N.C.; \*2,000.

Swamp INT, N.C.; \*1,600—MOCA; Wilmington, N.C., VOR; \*2,000.

Wilmington, N.C., VOR; \*3,500—MRA, \*\*1,800—MOCA; \*Angola INT, N.C.; \*\*2,000.

\*Angola INT, N.C.; \*1,600—MOCA; Kinston, N.C., VOR; \*2,000.

Wilmington, N.C., VOR, via W alter; \*3,000—MRA, \*\*1,500—MOCA; \*Helena INT, N.C., via W alter; \*\*2,000.

Helena INT, N.C., via W alter; \*1,500—MOCA; Kinston, N.C., VOR, via W alter; \*2,000.

Section 95.6001 *VOR Federal Airway 1* is amended by adding:

Myrtle Beach, S.C., VOR, \*1,500—MOCA; Bear Pen INT, N.C.; \*2,000.

Bear Pen INT, N.C., \*1,500—MOCA; Wallace INT, N.C.; \*4,000.

Wallace INT, N.C., \*1,500—MOCA; Kinston, N.C., VOR; \*2,000.

Myrtle Beach, S.C., VOR, via E alter; \*3,000—MRA, \*\*1,600—MOCA; \*Chatham INT, N.C., via E alter; \*\*2,000.

Chatham INT, N.C., via E alter; \*3,000—MRA, \*\*1,600—MOCA; \*Green INT, N.C., via E alter; \*\*2,000.

Green INT, N.C., via E alter; \*3,000—MRA, \*\*1,600—MOCA; \*Swamp INT, N.C., via E alter; \*\*2,000.

Swamp INT, N.C., via E alter; \*1,600—MOCA; Wilmington, N.C., VOR, via E alter; \*2,000.

Wilmington, N.C., VOR, via E alter; \*3,500—MRA; \*\*1,600—MOCA; \*Angola INT, N.C., via E alter; \*\*2,000.

Angola INT, N.C., via E alter; \*1,600—MOCA; Kinston, N.C., VOR, via E alter; \*2,000.

Section 95.6009 *VOR Federal Airway 9* is amended to read in part:

Farmington, Mo., VOR, via W alter; St. Louis, Mo., VOR, via W alter; 3,000.

Section 95.6011 *VOR Federal Airway 11* is amended to read in part:

Memphis, Tenn., VOR, via W alter; \*2,700—MRA; \*Drummonds INT, Tenn., via W alter; 2,300.

Drummonds INT, Tenn., via W alter; Keiser INT, Tenn., via W alter; 2,300.

Section 95.6017 *VOR Federal Airway 17* is amended to read in part:

Calumet INT, Okla.; Omega INT, Okla.; 3,100.

Section 95.6023 *VOR Federal Airway 23* is amended to delete:

San Diego, Calif., VOR; Oceanside, Calif., VOR; 3,000.

Section 95.6023 *VOR Federal Airway 23* is amended by adding:

Mission Bay, Calif., VOR; Oceanside, Calif., VOR; 3,000.

Section 95.6025 *VOR Federal Airway 25* is amended to delete:

San Diego, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6025 *VOR Federal Airway 25* is amended by adding:

Mission Bay, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6027 *VOR Federal Airway 27* is amended to delete:

San Diego, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6027 *VOR Federal Airway 27* is amended by adding:

Mission Bay, Calif., VOR; Redfin INT, Calif.; 3,000.

Section 95.6035 *VOR Federal Airway 35* is amended to read in part:

Gainesville, Fla., VOR, via E alter; Cross City, Fla., VOR, via E alter; 1,700.

Section 95.6041 *VOR Federal Airway 41* is amended to read:

Calcutta INT, Ohio; Youngstown, Ohio, VOR; 3,500.

Section 95.6066 *VOR Federal Airway 66* is amended to delete:

San Diego, Calif., VOR, \*5,200—MCA Bostonia INT, E-bound; \*Bostonia INT, Calif.; 4,000.

Section 95.6066 *VOR Federal Airway 66* is amended by adding:

Mission Bay, Calif., VOR, \*5,200—MCA Bostonia INT, E-bound; \*Bostonia INT, Calif.; 4,000.

Section 95.6165 *VOR Federal Airway 165* is amended to delete:

San Diego, Calif., VOR; Sargo INT, Calif.; 3,000.

Section 95.6165 *VOR Federal Airway 165* is amended by adding:

Mission Bay, Calif., VOR; Sargo INT, Calif.; 3,000.

Section 95.6213 *VOR Federal Airway 213* is amended to delete:

Myrtle Beach, S.C., VOR, \*1,400—MOCA; Bogle INT, N.C.; \*3,000.  
Bogle INT, N.C., \*1,400—MOCA; Wallace INT, N.C.; \*4,000.

Section 95.6213 *VOR Federal Airway 213* is amended by adding:

Myrtle Beach, S.C., VOR, \*3,000—MRA \*\*1,600—MOCA; \*Chatham INT, N.C.; \*\*2,000.

Chatham INT, N.C., \*3,000—MRA, \*\*1,600—MOCA; \*Green INT, N.C.; \*\*2,000.  
Green INT, N.C., \*3,000—MRA, \*\*1,600—MOCA; \*Swamp INT, N.C.; \*\*2,000.

Swamp INT, N.C., \*1,600—MOCA; Wilmington, N.C., VOR; \*2,000.

Wilmington, N.C., VOR, \*3,000—MRA, \*\*1,500—MOCA; \*Helena INT, N.C.; \*\*2,000.

Helena INT, N.C., \*1,500—MOCA; Wallace INT, N.C.; \*2,000.

Section 95.6276 *VOR Federal Airway 276* is amended to read in part:

Cassville INT, N.J., \*1,400—MOCA; Int. 122 M rad Robbinsville VOR and 221 M rad Deer Park VOR; \*3,000.

Int. 122 M rad Robbinsville VOR and 221 M rad Deer Park VOR, \*1,000—MOCA; Manta INT, N.J.; \*5,000.

Section 95.6286 *VOR Federal Airway 286* is amended to read in part:

Casanova, Va., VOR, \*2,000—MOCA; Brandy INT, Va.; \*3,000.  
Brandy INT, Va.; Brooke, Va., VOR; 2,000.

Section 95.6307 *VOR Federal Airway 307* is amended to delete:

Annette Island, Alaska, VOR; Tokeen INT, Alaska; 6,000.

Tokeen INT, Alaska, \*6,100—MOCA; #MEA is established with a gap in Navigation signal coverage; Port Walter DME Fix, Alaska; \*#9,000.

Port Walter DME Fix, Alaska; Blorka Island, Alaska, VOR; 6,000.

Section 95.6311 *VOR Federal Airway 311* is amended by adding:

Annette Island, Alaska, VOR; Token INT, Alaska; 6,000.

Token INT, Alaska, \*6,100—MOCA; #MEA is established with a gap in Navigation signal coverage; Porty DME Fix, Alaska; \*#9,000.

Porty DME Fix, Alaska; Blorka Island, Alaska, VOR; 6,000.

Section 95.6317 *VOR Federal Airway 317* is amended to read:

U.S.-Canadian Border; Annette Island, Alaska, VOR; 5,000.

U.S.-Canadian Border, via Walter; \*4,900—MOCA; Annette Island, Alaska, VOR, via Walter; \*5,000.

Annette Island, Alaska, VOR; Gravi DME Fix, Alaska; 5,000.

Gravi DME Fix, Alaska; Gestl DME Fix, Alaska; 5,000.

Gestl DME Fix, Alaska; \*5,100—MOCA; Level Island, Alaska, VOR; \*7,000.

Annette Island, Alaska, VOR, via Walter; Level Island, Alaska, VOR, via Walter; 6,000.

Level Island, Alaska, VOR, \*6,900—MOCA; Hoods DME Fix, Alaska; \*9,000.

Hoods DME Fix, Alaska; \*6,900—MOCA; Sisters Island, Alaska, VOR; \*7,000.

Sisters Island, Alaska, VOR; \*5,300—MOCA; Cape Spencer DME Fix, Alaska; \*6,000.

Cape Spencer DME Fix, Alaska; \*15,000—MRA; \*\*5,300—MOCA; \*Hapit INT, Alaska; \*\*15,000.

Section 95.6319 *VOR Federal Airway 319* is amended by adding:

\*Hapit INT, Alaska; \*15,000—MRA; \*\*2,000—MOCA; Centa DME Fix, Alaska; \*\*9,000.

Centa DME Fix, Alaska; \*2,000—MOCA; Yakutat, Alaska, VOR; \*3,000.

Yakutat, Alaska, VOR; Malas DME Fix, Alaska; 2,000.

Malas DME Fix, Alaska; \*5,500—MOCA; #MEA is established with a gap in Navigation signal coverage; Katat INT, Alaska; \*#10,000.

Katat INT, Alaska; Casel INT, Alaska; 5,000.  
Casel INT, Alaska; \*2,000—MOCA; Eyaks INT, Alaska; \*3,000.

Eyaks INT, Alaska; Johnstone Point, Alaska, VOR; 5,000.

Johnstone Point, Alaska, VOR, Perry DME Fix, Alaska; 5,000.

Perry DME Fix, Alaska; Whittier INT, Alaska; W-bound, 10,000; E-bound, 8,000.

Whittier INT, Alaska; \*5,000—MCA Anchorage VOR, E-bound; \*\*7,100—MOCA; \*Anchorage, Alaska, VOR; \*\*10,000.

Johnstone Point, Alaska, VOR, via S alter; Kebab INT, Alaska, via S alter; 5,000.

Kebab INT, Alaska, via S alter; \*4,400—MOCA; Nelli DME Fix, Alaska, via S alter; \*5,000.

Nelli DME Fix, Alaska, via S alter; \*8,500—MOCA; Hoper INT, Alaska, via S alter; \*10,000.

Hoper INT, Alaska, via S alter; \*5,000—MCA Anchorage VOR, E-bound; \*\*5,500—MOCA; \*Anchorage, Alaska, VOR, via S alter; \*\*7,000.

Section 95.6321 *VOR Federal Airway 321* is amended by adding:

Cape Newenham, Alaska, NDB; \*4,300—MOCA; King Salmon, Alaska, VOR; \*5,000.

King Salmon, Alaska, VOR; Batty INT, Alaska; 5,000.

Batty INT, Alaska; Aught DME Fix, Alaska; 7,000.

Aught DME Fix, Alaska; Homer, Alaska, VOR; 4,000.

Section 95.6427 *VOR Federal Airway 427* is amended to read:

Tommy INT, Alaska; \*5,300—MOCA; Ringo INT, Alaska; \*7,000.

Ringo INT, Alaska; \*9,000—MOCA; Nonda INT, Alaska; \*14,000.

Section 95.6435 *VOR Federal Airway 435* is amended by adding:

Homer, Alaska, VOR; Kassi DME Fix, Alaska; 4,400.

Kassi DME Fix, Alaska; Kenal, Alaska, VOR; 2,000.

Section 95.6436 *VOR Federal Airway 436* is amended to delete:

King Salmon, Alaska, VOR; Battle INT, Alaska; 5,000.

Battle INT, Alaska; \*6,700—MOCA; Augustine DME Fix, Alaska; \*7,000.

King Salmon, Alaska, VOR, via E alter; Battle INT, Alaska, via E alter; 5,000.

Battle INT, Alaska, via E alter; \*6,700—MOCA; Augustine DME Fix, Alaska, via E alter; \*7,000.

Augustine DME Fix, Alaska; \*2,000—MOCA; Clams INT, Alaska; \*7,000.

Augustine DME Fix, Alaska, via E alter; \*3,700—MOCA; Homer, Alaska, VOR, via E alter; \*4,000.

Homer, Alaska, VOR, via E alter; Kenal, Alaska, VOR, via E alter; 4,000.

Section 95.6436 *VOR Federal Airway 436* is amended by adding:

Aught DME Fix, Alaska; \*2,000—MOCA; Clams INT, Alaska; \*7,000.

Section 95.6436 *VOR Federal Airway 436* is amended to read in part:

Kenal, Alaska, VOR; Anchorage, Alaska, VOR; 2,000.

Section 95.6462 *VOR Federal Airway 462* is amended by adding:

Cape Newenham, Alaska, NDB; \*4,300—MOCA; Dillingham Alaska, VOR; \*5,000.

Section 95.6462 *VOR Federal Airway 462* is amended to read in part:

Stuyahok INT, Alaska; \*8,800—MOCA; #MEA is established with a gap in Navigation signal coverage; Nonda INT, Alaska; \*#14,000.

Nonda INT, Alaska; \*11,000—MCA Foreland INT, SW-bound; \*\*12,200—MOCA; \*Foreland INT, Alaska; \*\*14,000.

Section 95.6481 *VOR Federal Airway 481* is amended to read in part:

Sourdough DME Fix, Alaska; \*9,500—MCA Paxon DME Fix, N-bound; \*\*6,700—MOCA; \*Paxon DME Fix Alaska; \*\*7,000. Paxon DME Fix, Alaska; Donnelly DME Fix, Alaska; 12,000.

\*Donnelly DME Fix, Alaska; \*10,000—MCA Donnelly DME Fix, S-bound; Big Delta, Alaska VOR; 6,000.

Section 95.6501 *VOR Federal Airway 501* is amended to read in part:

Hagerstown, Md., VOR; St. Thomas, Pa., VOR; 4,000.

Section 95.6504 *VOR Federal Airway 504* is amended to read in part:

Nenana, Alaska, VOR; \*6,400—MOCA; Ramp, INT, Alaska; \*7,000.

Rampa INT, Alaska; \*4,400—MCA Kanuti DME Fix, SE-bound; \*Kanuti DME Fix, Alaska; 7,000.

Kanuti DME Fix, Alaska; \*3,200—MOCA; Evansville, Alaska, NDB; \*3,500.

Evansville, Alaska, NDB; \*9,500—MOCA; Derik DME Fix, Alaska; \*10,000.

Section 95.7001 *Jet Route No. 1* is amended to delete:

*From; to; MEA; and MAA*

U.S. Mexican Border; San Diego, Calif., VORTAC; 18,000; 45,000.

San Diego, Calif., VOR; Oceanside, Calif., VORTAC; 18,000; 45,000.

Section 95.7001 *Jet Route No. 1* is amended by adding:

U.S. Mexican Border; Mission Bay, Calif., VORTAC; 18,000; 45,000.

Mission Bay, Calif., VORTAC; Oceanside, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended to delete:

San Diego, Calif., VOR; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7002 *Jet Route No. 2* is amended by adding:

Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7018 *Jet Route No. 18* is amended to delete:

San Diego, Calif., VOR; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7018 *Jet Route No. 18* is amended by adding:

Mission Bay, Calif., VORTAC; Imperial, Calif., VORTAC; 18,000; 45,000.

Section 95.7048 *Jet Route No. 48* is amended to read in part:

Int. 051 M rad Westminster VORTAC and 263 M rad Kennedy VORTAC; Flypl INT, Pa.; 23,000; 45,000.

Flypl INT, Pa.; Kennedy, N.Y., VORTAC; 19,000; 45,000.

Section 95.7063 *Jet Route No. 63* is amended to read in part:

Tunna INT, N.Y.; Moray INT, N.Y.; 21,000; 45,000.

Moray INT, N.Y.; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7088 *Jet Route No. 88* is amended to read in part:

Los Angeles, Calif., VORTAC; Santa Barbara, Calif., VORTAC; 18,000; 45,000.

Section 95.7127 *Jet Route No. 127* is amended to read:

Cape Newenham, Alaska, NDB; King Salmon, Alaska, VORTAC; 18,000; 45,000.

King Salmon, Alaska, VORTAC; Nonda INT, Alaska; 18,000; 45,000.

Section 95.7133 *Jet Route No. 133* is amended to read:

Biorka Island, Alaska, VORTAC; Hinchinbrook, Alaska, NDB; 18,000; 45,000.

Hinchinbrook, Alaska, NDB; Johnstone Point, Alaska, VORTAC; 18,000; 45,000.

Section 95.7145 *Jet Route No. 145* is amended to read:

Charleston, W. Va., VORTAC; Ellwood City, Pa., VORTAC; 18,000; 45,000.

Section 95.7149 *Jet Route No. 149* is amended to read in part:

Casanova, Va., VORTAC; Big Isaac INT, W. Va.; 18,000; 45,000.

Big Isaac INT, W. Va.; Happs INT, W. Va.; 27,000; 45,000.

Happs INT, W. Va.; Rosewood, Ohio, VORTAC; 23,000; 45,000.

Section 95.7150 *Jet Route No. 150* is amended to read in part:

Hampton, N.Y., VORTAC; Hyannis, Mass., VORTAC; 18,000; 45,000.

Section 95.7174 *Jet Route No. 174* is amended to read in part:

Hampton, N.Y., VORTAC; Hyannis, Mass., VORTAC; 18,000; 45,000.

Section 95.7195 *Jet Route No. 195* is added to read:

Annette Island, Alaska, VORTAC; Biorka Island, Alaska, VORTAC; 18,000; 45,000.

Section 95.7501 *Jet Route No. 501* is amended by adding:

Bethel, Alaska, VORTAC; Nivak DME Fix, Alaska; 26,000; 45,000.

Section 95.7509 *Jet Route No. 509* is amended to delete:

Int. 356 M rad Albany and 203 M rad St. Eustache VOR; U.S. Canadian Border; 18,000; 45,000.

Section 95.7511 *Jet Route No. 511* is amended by adding:

Cape Newenham, Alaska, NDB; Dillingham, Alaska, VORTAC; 18,000; 45,000.

Section 95.7541 *Jet Route No. 541* is added to read:

Yakutat, Alaska, VORTAC; Sisters Island, Alaska, VORTAC; 18,000; 45,000.

Section 95.7570 *Jet Route No. 570* is added to read:

Long Lake INT, N.Y.; U.S. Canadian Border; 18,000; 45,000.

Section 95.8003 *VOR Federal Airway Changeover Points*.

*Airway segment from; to; changeover points distance from*

V-307 is amended to delete:

Annette Island, Alaska, VOR; Biorka Island, Alaska, VOR; 103; Annette Island.

V-311 is amended by adding:

Annette Island, Alaska, VOR; Biorka Island, Alaska, VOR; 103; Annette Island.

V-317 is amended to delete:

Yakutat, Alaska, VOR; Johnstone Point, Alaska, VOR; 119; Yakutat.

V-317 is amended to read in part:

Level Island, Alaska, VOR; Sisters Island, Alaska, VOR; 74; Level Island.

V-319 is amended by adding:

Yakutat, Alaska, VOR; Johnstone Point, Alaska, VOR; 119; Yakutat.

V-321 is amended by adding:

King Salmon, Alaska, VOR; Homer, Alaska, VOR; 70; King Salmon.

V-436 is amended to delete:

King Salmon, Alaska, VOR; Homer, Alaska, VOR, via E alter; 70; King Salmon.

2. By amending Sub-part D as follows: Section 95.8005 *Jet Routes Changeover Points*.

J-127 is amended to delete:

King Salmon, Alaska, VORTAC; Anchorage, Alaska, VORTAC; 117; Anchorage.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective October 9, 1975.

Issued in Washington, D.C., on September 3, 1975.

JAMES M. VINES,

Chief, Aircraft Programs Division.

[FR Doc.75-23962 Filed 9-10-75; 8:45 am]

[Docket No. 14554, Amdts. 37-38, 121-122]

**PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS**

**PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**

**Ground Proximity Warning; Glide Slope Deviation Alerting System**

The purpose of these amendments to Parts 37 and 121 of the Federal Aviation Regulations is to revise the Technical Standard Order (TSO) contained in § 37.201 to provide standards for ground proximity warning-glide slope deviation altering equipment and to require, under § 121.360, the installation of equipment meeting those standards in large turbine-powered airplanes used in operations under Parts 121, 123, or 135.

On April 10, 1975, the Federal Aviation Administration issued a notice of proposed rulemaking (Notice 75-16; 40 FR 17156) relating to glide slope deviation monitoring equipment. Based on the comments received in response to Notice 75-16 and on further review by the FAA, it was determined that a need existed for the installation of such equipment, but that the amendment proposed in Notice 75-16 should contain specific technical standards for the equipment. Therefore, on July 18, 1975, a supplemental notice of proposed rulemaking was issued (Notice 75-16A; 40 FR 30839) which proposed complete and comprehensive tech-

nical standards for ground proximity warning-glide slope deviation alerting systems. Moreover, since it was determined that the installation of equipment meeting the new technical standards could not be accomplished by the date originally proposed, new compliance dates were proposed in Notice 75-16A. Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all comments received in response to that notice. Except for minor editorial revisions and as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice 75-16A.

Four commentators responded to Notice 75-16A and all were in basic agreement with the proposals contained therein. However, several substantive comments were received in response to Notice 75-16A, and the FAA's disposition of those comments is discussed below.

One commentator, an industry association, presented the views of two of its members as well as several comments for the association as a whole. One of these members requested that §§ 121.360 (f) and (g) be revised to provide a single date by which systems meeting the standards of the revised TSO must be installed. Another member requested that the single date be January 1, 1977, in order that the envelope for the glide slope deviation alerting mode (Mode 5) of the TSO could be refined. On the other hand, another commentator expressed regret that the December 1, 1975, compliance date originally proposed in Notice 75-16 was changed. However, as indicated in Notice 75-16A, the change in compliance dates as well as the two separate compliance dates are necessary to ensure that sufficient equipment meeting acceptable standards will be available for installation within the time provided. It should be noted that in establishing the compliance dates in this amendment, the FAA does not intend that operators unnecessarily delay installation of the systems that are required to be installed by the June 1, 1976, or January 1, 1977, compliance dates. These dates have been established to reflect a realistic time frame for equipment availability and installation no later than the required compliance dates. However, the FAA urges all operators to install the required ground proximity warning-glide slope deviation alerting system as soon as practicable.

With respect to the asserted need to refine the alerting envelope (Mode 5), a commentator also requested that the exceptions contained in proposed §§ 37.201 (a) (1) through (a) (4) (renumbered herein as §§ 37.201(a) (2) (1) through (a) (2) (iv)) be deleted. These exceptions act to prohibit the use of two alternate warning envelopes (Alternate Modes 1 and 4) that were developed by the Radio Technical Commission for Aeronautics for use in turbopropeller powered airplanes. In regard to these comments, the FAA does not agree that the presently available data and information warrant

a revision of the alerting envelope specified in the TSO, the establishment of additional warning envelopes in the TSO, or a delay in the proposed compliance dates. The FAA recognizes, however, that increased experience with ground proximity warning-glide slope deviation alerting systems may result in a recognized need for adjustments in the warning and alerting envelopes specified in the TSO. The FAA will continue to review all available relevant data, and expedited action will be taken if found necessary.

The FAA also does not agree with the comment that the deactivation of the glide slope deviation alerting portion of the overall system during back course approaches should be specifically authorized in order to avoid "nuisance" alerts. The TSO, as revised, requires a deactivation capability for the glide slope deviation alerting portion of the overall system, and there exists no prohibition against the pilot deactivating that portion of the system to avoid back course "nuisance" alerts. However, the TSO also provides that after any deactivation of the glide slope deviation alerting portion of the system, that portion be automatically reactivated for the next approach.

It should be noted that proposed § 121.360 has been revised to provide for the use of all TSO-approved ground proximity warning-glide slope deviation alerting equipment. For consistency, similar revisions have been made herein to current §§ 121.360 (a) and (b). Since these revisions provide for an alternate means of compliance, and impose no additional burden on any person, additional notice and public proceedings on these revisions are unnecessary.

Finally, as indicated in Notice 75-16A, eight of the ten comments received in response to Notice 75-16 were in favor of a glide slope deviation monitoring system requirement. However, all comments received in response to Notice 75-16 were considered by the FAA in the issuance of Notice 75-16A, and due consideration has again been given those comments in making these amendments.

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1924); sec. 6(c), Department of Transportation (49 U.S.C. 1055(c))

In consideration of the foregoing, Parts 37 and 121 of the Federal Aviation Regulations are amended effective October 13, 1975, as follows:

1. By revising the heading, paragraphs (a), (b), and (g), and the first sentence of paragraph (d) (1) of § 37.201 and adding a new § 37.201(h) to read as follows:

§ 37.201 Ground proximity warning-glide slope deviation alerting equipment; TSO-C92a.

(a) *Applicability*—(1) *Minimum performance standards.* This Technical Standard Order prescribes the minimum performance standards that ground proximity warning-glide slope deviation alerting equipment must meet in order to be identified with the applicable TSO

marking. Equipment to be so identified must meet the minimum performance standards prescribed in Radio Technical Commission for Aeronautics (RTCA) Document No. DO-161, titled "Minimum Performance Standards, Airborne Ground Proximity Warning System" dated February 7, 1975 (DO-161) including Change Number 2, dated June 13, 1974, with the exceptions covered in paragraph (a) (2) of this section, and must meet the additional standards contained in paragraph (c) of this section.

(2) *Exceptions.* For purposes of this section—

(i) The note added to paragraph 2.1.1 by Change Number 2 is not applicable;

(ii) Alternate Mode 1 added as page 8 of Appendix A by Change Number 2 is not applicable;

(iii) The note at the end of paragraph 2.1.4 as added by Change Number 2 is not applicable;

(iv) Alternate Mode 4 added as page 9 of Appendix A by Change Number 2 is not applicable; and

(v) The word "five" contained in the second sentence of the second paragraph of paragraph 2.6.5 as added by Change Number 2 is revised to read "three".

(b) *Environmental standards.* RTCA Document No. DO-138, dated June 27, 1968, including Change Number 2, dated October 29, 1969, or RTCA Document No. DO-160, dated February 28, 1975, both titled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", must be used to determine the environmental conditions over which the equipment has been designed to operate.

(d) \* \* \*

(1) The environmental categories over which it has been designed to operate as set forth in Appendix B of RTCA Document No. DO-138 or Appendix A of Document No. DO-160 must be permanently and legibly marked on the equipment. \* \* \*

(g) *Availability of referenced documents.* RTCA Document Nos. DO-138, dated June 27, 1968, including Change Number 2, dated October 29, 1969, DO-160, dated February 28, 1975, and DO-161, dated February 7, 1975, including Change Number 2, dated June 13, 1975, are incorporated herein in accordance with 5 U.S.C. 552(a) (1) and § 37.23 and are available as indicated in § 37.23. Additionally, RTCA Document Nos. DO-138, DO-160, and DO-161 may be examined at any FAA Regional Office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, at a cost of \$16.00 per copy for Document No. DO-138, \$20.00 per copy for Document No. DO-160, and \$16.00 per copy for Document No. DO-161.

(h) *Previously approved equipment.* Ground proximity warning equipment approved prior to October 13, 1975, un-

der TSO-C92 may continue to be manufactured under its original approval.

2. By revising the heading and paragraphs (a) and (b) of § 121.360 and by adding new paragraphs (f) and (g) to § 121.360 to read as follows:

**§ 121.360 Ground proximity warning-glide slope deviation alerting system.**

(a) Except as provided in paragraph (b) of this section, after December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

(b) Ground proximity warning systems approved for use under this Part and installed before June 5, 1975, may be used in lieu of equipment that meets the performance and environmental standards of TSO-C92 or is TSO-approved until January 1, 1977, except that the requirements of paragraph (c) of this section must be met.

(f) Except as provided in paragraph (g) of this section, after June 1, 1976, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning-glide slope deviation alerting system that meets the performance and environmental standards contained in TSO-C92a or incorporates TSO-approved ground proximity warning-glide slope deviation alerting equipment.

(g) Large turbine-powered airplanes being operated under the provisions of paragraph (b) of this section may be operated until January 1, 1977, without being equipped with the ground proximity warning-glide slope deviation alerting system required by paragraph (f) of this section.

Issued in Washington, D.C., on September 5, 1975.

JAMES E. DOW,  
Acting Administrator.

NOTE.—The incorporation by reference in this document was approved by the Director of the Federal Register on April 16, 1969.

[FR Doc. 75-24191 Filed 9-10-75; 8:45 am]

[Docket No. 13485; Amdt. 121-121]

**PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**

**Crewmember Interphone Systems for Large Turbojet-Powered Airplanes**

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to permit the operation of large turbojet-powered airplanes with a crewmember interphone system that incorporates either an aural or a visual alerting signal for use by crewmembers to alert flight attendants, and for use by flight attendants to alert flight crewmembers. This amendment revokes the require-

ment for a two-way communication system between ground personnel and a flight attendant in the passenger cabin of those airplanes, and clarifies certain other provisions contained in Part 121.

This amendment is based on a notice of proposed rulemaking (Notice No. 75-14) issued on March 6, 1975, and published in the FEDERAL REGISTER on March 13, 1975 (40 FR 11736).

Interested persons were afforded an opportunity to participate in the making of this amendment and due consideration was given to all matters presented. Five comments were received in response to the notice. Generally, all comments received were favorable. Some commentators recommended certain changes which are discussed below. Several made suggestions that are not within the scope of the notice, and, accordingly, those comments are not discussed but will be retained by the FAA for future study.

Additionally, it should be noted, as stated in Notice 75-14, that this amendment is an amendment for which proposals were received for inclusion in the 1974-1975 Airworthiness Review Program (Notice 74-5; 39 FR 5785). As indicated in that notice and in Notice 74-5A (39 FR 18662), rulemaking procedures separate from the airworthiness review could result in removal of proposals from consideration during the Airworthiness Review Program. Accordingly, because of this amendment those proposals are not being given further consideration.

Section 121.303(d)(2) of the Federal Aviation Regulations provides that the interphone system (as well as other specified equipment) must be in operable condition for takeoff. Consequently, the requirement in § 121.319(a)(1), which provides that no person may operate an airplane unless the airplane is equipped with a crewmember interphone system that is operational at takeoff, is redundant and is revoked by this amendment.

As stated in the notice, the FAA believes the objective of FAR § 121.319(b)(5)(ii) and (iii) can be met with the use of either an aural or a visual alerting system which is capable of distinguishing between a normal and an emergency call, since there are other means available, such as the public address system, to relay calls in the event the alerting system does not operate. Moreover, the FAA has reviewed the requirement of FAR § 121.319(b)(5)(iv) for a two-way communication system between ground personnel and a flight attendant in the passenger cabin, and believes that recent experience has shown that the need for that requirement is not as great at the present time as before.

During FAA discussions with interested members of the aviation community, a question arose as to when a power source is not considered to be common to the public address and interphone systems for the purpose of complying with FAR §§ 121.318(a)(1) and 121.319(a)(2).

Sections 121.318(a)(1) and 121.319(a)(2) state that except for handsets, headsets, microphones, selector switches, and

signaling devices, the public address and the crewmember interphone systems must be capable of operation independent of each other. With respect to these regulations, it should be noted that the power source is not considered to be common to the public address and interphone systems when the two systems are served by separate audio amplifiers through separate circuit breakers which receive power from at least a priority bus.

Comments received from the National Transportation Safety Board (NTSB) state that to allow a choice between aural and visual alerting signals degrades the present rule, since a visual signal alone might not be immediately seen and redundancy would be lost. Therefore, the NTSB continues to support both aural and visual signals as is presently required in § 121.319(b)(5)(ii). As stated in the preamble to the notice the FAA does not believe this redundancy is necessary since there are other means available, such as the public address system, to relay calls in the event the crewmember interphone alerting system does not operate.

The NTSB also states that during its investigation of an aircraft accident, it found that difficulties were experienced in transmitting the order to the cabin attendants and passengers to evacuate the aircraft. Accordingly, the NTSB concluded that during an emergency communication to all sections of the aircraft is vital and that a system should be required that is independent of the main aircraft power supply. Therefore, the NTSB recommended that the FAA require all air carrier aircraft to be equipped with both an aural and visual evacuation alarm system capable of being activated in the cockpit and at each flight attendant's station and powered so that interruption of the aircraft electrical systems will not interfere with use of the evacuation alarm. Furthermore the NTSB expressed the view that a portable battery-powered megaphone required by § 121.309(f) is an inadequate, independent backup. While these comments are beyond the scope of the notice, which is limited to the alerting signal system that alerts the crewmembers to incoming calls, these comments are appreciated. In this connection, it should be noted that as a result of the NTSB's Special Study on Safety Aspects of Emergency Evacuations from Air Carrier Aircraft, it submitted to the FAA a number of safety recommendations (A-74-105 through 114). Safety recommendation A-74-111 recommended that the FAA amend § 121.318 to require, after a reasonable date, that the public address system be capable of operating on a power source independent of the main aircraft power supply. These safety recommendations are under consideration by the FAA and the NTSB comments in response to the notice will be considered in connection with those recommendations.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424); sec. 6(e), Department of Transportation Act (49 U.S.C. 1655(e)))

In view of the imminence of the present compliance date, I find that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 121.319 of the Federal Aviation Regulations is amended, effective September 8, 1975, by revoking and reserving paragraph (a) (1); by revising paragraph (b) (5) (ii); and by amending paragraph (b) (5) (iv) to read as follows:

**§ 121.319 Crewmember interphone system.**

(a) \* \* \*

(1) [Reserved]

\* \* \*

(b) \* \* \*

(5) \* \* \*

(ii) It must have an alerting system incorporating aural or visual signals for use by flight crewmembers to alert flight attendants and for use by flight attendants to alert flight crewmembers;

(iv) When the airplane is on the ground, it must provide a means of two-way communication between ground personnel and either of at least two flight crewmembers in the pilot compartment. The interphone system station for use by ground personnel must be so located that personnel using the system may avoid visible detection from within the airplane.

Issued in Washington, D.C., on September 5, 1975.

JAMES E. DOW,  
Acting Administration.

[FR Doc. 75-24190 Filed 9-10-75; 8:45 am]

**Title 17—Commodity and Securities Exchanges**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-11632]

**PART 201—RULES OF PRACTICE**

**Procedures for Adjudications Not Required To Be Determined on the Record After Notice and Opportunity for Hearing**

The Securities and Exchange Commission, acting pursuant to Section 23 of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975) (the "1975 Amendments"), hereby adopts Rule of Practice 27 (17 CFR 201.27).

In connection with the adoption of Rule 27, the Commission hereby amends Rule of Practice 1, Scope of the rules of practice, to read as follows:

**§ 201.1 Scope of rules of practice.**

These rules of practice are generally applicable to proceedings before the Commission under the statutes which it administers, particularly those which involve a hearing or opportunity for hearing before the Commission or its duly designated officer. Rule 201.27 applies to cases pursuant to the Securities Exchange Act of 1934 of adjudication not required to be determined on the record

after notice and opportunity for hearing. In connection with any particular matter, reference should also be made to any special requirements of procedure and practice that may be contained in the particular statute involved or the rules and forms adopted by the Commission thereunder, which special requirements are controlling. These rules do not apply to investigations, except where made specifically applicable by the Rules Relating to Investigations (Part 203 of this chapter).

Section 23(c) of the Act provides that the Commission, by rule, shall prescribe the procedure applicable to every case pursuant to the Act of adjudication not required to be determined on the record after notice and opportunity for hearing. The text of Rule 27 is as follows:

**§ 201.27 Adjudications not required to be determined on the record after notice and opportunity for hearing.**

In every case pursuant to the Securities Exchange Act of 1934 of adjudication (as defined in section 551 of title 5, United States Code) not required to be determined on the record after notice and opportunity for hearing, the Commission shall (a) give prompt notice of any adverse action or final disposition to any person who has requested the Commission to make (or not to make) any such adjudication, and (b) furnish to any such person a statement of written reasons therefor. Additional procedures may be specified in rules relating to specific types of such adjudications; where any such rule provides for the publication of a Commission order, notice of the action or disposition shall be deemed to be given by such publication.

The Commission finds that the foregoing rules will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission finds further that the foregoing action relates solely to agency organization, procedure or practice and that notice and procedures under 5 U.S.C. 553 are not necessary. The foregoing rules are not substantive rules; therefore, publication prior to their effective date is not necessary. Accordingly the foregoing action becomes effective immediately.

(Sec. 23, 48 Stat. 901, as amended by sec. 18, 89 Stat. 155 (15 U.S.C. 78w, as amended by Pub. L. No. 94-29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 4, 1975.

[FR Doc. 75-24165 Filed 9-10-75; 8:45 am]

**Title 23—Highways**

**CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**PART 658—NATIONAL MAXIMUM SPEED LIMIT; MAXIMUM VEHICLE SIZE AND WEIGHT**

**Notice of Determination of Nonconformity**

The purpose of this amendment to 23 CFR Part 658, adding § 658.17, is to pro-

vide a procedure for notice to the State, and publication in the FEDERAL REGISTER, of a determination by the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration that a State has not submitted certifications relating to speed limit and size and weight enforcement which conform to §§ 658.7 and 658.9. The amendment provides that the notice of determination of nonconformity shall include a statement of the reasons for the determination and specify the time within which the State has an opportunity to show cause why the determination should not be made effective.

Because the amendment constitutes a rule of agency procedure and practice that does not impose additional requirements on any State, the relevant provision of the Administrative Procedure Act (5 U.S.C. 553(b)) requiring notice of proposed rulemaking and opportunity for public participation is inapplicable.

In consideration of the foregoing, Part 658 in Title 23, Code of Federal Regulations, is amended by the addition of § 658.17, as follows:

**§ 658.17 Notice of determination of nonconformity.**

(a) If the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration determine that a State has not submitted certifications which conform to §§ 658.7 and 658.9, they shall send the Governor of the State by certified mail and publish in the FEDERAL REGISTER a notice of their determination of nonconformity 45 days prior to the effective date thereof.

(b) The notice of determination of nonconformity shall state the reasons for the determination and specify the time within which the State has an opportunity to show cause why the determination should not be made effective.

(Secs. 106, 107, 114, Pub. L. 93-643, 80 Stat. 2281; (23 U.S.C. 127, 141, 154; 23 U.S.C. 315); delegations at 49 CFR 1.48 and 1.50.)

Effective date: October 10, 1975.

Issued on September 4, 1975.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

JAMES B. GREGORY,  
National Highway Traffic  
Safety Administrator.

[FR Doc. 75-24183 Filed 9-10-75; 8:45 am]

**Title 32—National Defense**

**CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE**

**SUBCHAPTER M—MISCELLANEOUS**

**PART 197—EQUAL OPPORTUNITY IN OFF-BASE HOUSING**

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved Part 197. This part sets forth Department of Defense fair housing policy; assigns responsibilities and prescribes enforcement and complaint procedures; and establishes reporting requirements.



Sec.	
197.1	Purpose.
197.2	Applicability and scope.
197.3	Definitions.
197.4	Objectives and policies.
197.5	Reports.
197.6	Check list for commanders.
197.7	Effective date and implementation.

AUTHORITY: Sec. 301, 80 Stat. 379; (5 U.S.C. 301, 10 U.S.C. 133).

#### § 197.1 Purpose.

This part:

(a) Revises the policies covering "restrictive sanctions" and "relief for complainants"; updates the reporting requirements; includes sex discrimination under its provisions; and authorizes commanders to use verifiers under certain conditions.

(b) Supplements the "equal opportunity" provisions of 32 CFR Part 191 relating to equal opportunity in off-base housing and fair housing enforcement.

#### § 197.2 Applicability and scope.

The provisions of this part apply to all DoD Components (Military Departments, Defense Agencies, Specified and Unified Commands and other DoD Components) which have under their jurisdiction:

(a) Military personnel authorized to live in the civilian community in the United States, or

(b) DoD personnel authorized to live in the civilian community in areas outside of the United States.

#### § 197.3 Definitions.

Terms which apply to this part are:

(a) *Agent*. Real estate agency, manager, landlord or owner, as appropriate, of a housing facility doing business with DoD personnel or a Housing Referral Office.

(b) *Area Outside the U.S.* An area in which DoD personnel reside but which is not subject to U.S. laws or regulations.

(c) *Commander*. The military or civilian head of any installation, organization or agency of the DoD.

(d) *Commuting Area*. That area as defined in DoD Instruction 4165.45.<sup>2</sup>

(e) *Complainant*. A military member, adult dependent acting for a military member, or a civilian employee of the DoD who submits a complaint of discrimination.

(f) *Discrimination*. The act of denying housing to DoD personnel because of race, color, religion, national origin, or sex.

(g) *DoD Personnel*. In the United States, military personnel and their dependents. Outside the United States, military personnel and their dependents, and non-appropriated and appropriated fund U.S. citizen civilian employees and their dependents, assigned to any DoD component.

(h) *Listed Facility*. A suitable facility listed with the housing referral office as available for DoD personnel which is not under restrictive sanctions and whose

agent and/or owner has provided a non-discriminatory assurance.

(i) *Relief for the Complainant*. Action taken by a commander for the benefit of a complainant if a discrimination complaint is substantiated.

(j) *Restrictive Sanctions*. Action taken by a commander to preclude DoD personnel from entering into a new rental, lease or purchase arrangement with, or otherwise moving into, a housing facility, the agent of which has been found to have discriminated against DoD personnel. Restrictive sanctions are effective against the agent and the facility.

(k) *Verifiers*. Volunteers used by the commander during the course of a housing discrimination investigation to determine if, in fact, housing discrimination is being practiced by a facility or individual as alleged. Verifiers are not required to be prospective tenants.

#### § 197.4 Objectives and policies.

The Department of Defense is fully committed to the goal of obtaining equal treatment for all DoD personnel as specified in (32 CFR Part 191). To carry out this policy with regard to off-base housing and fair housing enforcement, the Secretaries of the Military Departments and Heads of other DoD Components concerned will develop and issue implementing regulations consistent with the following:

(a) *National Housing Policy*. In the United States, Federal legislation prohibits discrimination in housing against any person because of race, color, religion, or national origin:

(1) Title VIII of the Civil Rights Act of 1968 contains the fair housing provisions; outlines the responsibilities of the Secretary of Housing and Urban Development with regard to the Act; and requires all executive departments and agencies to administer housing and urban development programs and activities under their jurisdiction in a manner which will reflect "affirmatively" the furthering of the purposes of Title VIII.

(2) Title IX of the Civil Rights Act of 1968 makes it a crime to willfully intimidate or interfere with any person by force or threat because of his activities in support of fair housing.

(3) 42 U.S.C. 1982 states that all citizens shall have the same right as is enjoyed by white citizens to purchase, lease, sell and convey real and personal property.

(b) *DoD Fair Housing Policy*. The Department of Defense intends that Federal fair housing legislation be supported and that DoD personnel have equal opportunity for available housing regardless of race, color, religion, national origin or sex. This includes the objective of eliminating discrimination against DoD personnel in off-base housing. This is not achieved simply by finding a place to live in a particular part of town or in a particular facility for a person from a minority group. It is achieved only when a person who meets the ordinary standards of character and financial responsibility is able to obtain off-base housing in the same manner as any other person anywhere in the area surround-

ing his installation, without suffering refusal and humiliation because of his race, color, religion, national origin or sex.

(1) The accomplishment of the objective shall not be hampered in any case by requiring the submission of a formal complaint of discrimination. A suspected discriminatory act, with or without the filing of a formal complaint, is a valid basis for investigation and, if discrimination is substantiated, for imposition of restrictive sanctions.

(2) No member of the Armed Forces moving into or changing his place of residence in the commuting area of a military installation or activity in the United States and no DoD member moving into or changing his place of residence in the commuting area of a DoD installation or activity outside the United States, shall be authorized to enter into a rental, purchase or lease arrangement with an agent or a facility which is under restrictive sanctions. (See paragraph (b) (3) of this section.)

(3) Restrictive sanctions shall be imposed upon substantiation that discrimination was practiced by an agent in accordance with paragraph (d) (2) of this section. These sanctions are not applicable to DoD personnel who may be residing in a facility at the time the restriction is imposed or to the extension or renewal of a rental or lease agreement originally entered into prior to the imposition of the restrictive sanctions. Relocation of a tenant within a restricted facility is not authorized without the written approval of the commander.

(4) In paragraph (b) (3) of this section, the agent shall be informed in writing that restrictions have been imposed, the reasons therefore, and the actions which must be taken to remove the restriction after the 180 days minimum restriction expires. In order for restrictive sanctions to be removed, the agent must provide assurances of future non-discriminatory practices.

(5) After imposition of restrictive sanctions, the commander shall insure that DoD personnel comply with the restrictive sanctions imposed on the agent.

(6) If a discrimination complaint is substantiated, the commander shall take whatever action is deemed reasonable to assist the complainant in obtaining suitable housing. If, due to discrimination practices in the community, suitable housing cannot be obtained by the complainant in a reasonable amount of time, the complainant and the commander may use this fact as a reason to justify a request for, if otherwise eligible, priority in obtaining military housing or for compassionate reassignment.

(7) The fact that 42 U.S.C. 1982 and Pub. L. 90-284 may or may not provide a remedy in a given case of discrimination affecting DoD personnel does not relieve a commander of the responsibility to insure equal treatment and opportunity for such personnel or to impose restrictive sanctions against the agent when appropriate.

(8) Consistent with the policy of freedom of choice, commanders shall insure non-discrimination in referring personnel to off-base housing facilities.

<sup>2</sup> Filed as part of original. Copies available from U.S. Publications and Forms Center, 6801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300.

(9) Continuing efforts (as described in DoD Directive 5100.60 (32 CFR Part 239(a)) and DoD Instructions 4165.51)<sup>1</sup> shall be made to identify and solicit non-discriminatory assurances from those rental facilities within the commuting area which are considered to be suitable for occupancy by DoD personnel.

(10) An information program to apprise DoD personnel of the DoD policy and program for equal opportunity in off-base housing shall be developed at each installation. For support of this program, use should be made of local community resources such as civil rights organizations, religious and civic groups, and others.

(c) *DoD Personnel Seeking Off-Base Housing*, DoD personnel shall:

(1) Be processed through the Housing Referral Office in the United States and, when available, in areas outside the United States.

(2) Be provided the following assistance in seeking temporary and permanent off-base housing:

(i) Counseling concerning the Equal Opportunity in Off-Base Housing Program, with particular stress placed on obligation of applicants to report any indication of discrimination against them in their search for housing.

(ii) Personal assistance by:

(a) Ascertaining the applicant's desires and requirements for housing and matching them as nearly as possible with current available listings.

(b) Offering to follow up by a telephone check of the selected listings to insure their availability. In taking this action, a record shall be made of the date, time and nature of the conversation confirming the unit, which record shall be retained for future reference. In no case will the race, color, religion, national origin, or sex of the applicant be divulged.

(c) Offering the services of a command representative (such as a unit sponsor or other person) to accompany and assist the applicant in his search for housing. The command representative will be responsible for taking the following action:

(1) If an agent of a housing facility refuses to accept or consider the applicant as a tenant; falsely indicates the unit sought has been rented to another applicant; or otherwise fails to furnish the unit under the same terms and conditions as are ordinarily applied to applicants for his facilities, the agent will be queried concerning the reasons why the unit is not available. After all reasonable steps have been taken to ascertain whether any valid nondiscriminatory reason can be shown for the agent's rejection of the applicant, and there appears to be no such reason, a reasonable effort will be made to persuade the agent to make the unit available to the applicant.

(2) Failing to persuade the agent to accept the applicant as a tenant, the in-

cident will be reported to the appropriate command official for investigation. (Whether a complaint is or is not filed by the applicant, the procedures outlined in paragraphs (d) (1) and (2) of this section, as warranted by the circumstances, shall be followed.)

(d) *Responsibilities of Commanders—*  
(1) *Enforcement procedures in the United States.* Every commander shall:

(i) Insure that an office and staff serving the command are available to advise DoD personnel concerning:

(a) The procedures set forth in this Instruction.

(b) The application of 42 U.S.C. 1982 and Pub. L. 90-284, "The Civil Rights Act of 1968," (62 Stat. 696) 42 U.S.C. 3601 et seq. in specific situations.

(c) The rights of individuals to pursue remedies through civilian channels, without recourse or in addition to the procedures prescribed herein, including the right to:

(1) Make a complaint directly to the Department of Housing and Urban Development (HUD) or to the Department of Justice; and,

(2) Bring a private civil action in any court of competent jurisdiction.

(ii) Periodically review the off-base housing procedures in his command to insure adequacy and compliance with this part. In order to assist the commander in accomplishing this review, a checklist is provided in this part (§ 197.6).

(2) *Complaint procedures in the United States.* Upon receipt of a housing discrimination complaint, an investigation will be initiated within three (3) working days after receipt of the complaint, using verifiers if deemed necessary. Verifiers will not be used for the sole purposes of ascertaining the sincerity of the practices of an agent unless a housing discrimination complaint has been filed against the agent. The investigation shall conform to the due-process procedures as set forth for Armed Forces Disciplinary Control Boards (Joint Regulation—AR 190-24, MCO 1620.2, AFR. 125-11, COMDTINST 1620.1A, January 11, 1972).<sup>2</sup>

(i) If the complaint is not substantiated by the investigation, the complainant will be (a) so informed, (b) advised of his rights to pursue further actions through HUD, the Department of Justice, and/or State or Federal Court, and (c) offered whatever assistance is appropriate and can be provided legally by the Military Service in pursuing the courses of action in paragraph (d) (1) of this section.

(ii) If the complaint is substantiated by the investigation, restrictive sanctions will be imposed against the agent for a minimum of 180 days; the agent will be informed in writing of this action and advised on what action he must take to remove the restrictive sanctions after the 180 day minimum.

(a) The complainant will be informed in writing of the results of the investiga-

tion and action will be taken to assure relief for the complainant as outlined in paragraph (b) (6) of this section.

(b) The complainant shall also be informed of his rights to pursue further actions through HUD, the Justice Department and/or State or Federal Courts and he shall be offered whatever assistance can be provided legally by the Military Service in pursuing these courses of action.

(c) If the act of discrimination falls under existing laws, the commander shall forward a copy of the complaint directly to HUD using HUD Form 903, if the complainant concurs. A complaint must be received by HUD within 180 days after the occurrence of the alleged discriminatory act. A copy of the complaint shall be forwarded to the Department of Justice (Civil Rights Division), Washington, D.C. 20530.

(iii) Where more than one complaint alleging discrimination involves the same agent, documentation may be consolidated. In these cases, if appropriate, the consolidated documentation shall be forwarded to HUD and to the Department of Justice (Civil Rights Division), Washington, D.C. 20530.

(3) *Complaint Procedures in Areas Outside the United States.* The procedures outlined in paragraph (d) (2) of this section shall be used for processing complaints of housing discrimination in areas outside the United States with the exception of submitting complaints to HUD or the Department of Justice.

(4) *Cooperation with governmental agencies investigating alleged housing discrimination complaints.* Commanders shall cooperate to the fullest extent possible with other governmental agencies investigating housing discrimination complaints filed by a complainant.

#### § 197.5 Reports.

(a) *Reporting requirements.* (1) A copy of each investigative report that substantiates a case of housing discrimination shall be submitted by the Military Services to the Assistant Secretary of Defense (Manpower and Reserve Affairs) not later than 45 days from the date the case is forwarded from the installation. Under normal circumstances, the installation will complete required investigation and processing of complaints within 20 days from the date that a housing complaint is filed by a complainant. The Military Services shall summarize and make appropriate comments to include the affirmative action taken in the case prior to submission of the report to the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(2) A copy of investigative reports that do not substantiate allegations of housing discrimination shall be kept on file at the installation level for a period of 24 months. Requests for these cases to be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) normally will be made only when other government or civilian agencies have expressed an interest.

(3) Each Military Service shall submit semi-annual reports to the Assistant

<sup>1</sup> Filed as part of original. Copies available from U.S. Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attn: Code 300.

<sup>2</sup> Copies may be obtained by Defense Agencies, if needed, through Army, Navy, Air Force, Marine Corps or Coast Guard publication distribution channels.

Secretary of Defense (Manpower and Reserve Affairs) as follows:

(i) Total number of rental facilities surveyed during the reporting period.

(ii) Total number of rental facilities listed to date and number of rental facilities listed during the reporting period.

(iii) Total number of rental facilities under restrictive sanctions and number of rental facilities restricted during the reporting period.

(iv) Total number of discrimination complaints processed during the reporting period by each Military Service.

(v) The number of compassionate re-assignment and priority housing requests received under the provisions of this Instruction and their disposition during the reporting period.

(vi) By installation in the United States, a list of housing facilities upon which restrictive sanctions have been imposed. This shall include, as available, the name and address of the facility and agent, the reason for the restriction and the status of negotiations with the agent.

(vii) A short narrative report summarizing service-wide significant Equal Opportunity in Off-Base Housing activities, problems and experiences and appropriate explanatory comments concerning the statistical portion of the report.

(viii) Reports (as of December 31 and June 30) shall be submitted to the Assistant Secretary of Defense (Manpower and Reserve Affairs) not later than the 25th of the month following the end of the reporting period.

(b) *Report control symbol.* (1) Reports of investigation required in paragraph (a) (1) and (2) of this section are exempt from RCS by Section III, D, 6., DoD Directive 5000.19, "Policies for the Management and Control of DoD Information Requirements," June 2, 1971.

(2) The report required in paragraph (a) (3) of this section, is assigned Report Control Symbol DD-M(SA) 1146.

§ 197.6 Check list for commanders.

(a) Are newly assigned personnel informed as to the requirements of the equal opportunity in off-base housing program prior to obtaining housing off-base?

(b) Is there an effective equal opportunity in off-base housing information program?

(c) Are community resources being used to support the equal opportunity in off-base housing information program?

(d) Are housing discrimination complaints being expeditiously processed?

(e) Are complainants being informed, in writing, of the results of investigations?

(f) Are housing surveys being conducted periodically to obtain new listings?

(g) Are restrictive sanctions being imposed immediately for a minimum of 180 days on agents found to be practicing discrimination?

(h) Are the services of command representatives offered to accompany and assist applicants in their search for housing?

(i) Are Housing Referral Office and equal opportunity personnel sensitive to the problems of minority personnel?

(j) Are accurate equal opportunity in off-base housing reports being submitted in a timely manner?

§ 197.7 Effective date and implementation.

This part is effective immediately. Three copies of each Military Service and Defense Agency implementing document shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 90 days.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

SEPTEMBER 8, 1975.

[FR Doc. 75-24169 Filed 9-10-75; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION

[CGD 75 089]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hood Canal, Washington

This amendment changes the regulation for the Hood Canal floating drawbridge by deleting all references to AM radio frequencies because the AM frequencies will not be authorized by the Federal Communications Commission after January 1, 1977; and because the AM frequencies are not utilized by any users of the drawbridge. Since this amendment clarifies the frequency to be used by the bridge owner and users of the bridge, and relieves the owner of the bridge of the obligation of maintaining obsolete equipment, notice and public procedure are unnecessary.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.784(d) (1) to read as follows:

§ 117.784 Hood Canal, Wash.; Washington State Department of Highways bridge near Port Gamble.

(d) \* \* \*

(1) *Radio.* The drawtender shall monitor and communicate with vessels on radiotelephone frequency 156.65 megahertz (Channel 13). If radio contact cannot be made on 156.65 megahertz, the drawtender shall monitor and communicate with vessels on 156.80 megahertz (Channel 16). These frequencies are subject to change by the Federal Communications Commission.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

*Effective date.* This revision shall become effective on September 13, 1975.

Dated: September 5, 1975.

R. I. PRICE,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc. 75-24160 Filed 9-10-75; 8:45 am]

SUBCHAPTER O—POLLUTION

[CGD 75-026]

PART 155—VESSEL DESIGN AND OPERATIONS

Prohibited Oil Spaces

The purpose of this amendment is to provide a remedy for a situation that was not foreseen when the initial regulations were published, namely, that elimination of fuel tanks forward of collision bulkheads on vessels under 300 gross tons and certain larger existing vessels would be economically prohibitive while the resulting environmental gain would not be commensurate.

Section 155.470(a) prohibits operation of a vessel that carries fuel forward of the collision bulkhead. Section 155.110 permits exemptions from this requirement, but only where "an equivalent level of protection \* \* \* will be provided by the alternative \* \* \*"

Experience gained in the enforcement of the Pollution Prevention Regulations has highlighted problems in modifying certain "existing vessels" (those constructed before 1 July 1974) and a number of vessels under 300 gross tons to achieve compliance. As an example, several foreign flag chemical carriers and some U.S. passenger vessels, fishing vessels, and towing vessels on the western rivers now have fuel tanks forward of the collision bulkhead. Ship alteration of a chemical carrier either to reposition the fuel tanks or to construct a new collision bulkhead would require extensive redesign work at considerable cost (e.g., \$250,000 for new bulkhead placement, associated repiping and refurbishing, and off-hire time of approximately 3 weeks). The smaller vessels simply cannot comply at all; they utilize otherwise wasted space for fuel, have no place to relocate the tanks and cannot comply with the 24-inch requirement and still continue in business.

The Coast Guard's Pollution Incident Reporting System and Port Safety/Marine Environmental Protection Activities Report data show that this expense or hardship is not justifiable. The probability of a tank ship discharging any oil as a result of a collision or grounding while in U.S. waters is less than 0.0005. More specifically, during 1973 and 1974, 21 tank ships were involved in 20 collisions and groundings resulting in the discharge of 43,187 bbls of oil. Only 2 of these 21 tank ships suffered hull damage forward of the collision bulkhead which resulted in 2 bbls of oil discharged. In other words, less than five one-thou-

<sup>1</sup> Filed as part of original. Copies available from U.S. Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attn. Code 300.

## RULES AND REGULATIONS

sandths of one percent (0.00005) of all the oil discharged from tankers came from forward of the collision bulkhead. When considered together, these statistics show that the probability of oil being discharged from forward of a tanker's collision bulkhead as a result of a collision or grounding in U.S. waters is extremely remote (0.000000025). Further, the likelihood of such a discharge occurring from vessels less than 300 gross tons is equally remote.

Consideration was therefore given to revoking § 155.470. This was rejected because it is desirable that new vessels (constructed on or after 1 July 1974) be constructed in compliance with § 155.470. Although the resultant environmental protection is small, it can be justified because, when included in the initial design, fuel tank placement will generate little or no incremental cost. On the other hand, costly retrofitting of existing vessels is the action which cannot be justified.

Therefore, since noncompliance with a requirement is unacceptable, ship alteration is unreasonable, revocation of § 155.470 is undesirable and alternative measures required by the waiver provision do not exist, it is necessary to amend § 155.470 to provide relief for the "problem" vessels.

This relief is needed immediately because, if compliance is enforced, dry-docking for alterations must be scheduled at once for many vessels before their return to U.S. ports or continued service in U.S. waters. Accordingly, notice and public procedure thereon under 5 U.S.C. 553(b) (3) (B) are impracticable.

In consideration of the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended by revising § 155.470 to read as follows:

**§ 155.470 Prohibited oil spaces.**

(a) Except as provided in paragraph (b) of this section, no person may operate a self-propelled vessel of 300 or more gross tons carrying bulk oil or oily waste in any space forward of a collision bulkhead.

(b) Fuel for use on a vessel constructed on or after 1 July 1974, may be carried in tanks forward of a collision bulkhead if such tanks are at least 24 inches inboard of the hull structure. Fuel for use on a vessel constructed before 1 July 1974, may be carried in tanks forward of a collision bulkhead if those tanks were designated, installed or constructed for fuel oil carriage also before 1 July 1974.

(33 U.S.C. 1321(j) (1) (C) and (D); Exec. Order No. 11735, 38 FR 21243 (1973); 49 CFR 1.46(m))

*Effective date:* This amendment is effective on October 13, 1975.

Dated: September 5, 1975.

O. W. SILER,  
Admiral, U.S. Coast Guard  
Commandant.

[FR Doc.75-24159 Filed 9-10-75; 8:45 am]

**Title 38—Pensions, Bonuses and Veterans' Relief**

**CHAPTER I—VETERANS ADMINISTRATION**

**PART 36—LOAN GUARANTY**

**Interest Rate Change**

The Veterans Administration is amending §§ 36.4212(a) (2) and (3), 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations to increase the maximum allowable interest rates on new loans.

Sections 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations are being amended to increase the maximum interest rate on new guaranteed, insured and direct loans from 8½ to 9 percent. Section 36.4212(a) (2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to increase the maximum interest rate from 8½ to 9 percent, except for that portion of § 36.4212(a) (3) which relates to loans that do not exceed \$2,500 made for site preparation to a lot owned by the veteran where no change is made. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The availability of mortgage funds from the private sector is dependent upon the interest rate being competitive with other available investments. Compliance with § 1.12 would create an acute shortage of mortgage funds pending the effective date of the amendments, which would necessarily be more than 30 days after it was published in proposed form.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

**§ 36.4212 Interest rates and late charges.**

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to September 2, 1975.

(2) 9 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 9 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed \$2,500.

2. In § 36.4311, paragraph (a) is revised to read as follows:

**§ 36.4311 Interest rates.**

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 9 per centum per annum, effective September 2, 1975, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 9 per centum per annum on the unpaid principal balance.

3. In § 36.4503, paragraph (a) is revised to read as follows:

**§ 36.4503 Amount and amortization.**

(a) The original principal amount of any loan made on or after December 31, 1974, shall not exceed an amount which bears the same ratio to \$25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 9 percent per annum.

These VA Regulations are effective September 2, 1975.

Approved: August 29, 1975.

By direction of the Administrator.

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

[FR Doc.75-24150 Filed 9-10-75; 8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER C—AIR PROGRAMS**

[FRL 427-1]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Kansas: Approval of Compliance Schedules; Correction**

The introductory text in § 52.876(c) (2) is being revised to correct a discrepancy in the wording as previously published in the FEDERAL REGISTER on November 7, 1974 (39 FR 39436), and May 19, 1975 (40 FR 21727). The revised language appears below.

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

**Subpart R—Kansas**

**§ 52.876 Compliance Schedules.**

(c) \* \* \*  
(2) The compliance schedules identified below are disapproved as not meeting the requirements of § 51.4 or § 51.15

of this chapter. All regulations cited are air pollution control regulations of the state, unless otherwise noted.

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

[FR Doc. 75-24068 Filed 9-10-75; 8:45 am]

[FRL 410-7]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Puerto Rico Implementation Plan; Revision**

On January 3, 1975, the Governor of the Commonwealth of Puerto Rico submitted a proposed revision to the Puerto Rico Implementation plan which consisted of a revised Article 6 (Control of Sulfur Compound Emissions) of the Puerto Rico Regulation for Control of Atmospheric Pollution. Additional information was received from the Executive Director of the Puerto Rico Environmental Quality Board (EQB) on January 17, 1975, February 14, 1975, March 26, 1975, May 8, 1975, and June 2, 1975.

Revised Article 6 was adopted by Governor's Executive Order (Administrative Bulletin Number 3022) on December 19, 1974 and became effective under Puerto Rico law on December 30, 1974. This regulation was the subject of Commonwealth of Puerto Rico public hearings during the period October 24-25, 1974. Pursuant to subsection 6.1.3 of the revised Article 6, all stationary sources were to be in compliance with the applicable limitations specified therein by February 28, 1975.

The material initially submitted in support of the plan revision included information received from the Governor on January 3, 1975, and information transmitted by the Executive Director of EQB on January 17, 1975. This included the following:

- (1) A notice of public hearings which were held October 24 and 25, 1974.
- (2) A certification that public hearings were held in conformity with the requirements of 40 CFR 51.4.
- (3) A record of the public hearings which includes a transcript of the proceedings, all other material which was submitted at the hearings and a copy of each written presentation submitted after adjournment of the hearings.
- (4) The revised Article 6 of the Regulation for the Control of Atmospheric Pollution. Included as a part of the regulation were Appendices A and B which discuss, respectively, the atmospheric dispersion calculation method used to develop the maximum allowed percentage of sulfur in fuels for all sources with a design heat capacity greater than 8 million Btu/hr. and a listing of such limitations. A listing of the allowable sulfur in fuel limitations which are presented in Appendix B was published in the March 10, 1975 issue of the FEDERAL REGISTER (40 FR 10998).
- (5) A copy of Environmental Quality Board Resolution Number R-74-24, dated

December 4, 1974, whereby the revision to Article 6 was adopted.

(6) A copy of the Governor's Executive Order, dated December 19, 1974 (Administrative Bulletin Number 3022) which sets December 30, 1974 as the effective date of the revised regulation.

(7) A listing of the diffusion model computer program.

(8) Summaries of predicted sulfur dioxide concentrations and partial contributions, by source, to these concentrations at each receptor point as determined by using the sulfur in fuel values set forth in Appendix B of the regulation.

(9) Meteorological parameters used in the diffusion calculations for the air basins of Mayaguez, Catano, Arecibo, Barceloneta, Ponce, Aguada, Trujillo Alto-Dorado and Manati.

(10) A document entitled, "Amendments to the State Implementation Plan of the Commonwealth of Puerto Rico" which changes the text of the approved implementation plan as a result of the proposed revision.

(11) A document entitled, "Enforcement Procedures and Changes in Resource Requirements."

On February 14, 1975, additional information pertaining to the air basins of Guayanilla and Aguirre was received. This information includes a description of the meteorological parameters used in the diffusion calculations for these basins and the predicted sulfur dioxide concentrations and partial contributions at selected receptor sites.

On March 10, 1975, EPA published a notice of proposed rulemaking (40 FR 10997) covering the subject revision to the Puerto Rico Implementation plan. In that notice, the Regional Administrator noted that EQB had failed to predict the expected ambient air concentration for sulfur oxides from one source in the Ponce air basin, even though this source had been assigned a sulfur in fuel limitation in Appendix B. To correct this omission EQB, on March 26, 1975, provided supplemental information to the Regional Office which stated that the source in the Ponce air basin had been assigned a sulfur in fuel value of 0.2 percent, by weight. In addition, on May 8, 1975, the Executive Director of EQB submitted supporting data which predicted sulfur dioxide concentrations in the Ponce air basin with this plant included. This data shows that national ambient air quality standards for sulfur oxides will not be contravened in this air basin when the assigned sulfur in fuel limitation of 0.2 percent, by weight, is used at this plant.

The notice of proposed rulemaking also stated that EQB would submit additional information pertaining to resources. This information was also received on March 26, 1975, and along with the information regarding the source in Ponce, has been available for public inspection in the Regional Office since its receipt.

The control strategy for sulfur oxides contained in the revision is intended to provide for attainment of national ambient air quality standards by assigning a

maximum allowable sulfur content to each source such that the resulting ambient air concentrations predicted by means of the specified dispersion model are below national ambient air quality standards. The model specified is based on the conventional Gaussian plume dispersion equation. The predicted centerline concentration is used to estimate 3-hour and 24-hour sulfur oxide concentrations. The sector averaged form of this equation is used to determine annual concentrations.

Meteorological input for short term calculations consists of wind speed, wind direction and atmospheric stability measured at five minute intervals at meteorological towers which are located at several sites around Puerto Rico. Annual concentrations are calculated using joint stability space-wind rose data distributions recorded at U.S. Weather Service operated weather stations. The meteorological input is chosen so as to maximize the impact of individual sources and combinations of many sources. Both buoyant plume rise and plume enhancement are taken into account in the modeling technique.

The emission rates used by EQB are calculated assuming a 100 percent load factor in determining maximum three and 24-hour average concentrations and an 80 percent load factor is assumed in determining annual average concentrations. However, in the air basins of Mayaguez, Arecibo, Barceloneta, Ponce, Aguada, Trujillo Alto-Dorado and Manati an annual load factor of 70 percent is assumed.

Significant terrain features are considered by subtracting from the effective stack height of the source one half of the difference in height between the base of the stack and the elevation of the terrain at which a prediction of concentration is being made. Receptor locations are spaced at whatever interval is necessary to identify the maximum concentration.

Allowable sulfur contents are chosen so that the resulting ambient air concentrations are not predicted to exceed 80 percent of the applicable 3-hour and 24-hour national ambient air quality standards. Protection of the annual national ambient air quality standard is assured through the conservative estimate of an 80 percent load factor on an annual basis when estimating source emissions.

In addition to the information which EPA regulations require to be submitted in support of a request for a plan revision, EQB has also provided detailed computations of predicted ambient air quality for each source analyzed. Examination of these detailed calculations shows that some sources were modeled using different sulfur in fuel values than those presented in Appendix B to the revised Article 6. For each case in which this occurred, linear proportioning was used to adjust the predicted concentrations to those that would result from use of Appendix B sulfur contents. By this technique it was determined that the use of the sulfur limitations given in Appendix B would be sufficient to provide for

attainment of the national standards. A listing of the maximum predicted sulfur oxide concentrations which are expected to result when all the assumptions described previously are used was presented in Table 2 of the March 10, 1975, FEDERAL REGISTER (40 FR 10999). These predicted concentrations include the assumption that all sources operate at 80 percent load factor throughout the entire year. The predicted annual average concentrations for the areas of Mayaguez, Arecibo, Barceloneta, Aguada, Trujillo Alto-Dorado, and Manati were predicted using an 80 percent load factor instead of the previously mentioned 70 percent load factor. This was done to assure consistency with the technique used in other areas as well as the technique described in Appendix A to the regulation.

#### EPA ANALYSIS OF PROPOSED REVISION

The Administrator's review of the control strategy analysis submitted by EQB has raised some questions as to whether the Commonwealth's procedures as defined in Appendix A of Article 6 have been applied correctly in all cases. The modeling technique described in Appendix A is used as the basis for assignment of the maximum allowable sulfur in fuel values which are presented in Appendix B. Appendix A contains, in addition to a description of the mathematical technique used in estimating pollutant concentrations, a requirement that whenever significant terrain features exist, the procedures outlined in Section IIC of Appendix A be used. It is apparent that this was not done in the following instance:

#### (1) BARCELONETA, ENSENADA,<sup>1</sup> AND SANTA ISABEL<sup>2</sup>

The maximum allowable sulfur content of fuel for sources in these areas in some instances was determined without accounting for terrain in the vicinity of the sources. Consequently, the Administrator is disapproving the maximum allowable sulfur content of fuel for the sources listed in Table 1.

TABLE 1

Area	Source
Barceloneta	Abbott, Merck and Co. Bristol Myers, Pfizer, Union Carbide, Upjohn.
Ensenada	Central Guanica.

On June 2, 1975, the Executive Director of EQB submitted the predicted ambient air concentrations for sulfur oxides in these areas when terrain is included. The calculations showed that with the sulfur in fuel limitations assigned in Appendix B contravention of the 24-hour and annual average national standards for sulfur oxides resulted. The Administrator has determined that this response is not adequate and is requiring those sources listed in Table 1, with the exception of the Central Guanica and Pfizer unit #15 plants, to use fuel with a maxi-

mum sulfur content of 1.0 percent, by weight. This value is required in the currently approved Puerto Rico implementation of national standards for sulfur oxides.

With regard to the Central Guanica plant in Ensenada and the Pfizer unit #15 in Barceloneta, it has been determined through use of the EQB modeling technique that fuel with maximum sulfur limitations of 0.4 percent and 0.5 percent, respectively, by weight, would provide for attainment and maintenance of national standards for sulfur oxides. Consequently, the Administrator is publishing in another section of this issue of the FEDERAL REGISTER a notice of proposed rulemaking for these sources.

A review of the computer printouts for the Aguirre air basin showed that the meteorological data used to predict ambient air concentrations conflict with that presented in a January, 1973 draft environmental impact statement (EIS) for a power plant in Aguirre. The draft EIS shows that the use of fuel with a maximum sulfur content of 2.0 percent, by weight, could cause contravention of the national 3-hour standard for sulfur oxides. When the meteorological data presented in the EIS is used with the 3.1 percent sulfur in fuel limitation presented in Appendix B, both the 3-hour and 24-hour national standards for sulfur oxides were predicted to be contravened.

In order to clarify this discrepancy over meteorological data, the Executive Director of EQB, on May 8, 1975, sent to EPA predicted sulfur dioxide concentrations for the Aguirre air basin. These concentrations were calculated based on meteorological data which was gathered at the Aguirre meteorological tower during the period March 18, 1973-July 23, 1974. The Administrator has determined that this data is representative of worst case conditions and more applicable than the data presented in the EIS. The maximum predicted 24-hour concentration for sulfur oxides was 341 ug/m<sup>3</sup>. This value is greater than 80 percent of the national standards and does not provide adequate assurance that the national standards will not be contravened. The 80 percent value was chosen so as to account for the contribution of area sources as well as uncertainties inherent in the modeling technique.

The Administrator has determined that, if the technique presented in Appendix A were applied properly, the maximum allowable sulfur content for the power plant in Aguirre would be 2.5 percent, by weight. Consequently, the Administrator is promulgating a requirement that this plant use fuel with a maximum sulfur content of 2.5 percent by weight.

#### ANALYSIS OF PUBLIC COMMENTS

A March 10, 1975 FEDERAL REGISTER notice (40 FR 10997) provided opportunity for a 30-day public comment period on this proposed revision to the Puerto Rico implementation plan. Three groups submitted comments during the comment period.

One group objects to the proposed revision on the grounds that EQB failed to comply with the requirements of 40 CFR 51.4. They state that EQB did not make available for public inspection complete information on the implementation plan revision prior to public hearings in that public hearings were conducted on the basis of only a set of proposed regulations. It is further argued that such a set of regulations alone do not constitute support for a plan revision request as contemplated by section 110(a)(2) of the Clean Air Act and that the computer printouts which show the basis for Appendix B maximum sulfur in fuel limitations were not made available prior to the public hearings. EQB has informed EPA that the following material was available for public inspection at the time of the public notice for the public hearings:

(1) Exhibit E: Proposed amendments to the Regulation for Control of Atmospheric Pollution, with Appendices A and B;

(2) Exhibit F: Proposed amendments to the State Implementation Plan for the Commonwealth of Puerto Rico;

(3) Environmental Quality Board Resolution R-74-20;

(4) Environmental Quality Board Notification dated October 8, 1974. This document identifies Mr. Ralph Vallone and Dr. Juan J. Rigau as Hearing Examiners;

(5) Environmental Quality Board Notification dated October 22, 1974. This document additionally identifies Mr. David Paster and Mr. Jose Auger as Hearing Examiners;

(6) Exhibit J: Computer Printout; and,

(7) Exhibit K: Summaries of Exhibit J.

EQB also presented certification to EPA that the public hearings were held in accordance with the requirements set forth in 40 CFR 51.4. After reviewing the above material, the Administrator has determined that the information which was made available to the public by EQB prior to the public hearings was adequate to describe in detail the proposed revision to the Puerto Rico implementation plan and the probable effects of that revision. Adequate opportunity for meaningful public participation was assured by EQB prior to the public hearing. In addition, all the items referenced above were available for public inspection and comment during the EPA 30-day comment period.

Another comment contends that increases in the emissions of sulfur oxides as a result of the proposed revision will cause increases in particulate matter concentrations because sulfur oxides quickly degenerate into sulfates. This would, it is argued, lead to an exacerbation of current levels of particulate matter in excess of national ambient air quality standards. The Administrator has reviewed the sulfur in fuel values used in Puerto Rico in 1974 and compared them to the values which will be used as a result of the proposed revision. It has been determined that the total emissions of sulfur oxides brought about

<sup>1</sup> Contained in the Aguada air basin.

<sup>2</sup> Contained in the Ponce air basin.

by the proposed revision to the Puerto Rico implementation plan would be less than the sulfur oxide emissions released during 1974. As a result, the proposed revision can be expected to decrease the concentration of sulfur oxides and further reduce any particulate matter concentrations resulting from sulfates. An analysis of the 1974 annual geometric means for particulate matter shows that concentrations at the five National Air Sampling Networks (NASN) sites in operation at that time vary from 49.4  $\mu\text{g}/\text{m}^3$  to 82.7  $\mu\text{g}/\text{m}^3$ . This represents a decrease, at all sites, from the annual geometric mean concentrations recorded during 1973. Therefore, it is not expected that the proposed revision will prevent the attainment of national ambient air quality standards for particulate matter by the standard attainment date.

One comment relates to a concern that the proposed revision does not provide for maintenance of national ambient air quality standards subsequent to the occurrence of future growth. Pursuant to 40 CFR 51.12(e), all States are required to analyze areas which may cause a contravention of national ambient air quality standards during the 10-year period following attainment of standards. Numerous such areas have been designated throughout the Commonwealth of Puerto Rico for both particulate matter and sulfur oxides. The maintenance plan, when submitted by Puerto Rico, will be evaluated to determine that the national standards will not be contravened subsequent to the attainment date.

One question arose over whether EQB has adequate resources to enforce the proposed revision. The resource document submitted by EQB on March 26, 1975, provides for the allocation of additional manpower from different program elements to enforce the revised Article 6. It is expected that approximately five man-years per year will be required to adequately enforce these requirements. To assure compliance with the maximum allowable sulfur contents, by weight, listed in Appendix B, EQB includes requirements that daily and monthly averages of fuel sulfur content be submitted by all affected sources. This program already has been initiated by EQB.

Section H of Appendix A of the proposed revision to Article 6 permits sources to take credit in the diffusion calculations for the raising of stack heights up to two and one half times the height of adjacent obstacles. This provision cannot be approved by the Administrator as it does not comply with the requirements of the Clean Air Act, as interpreted by the 5th Circuit Court of Appeals in "NRDC v. EPA," 489 F.2d 390 (1974). The use of dispersive techniques, such as stack height increases, as control strategy measures are permitted for attainment and maintenance of the national standards only where the use of the best emission reduction measures available have been applied and are found to be inadequate. As a matter of administrative equity additional stack height may be taken into account for stack construction actually begun prior

to the date of the Fifth Circuit decision on February 8, 1974. However, credit for such additional stack height may not exceed two and one half times the height of any properly designed structure at the site of the source. Thus, this provision is disapproved to the extent that it would permit credit for stack height increases inconsistent with the Fifth Circuit's interpretation of the Clean Air Act as augmented by the grant of administrative relief stated above.

It should be noted that this disapproval does not affect the approvability of the proposed control strategy revision since the current revision does not give credit for stack height increases. However, any further revision proposed by Puerto Rico which gives credit to a specific source for post-February 8, 1974, stack height increases will be approved by the Administrator only if it is demonstrated that the best emission reduction measures available will be applied to the applicable source.

It is argued that the proposed revision to the Puerto Rico implementation plan would violate the EPA regulation pertaining to the prevention of significant deterioration of air quality (39 FR 42510) as it applies to sulfur dioxide. For Class II areas, including all of Puerto Rico, the 1974 sulfur dioxide annual concentrations are not to be increased by more than 15  $\mu\text{g}/\text{m}^3$ . The Administrator agrees that the Class II increment may be exceeded at some of the receptor sites chosen by EQB. However, this results from switching to a higher content in fuel. Section 52.21(d) (39 FR 42516) specifically exempts from the provisions of the significant deterioration regulation any modification which results from the switching to higher sulfur content fuel. The provisions of the regulation for the prevention of significant deterioration of air quality with regard to new sources and modifications, therefore, will be applied in the following manner:

(1) In areas where the Class II increment has been partially used up, the review of new sources and modifications under 40 CFR 52.21 will be conducted so as to assure that the Class II increment is not violated;

(2) In areas where the Class II increment has been violated or exhausted the review of new sources and modifications will be conducted so as to assure that there will be no increase in the ambient air quality values of sulfur oxides due to the source identified in 40 CFR 52.21.

Several submitted comments question EQB's application of the diffusion modeling techniques. One issue raised concerns whether an uncalibrated diffusion model, such as was used by EQB, is appropriate to use in control strategy development. It is recognized that comparison with field measurements allows a diffusion modeling technique to be fine tuned and, as a result, less conservative assumptions may be built into the model's application. When significant uncertainty exists in the accuracy of the diffusion modeling technique, conservative assumptions must be incorporated as a safeguard against the possibility of underestimat-

ing the actual impact upon air quality. In Puerto Rico the general unavailability of long term pollutant field data led to the latter approach being chosen by EQB. This approach is acceptable in that the limitations of an uncalibrated model are taken into account in a conservative manner.

Another question concerns the range of uncertainties which may be involved in the predictions of a diffusion model. As discussed in the August 27, 1974, FEDERAL REGISTER (39 FR 31003) a random error as high as 150% for annual average and 200 percent for short term concentrations may be observed between the results which are obtained from diffusion modeling and actual measurements. These factors represent the range of extreme values and agreement between most calculated and observed pollutant concentrations lies well within this range. The EQB analysis incorporates conservative measures such as load factors and safety margin to decrease the possibility that the model will underpredict the air quality impact of a source. Similar studies have been conducted in Puerto Rico which indicate that the Pasquill-Turner modeling technique would underpredict ambient air concentrations in the vicinity of elevated terrain. These studies indicate that terrain induced turbulence causes dispersion to be enhanced in the vicinity of elevated terrain and results in decreased maximum plume centerline concentrations. Since the EQB's modeling technique allows for impingement of the plume upon elevated terrain features, these studies support the conclusion that the concentrations calculated at elevated locations may be overestimates of actual conditions.

It is also stated that the diffusion technique used by EQB cannot cause pollutant plumes to directly impinge upon elevated terrain. The Regional Office's evaluation of the diffusion technique used by EQB confirmed that the diffusion modeling technique does provide for plumes to impinge upon elevated terrain, such as hills or mountains. Source plumes will impact upon those terrain features which are greater than twice the height of the effective plume height.

A comment was received that substantial amounts of sulfur oxide emissions previously identified as part of the 1970 emission inventory used in the approved implementation plan were not included in the current air quality predictions. This is not an area of major concern since area source emissions have been included and their impact is accounted for in the diffusion computations through the use of the 20 percent safety factor. It was claimed that "other" emissions of sulfur oxides accounts for 14 percent of the total sulfur oxide emissions. This is included in the area source category. Transportation sources are a very minor component whose impact can be accounted for by the conservative nature of the calculations employed by EQB.

The last comment regarding the diffusion model questions whether EQB searched available meteorological records

to ascertain that worst case meteorological conditions are used.

The information submitted by EQB on May 8, 1975, explained how meteorological data were used in the diffusion calculations. This information assured the Administrator that meteorological records were searched to identify: (1) The most persistent wind conditions to determine the maximum 24-hour concentrations; and (2) the correct combination of wind speed and stability to result in prediction of the maximum 3-hour concentration.

Two other comments submitted request a reassignment of the maximum allowable sulfur in fuel values. The Administrator recognizes that these requests may have merit; however, the maximum allowable sulfur in fuel values listed in Appendix B were assigned by EQB. Any requests for changes in the maximum allowable sulfur content of fuels should be addressed to EQB. If the EQB analysis determines that the request is valid, these revised maximum allowable sulfur in fuel values should be submitted to EPA as a request for a revision to the Commonwealth's implementation plan.

One fuel burning stationary source comments that three of the plant's existing furnaces had not been assigned maximum allowable sulfur in fuel values. Upon review of the computer printouts for the air basin which contains this source, it was determined that two of the boilers had been combined into one emission point due to their close proximity and that the third furnace had not been accounted for in the diffusion model. As a result, this source will be required to conform to the 1.0%, by weight, sulfur in fuel limitation in the approved Article 6, as contained in the Puerto Rico implementation plan. Preliminary data indicates that this value may be more than adequate to attain and maintain national standards for sulfur oxides. However, the Administrator has no alternative other than to require the use of fuel consistent with the currently approved implementation plan. EQB may wish to submit, at a later date, information which supports the use of fuel with a higher sulfur content than that assigned. Such request will be handled according to the plan revision process.

The final comment questions that assignment of the maximum allowable sulfur in fuel value of 0.5 percent, by weight, for the power complex in Mayaguez. It is believed that the assignment of this value is overly restrictive and imposes a greater degree of control on this source than on other sources in Mayaguez. The controlling factor used by EQB to assign a maximum allowable sulfur in fuel value to this facility was that the facility consisted only of gas turbines which are designed to use distillate fuel oil. Distillate oil is by its nature a relatively low sulfur petroleum product and the maximum sulfur content oil commercially available is approximately 0.5 percent, by weight.

**Effective date.** These revisions will become effective on or before October 14, 1975.

(42 U.S.C. 1857c-5 and 9)

JOHN QUARLES,  
Acting Administrator.

SEPTEMBER 4, 1975.

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

**Subpart BBB—Puerto Rico**

1. Section 52.2720 is amended by adding a new paragraph (c) as follows:

**§ 52.2720 Identification of plan.**

(c) Supplemental information was submitted on:

(1) April 15, April 9, April 17, May 30, June 18, and September 10, 1973, and on February 1 and February 12, 1974.

(2) January 3 and 17, February 14, March 26, May 8, May 15, and June 2, 1975.

2. A new § 52.2729 is added as follows:

**§ 52.2729 Control strategy and regulations: Sulfur oxides.**

(a) The requirements of § 51.13 of this chapter are not met since the Puerto Rico plan does not provide for attainment and maintenance of the national standards for sulfur oxides in the areas of Aguirre, Barceloneta, Trujillo Alto-Dorado and Ensenada.

(b) Article 6, as submitted to EPA on January 3, 1975, of the Puerto Rico Regulations for Control of Atmospheric Pollution, as it applies to those areas listed in paragraph (a) of this section is disapproved for the following facilities: Puerto Rico Water Resources Authority—Aguirre Complex, Abbott, Merck and Company, Bristol Meyers, Pfizer, Union Carbide, Upjohn, located in the Barceloneta air basin, and Central Guanica, located in the Aquada air basin. Accordingly, these sources, with the exception of the Puerto Rico Water Resources Authority—Aguirre Complex, are required to conform to the sulfur in fuel limitations contained in Article 6 of the Puerto Rico implementation plan as submitted to EPA on January 31, 1972.

(c) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for the Puerto Rico Water Resources Authority Aguirre complex shall be 2.5 percent.

(d) The requirements of section 110 of the Clean Air Act are not met since Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution would permit the use of stack height increases in lieu of available methods for emission reduction. Therefore, Section H of Appendix A of Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution is disapproved to the extent that it would permit increases in stack height in lieu of available methods of emission reduction.

[FR Doc.75-24200 Filed 9-10-75; 9:45 am]

[FRL 428-4]

**PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

**Delegations of Authority to State of California on Behalf of Bay Area, Monterey Bay Unified, Humboldt County and Del Norte County Air Pollution Control Districts**

Pursuant to the delegations of authority for the standards of performance for new stationary sources (NSPS) to the State of California on behalf of the Bay Area and Monterey Bay Unified Air Pollution Control Districts (dated May 23, 1975), and on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts (dated July 10, 1975), EPA is today amending 40 CFR 60.4, Address, to reflect these delegations. Notices announcing these delegations are published today in the Notices Section of this issue. The amended § 60.4 is set forth below. It adds the addresses of the Bay Area, Monterey Bay Unified, Humboldt County and Del Norte County Air Pollution Control Districts, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NSPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegations which are reflected by this administrative amendment were effective on May 23, 1975 (Bay Area and Monterey Bay Districts) and on July 10, 1975 (Humboldt County and Del Norte County Districts) and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6.

Dated: September 6, 1975.

STANLEY W. LEGRO,  
Assistant Administrator for  
Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (F), to read as follows:

**§ 60.4 Address.**

(b) \* \* \*

(A)-(E) \* \* \*

(F) California

Bay Area Air Pollution Control District,  
939 Ellis St., San Francisco, CA 94109.

Del Norte County Air Pollution Control  
District, 5600 S. Broadway, Eureka, CA  
95501.

Humboldt County Air Pollution Control  
District, 5600 S. Broadway, Eureka, CA 95501.



Monterey Bay Unified Air Pollution Control District, 420 Church St. (P.O. Box 487), Salinas, CA 93901.

[FR Doc.75-24202 Filed 9-10-75;8:45 am]

[FRL 428-5]

**PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

Delegation of Authority to State of California on Behalf of Bay Area, Monterey Bay Unified, Humboldt County and Del Norte County Air Pollution Control Districts

Pursuant to the delegations of authority for national emission standards for hazardous air pollutants (NES HAPS) to the State of California on behalf of the Bay Area and Monterey Bay Unified Air Pollution Control Districts (dated May 23, 1975), and on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts (dated July 10, 1975), EPA is today amending 40 CFR 61.04. Address, to reflect these delegations. Notices announcing these delegations are published today in the Notices Section of this issue. The amended § 61.04 is set forth below. It adds the addresses of the Bay Area, Monterey Bay Unified, Humboldt County, and Del Norte County Air Pollution Control Districts, to which must be addressed all reports, requests applications, submittals, and communications pursuant to this part by sources subject to the NES HAPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegations which are reflected by this administrative amendment were effective on May 23, 1975 (Bay Area and Monterey Bay Districts), and on July 10, 1975 (Humboldt County and Del Norte County Districts), and it serves no purpose to delay the technical change of this addition of the Air Pollution District addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c-7.

Dated: September 6, 1975.

STANLEY W. LEGRO,  
Assistant Administrator for  
Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising subparagraph (F), to read as follows:

§ 61.04 Address.

- (b) \* \* \*
- (A)-(E) \* \* \*

(F) California.  
Bay Area Air Pollution Control District, 939 Ellis St., San Francisco, CA 94109.  
Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531.  
Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.  
Monterey Bay Unified Air Pollution Control District, 420 Church St. (P.O. Box 487), Salinas, CA 93901.

[FR Doc.75-24203 Filed 9-10-75;8:45 am]

**Title 43—Public Lands: Interior**  
**CHAPTER II—BUREAU OF LAND MANAGEMENT**

APPENDIX—PUBLIC LAND ORDERS  
[Public Land Order 5526]

[Montana 20590]

**MONTANA**

**Enlargement of Administrative Site**

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847; 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, but not from the mining and mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as part of an existing administrative site adjacent to the Beaverhead National Forest:

PRINCIPAL MERIDIAN  
WISE RIVER ADMINISTRATIVE SITE

T. 1 N., R. 11 W., sec. 35, SW¼SW¼.  
Containing 40 acres in Beaverhead County.

JACK O. HORTON,  
Assistant Secretary of the Interior.

SEPTEMBER 4, 1975.

[FR Doc.75-24115 Filed 9-10-75;8:45 am]

**Title 46—Shipping**  
**CHAPTER I—COAST GUARD,**  
**DEPARTMENT OF TRANSPORTATION**  
[CGD 74-182]

**SHIPS CARRYING BULK GRAIN CARGOES**  
**Intact Stability Requirements**  
**Correction**

In FR Doc. 75-21907, appearing on page 36342, in the issue of Wednesday, August 20, 1975, and corrected at page 39506 in the issue of Thursday, August 28, 1975, the words in the notes at the end of the table on page 36344 which now reads "Svedberg Flotation", and which was changed to read "Storage Factor" (40 FR 39506), should actually read "Stowage Factor".

**Title 50—Wildlife and Fisheries**

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

**PART 28—PUBLIC ACCESS, USE, AND RECREATION**

**Dungeness National Wildlife Refuge, Washington, Horseback Riding Regulations**

In the Federal Register of December 18, 1974 (39 FR 43728), there was published a notice of proposed rule making to amend § 28.28 of Title 50 of the Code of Federal Regulations. This amendment would establish specific rules for horseback riding on Dungeness National Wildlife Refuge. The rules were proposed to correct a safety hazard between horseback riders and pedestrian users of the refuge.

Due to the volume of public comments received, the period for receipt of written comments was extended from January 30, 1975 to March 1, 1975 (40 FR 4428). In addition, a public meeting was held on June 6, 1975 in Port Angeles, Washington, to facilitate public comment. The period for written comment was extended to July 7, 1975.

A total of 166 statements were received commenting on horseback riding and related public use management of the refuge. Some 56 specifically expressed opposition to the proposed regulations. Those opposed to the regulation argued that horseback riding did not conflict with wildlife; that equestrians were being discriminated against; that the proposed regulations effectively eliminated horseback riding entirely; and that viable alternatives to the proposed regulations existed and should be considered.

After due consideration of the comments received and a reevaluation of the possible alternatives and their potential effect upon safety, the regulations were revised. The revised regulations will remain in force pending periodic assessment of their effectiveness in controlling the safety hazard between horseback riders and pedestrian users of the refuge.

Therefore, the following special regulation under 50 CFR 28.28 is issued and is effective on January 1, 1976.

§ 28.28 Special regulations; public access, use and recreation for individual wildlife refuge areas.

**WASHINGTON**

**DUNGENESS NATIONAL WILDLIFE REFUGE**

1. Horses are prohibited on all portions of Dungeness National Wildlife Refuge on Saturdays, Sundays and State holidays from April 15 to October 15. Horses are permitted on designated and posted portions of the refuge daily from October 16 to April 14 and on weekdays from April 15 to October 15. Horseback riders must remain on the trail posted "horse trail" on that portion of the refuge on the bluff overlooking Dungeness Spit and on the Spit proper within ½ mile of the bluff.

The provisions of this special regulation supplement the regulations which govern public use of wildlife refuge areas

generally, which are set forth in Title 50 Code of Federal Regulations Parts 26, 27 and 28.

WILLIAM H. MEYER,  
Acting Regional Director,  
Fish and Wildlife Service.

[FR Doc. 75-24125 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

### Certain Wildlife Refuges

The following special regulations are issued and are effective September 11, 1975. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

#### § 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

##### ARIZONA AND CALIFORNIA

###### CIBOLA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Cibola National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from October 4 through October 31, 1975, inclusive, and from November 15, 1975 through January 18, 1976, inclusive; geese, from October 4 through October 17, 1975, inclusive, and November 15, 1975 through January 4, 1976, inclusive. Hunting is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 8,900 acres, are delineated on maps available at refuge headquarters, Blythe, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and gallinules subject to the following special conditions:

(1) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(2) Pits or permanent blinds are prohibited.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.

(4) Campfires will be permitted only in designated areas. All other open fires are prohibited.

(5) Cibola Lake, located in Zone I, is closed to fishing from October 1 through March 1 during the waterfowl use period.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

###### HAVASU NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, gallinules and common snipe

(Wilson's) on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from October 4 through October 31, 1975, inclusive, and from November 15, 1975 through January 18, 1976, inclusive; geese, from October 4 through October 17, 1975, inclusive, and from November 15, 1975 through January 4, 1976, inclusive; common snipe (Wilson's), from November 15, 1975 through January 18, 1976, inclusive. Hunting is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, gallinules and common snipe (Wilson's) subject to the following special conditions:

(1) An iron shot study program to evaluate field use of iron shot shells will be conducted by the U.S. Fish and Wildlife Service on Havasu National Wildlife Refuge.

(2) Topock Marsh is the designated area for the iron shot hunt. The hunt area includes Pintail Slough and all marsh lands open to hunting north of the south dike.

(3) The iron shot hunt will continue throughout the waterfowl season.

(4) Use of lead shot shells for waterfowl hunting is prohibited in the Topock Marsh iron shot hunt area.

(5) Hunters must use a 12 gauge shotgun as iron shot shells are available only in 12 gauge.

(6) Iron shot shells will be sold during business hours at the following locations: Premier Sports, 1404 Broadway, Needles, California; Five Mile Landing Concession, Route 95, Topock, Arizona; and Sportsman's One Stop and Variety, Main Street, Bullhead City, Arizona. Other local dealers of shotgun ammunition may also carry the iron shot shells.

(7) All hunters may be required to fill out a post-hunt questionnaire at the end of each hunt. Questionnaires will be available at each of the hunt area entry points.

(8) Waterfowl gizzards and wings may be collected from hunter's bag by the U.S. Fish and Wildlife Service personnel on a random sample basis.

(9) Hunters are required to enter the hunt areas by way of the parking areas only.

(10) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(11) The construction or use of permanent blinds or pits is prohibited.

(12) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

## TEXAS

### BRAZORIA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese and coots on the Brazoria National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,300 acres of Rattlesnake Island on the south-east side of the Intracoastal Waterway and adjacent to Bastrop, Christmas and Drum Bays, is delineated on maps available at refuge headquarters, Angleton, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks, geese and coots subject to the following special conditions:

(1) The refuge hunting season for ducks and coots extends from November 1 through November 30, 1975, inclusive, and from December 20, 1975 through January 18, 1976, inclusive.

(2) The refuge hunting season for geese extends from November 1 through December 12, 1975, inclusive, and from December 20, 1975 through January 13, 1976, inclusive.

(3) Travel to and from the area open to hunting across the refuge mainland will not be permitted. Access to the hunting area must be entirely over public water routes.

(4) Only temporary blinds may be constructed or used on the hunting area. Pits or permanent blinds are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

#### § 32.22 Special regulations; upland game; for individual wildlife refuge areas.

##### OKLAHOMA

###### WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,655 acres, are delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1975 through February 1, 1976, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1975 through February 1, 1976, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mon-

days, Tuesdays, Thursdays, Saturdays and national holidays.

(4) Rifles and hand guns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or long bows and arrows are legal weapons for the taking of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1976.

JERRY L. STEGMAN,  
Acting Regional Director,  
Albuquerque, New Mexico.

SEPTEMBER 5, 1975.

[FR Doc. 75-24116 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

### Certain National Wildlife Refuges in California

On July 31, 1975, there was published in the FEDERAL REGISTER (40 FR 32124) a notice of proposed rules changing special regulations for hunting for certain individual wildlife refuges in California.

The purpose of the proposed changes was to improve the quality of the hunting experience on these refuge public hunting areas.

The public was provided a 30-day comment period. The only comments received concerned the proposed special regulation limiting waterfowl shooting hours from one-half hour before sunrise to 1:00 p.m. daily on Lower Klamath and Tule Lake National Wildlife Refuges. Shooting hours previously were from one-half hour before sunrise to one-half hour after sunset daily.

The unfavorable comments received objected principally to an alleged decrease in hunting opportunity by a shortened hunting day. The purpose of the special regulation is to actually increase the opportunity by encouraging waterfowl to leave the refuge closed area in the afternoon and distribute themselves more widely in the Klamath Basin. If, in fact, this happens, an improvement in both hunting quality and opportunity will result.

Accordingly, Chapter I of Title 50 Code of Federal Regulations is amended by revising §§ 32.12, and 32.22 to read as set forth below.

#### § 32.32 Special regulations; big game; for individual wildlife refuge areas.

The following regulations will be effective October 11, 1975. These regulations apply to public hunting on portions of certain national wildlife refuges in California.

**GENERAL CONDITIONS:** Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at the refuge headquarters and from the Office

of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

#### § 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except snipe and pigeons and doves, may be hunted on the following refuge areas:

*Salton Sea National Wildlife Refuge*, P.O. Box 247, Calipatria, California 92233.

*Kern National Wildlife Refuge*, P.O. Box 219, Delano, California 93215.

*Merced National Wildlife Refuge* (Headquarters: San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635).

Migratory game birds, except pigeons and doves, may be hunted on the following refuge areas:

*Sacramento National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Colusa National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Delevan National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Sutter National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Kesterson National Wildlife Refuge*, P.O. Box 2176, Los Banos, California 93635.

*San Luis National Wildlife Refuge*, P.O. Box 2176, Los Banos, California 93635.

*Clear Lake National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. Boats with or without motors are permitted. Air-thrust, water-thrust, and sculling boats are prohibited.

2. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

*Lower Klamath National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. During the first two days of waterfowl season, all hunters 16 years of age and older must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

2. Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

3. Boats with or without motors are permitted. Air-thrust, water-thrust, and sculling boats are prohibited.

4. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

5. In designated spaced blind areas, hunters may not possess any loaded firearm further than 30 feet from the established blind stakes.

6. Bow hunters must follow the same regulations as firearm hunters. The use of long bow is permitted.

7. Legal waterfowl shooting hours shall be from one-half hour before sunrise to 1:00 p.m. daily on all California portions of the refuge.

*Tule Lake National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. During the first two days of waterfowl season, all hunters 16 years of age and older must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

2. Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

3. Boats with or without motors are permitted. Air-thrust, water-thrust, and sculling boats are prohibited.

4. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

5. In designated spaced blind areas, hunters may not possess any loaded firearm further than 30 feet from the established blind stakes. Hunters will select blind sites by lottery at the beginning of each day's hunt.

6. The use of long bow is permitted. Bow hunters must follow the same regulations as firearm hunters.

7. Legal waterfowl shooting hours shall be from one-half hour before sunrise to 1:00 p.m. daily.

*Modoc National Wildlife Refuge*, P.O. Box 1610, Alturas, California 96101.

Special Conditions: 1. First weekend only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age.

2. After first weekend, hunting permitted on Tuesdays, Thursdays, and Saturdays during authorized seasons.

3. Hunters are required to enter hunting area via designated parking sites.

4. Hunting area is open for access from 90 minutes prior to legal shooting hours until 90 minutes after sunset on days hunting is permitted.

#### § 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Ring-necked pheasant only may be hunted on the following refuge areas:

*Colusa National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Delevan National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Kern National Wildlife Refuge*, P.O. Box 219, Delano, California 93215.

*Merced National Wildlife Refuge*, P.O. Box 2176, Los Banos, California 93635.

*Sacramento National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Sutter National Wildlife Refuge*, Route 1, Box 311, Willows, California 95988.

*Lower Klamath National Wildlife Refuge*, (Headquarters: Klamath Basin Na-

## RULES AND REGULATIONS

tional Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. Additional refuge area designated by special posting will be open to a special 4-day pheasant hunt.

2. Pheasants may not be hunted in retrieving zones.

3. Daily limit is two male pheasants.

*Tule Lake National Wildlife Refuge*, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special conditions: 1. Additional refuge area designated by special posting will be open to a special 4-day pheasant hunt.

2. Pheasants may not be hunted in retrieving zones.

3. Daily limit is two male pheasants.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

WILLIAM H. MEYER,  
Acting Regional Director,  
Fish and Wildlife Service.

[FR Doc.75-24117 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Chautauqua National Wildlife Refuge; Ill.

The following special regulations are issued and are effective September 11, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

## ILLINOIS

## CHAUTAQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon-teal on the Chautauqua National Wildlife Refuge, Illinois, is permitted from September 13, 1975, through September 21, 1975, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 21, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc.75-24118 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Chautauqua National Wildlife Refuge; Ill.

The following special regulations are issued and are effective September 11, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

## ILLINOIS

## CHAUTAQUA NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Chautauqua National Wildlife Refuge, Illinois, is permitted from October 22, 1975, through December 7, 1975, but only on the area designated as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 7, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc.75-24119 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Mark Twain National Wildlife Refuge; Iowa

The following special regulations are issued and are effective September 11, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

## IOWA

## MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These areas, comprising 1,760 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations covering the hunting of migratory game birds subject to the following conditions:

(1) Blinds—No permanent structure, excluding wood or brush duck blinds,

shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director.

[FR Doc.75-24120 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

## Sherburne National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 11, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

## MINNESOTA

## SHERBURNE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, rails, Wilson snipe and woodcock on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. These open areas, comprising approximately 7,510 acres for ducks, coots, rails, Wilson snipe and woodcock (designated area B on map); and approximately 10,850 acres for Wilson snipe and woodcock (designated area A on map), are delineated on a map available at refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of these species subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travels.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Practice and target shooting, overnight camping and open fires are prohibited.

(4) Construction of any permanent artificial scaffold, platform, blind or other construction is prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Boats and decoys must be removed from the refuge at completion of days hunt.

(7) Field possession of ducks and coots in area of refuge closed to hunting of ducks and coots is prohibited.

The provisions of this special regulation supplement the regulation which governs hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32,

and are effective through November 16, 1975.

CHARLES A. HUGHLETT,  
Acting Regional Director,  
Fish and Wildlife Service.

AUGUST 22, 1975.

[FR Doc.75-24121 Filed 9-10-75;8:45 am]

#### PART 32—HUNTING

##### J. Clark Salyer National Wildlife Refuge; N. Dak.

The following special regulation is issued and is effective September 11, 1975.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

#### NORTH DAKOTA

##### J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from October 4 through December 14, 1975, and the hunting of ducks and coots is permitted from October 4 through November 30, 1975, and the hunting of common snipe (Wilson's) is permitted from September 20 through November 23, 1975, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

- (1) Blinds—Temporary blinds of approved material may be constructed.
- (2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1975.

JON M. MALCOLM,  
Refuge Manager  
J. Clark Salyer N.W. Refuge.

SEPTEMBER 4, 1975.

[FR Doc.75-24122 Filed 9-10-75;8:45 am]

#### PART 32—HUNTING

##### J. Clark Salyer National Wildlife Refuge; N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

#### NORTH DAKOTA

##### J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of gray partridge, sharp-tailed grouse and pheasant on the

J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from sunrise to sunset November 17, 1975 through December 14, 1975, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of gray partridge, sharp-tailed grouse and pheasant subject to the following special condition:

- (1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1975.

DAROLD T. WALLS,  
Refuge Manager

J. Clark Salyer N.W. Refuge.

SEPTEMBER 4, 1975.

[FR Doc.75-24123 Filed 9-10-75;8:45 am]

#### PART 32—HUNTING

##### Certain National Wildlife Refuges in Washington

On July 31, 1975 there was published in the FEDERAL REGISTER (40 FR 32126) a notice of proposed rules changing special regulations for hunting for certain individual wildlife refuges in Washington.

The purpose of the proposed changes was to improve the quality of the hunting experience on these refuge public hunting areas. The public was provided a 30-day comment period.

No unfavorable comments have been received. Accordingly, Chapter I of Title 50 Code of Federal Regulations is amended by revising §§ 32.12, 32.22 and 32.32 to read as set forth below.

The following regulations will be effective October 11, 1975. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Washington.

**GENERAL CONDITIONS:** Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuge area:

*Conboy Lake National Wildlife Refuge*, Box 5, Glenwood, Washington 98619.

Special Condition: No Canada goose hunting permitted.

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

*Columbia National Wildlife Refuge*, P.O. Drawer F, Othello, Washington 99344.

*Toppenish National Wildlife Refuge*, Route 1, Box 1300, Toppenish, Washington 98948.

*Umatilla National Wildlife Refuge*, P.O. Box 239, Umatilla, Oregon 97882.

*Columbian White-Tailed Deer National Wildlife Refuge*, Route 1, Box 376C, Cathlamet, Washington 98612.

*Ridgefield National Wildlife Refuge*, P.O. Box 467, Ridgefield, Washington 98642.

Special Conditions: 1. Hunting will be permitted on Wednesdays, Saturdays and Sundays, October 27, 1975, November 27, 1975 and January 1, 1976.

2. A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail in advance on a first-come, first-served basis. Only one regular permit may be held by a hunter at any one time.

3. Hunters must shoot from assigned blinds drawn at the checking station.

4. Steel shot only may be possessed or used on the refuge hunting area.

5. Hunters may possess and use not more than twenty-five (25) shells per hunter per day on the refuge hunting area.

Migratory game birds except snipe and pigeons and doves may be hunted on the following refuge areas:

*McNary National Wildlife Refuge*, P.O. Box 19, Burbank, Washington 99383.

Special Conditions: 1. Hunters are required to park vehicles in designated parking areas.

2. On Burbank Slough hunting will be permitted on Wednesday, Saturday, Sunday and Thanksgiving Day only. On six upstream Hanford Islands hunting will be permitted in accordance with current State Game Department regulations.

3. Hunting permitted from marked sites only in controlled hunting portion of Burbank Slough.

*Willapa National Wildlife Refuge*, Ilwaco, Washington 98624.

*Lewis and Leadbetter Point Units*

Special Conditions: 1. Hunter registration is required. Leadbetter Point is the only refuge unit open to black brant hunting after close of general season.

*Riekkola Unit*

Special Conditions: 1. Hunter registration required.

2. Hunting will be permitted on Wednesdays, Saturdays, Sundays, October 27, 1975, November 27, 1975 and January 1, 1976.

3. Hunting will be from designated blinds only, assigned on a first-come, first-served basis. No more than three (3) hunters per blind.

4. Hunters may possess and use not more than ten (10) shells per hunter per day on the Riekkola Unit only.

## RULES AND REGULATIONS

5. The field on the south side of Yeaton County Road is not subject to Special Conditions #3 and #4.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

*Columbia National Wildlife Refuge*, P.O. Drawer F, Othello, Washington 99344.

Special Conditions: 1. Open to the hunting of rabbits in addition to game birds.

2. Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

*Umatilla National Wildlife Refuge*, P.O. Box 239, Umatilla, Oregon 97882.

*Conboy Lake National Wildlife Refuge*, Box 5, Glenwood, Washington 98619.

Special Condition: 1. Cottontail rabbit and snowshoe hare may also be hunted during the State season concurrent with the waterfowl season.

*Toppenish National Wildlife Refuge*, Route 1, Box 1300, Toppenish, Washington 98948.

Special Conditions: 1. Rabbits and upland game may only be hunted during that part of the State season concurrent with the waterfowl hunting season.

*Willapa National Wildlife Refuge*, Ilwaco, Washington 98624.

*Long Island Unit*

Special Conditions: 1. Archery hunting only.

2. Permits for the opening weekend only will be through application and drawing. Applications are available from the Refuge Manager.

3. After opening weekend hunters must possess regular hunting permit available at refuge headquarters and at the Nahcotta dock.

4. Raccoon and coyote may also be hunted.

*McNary National Wildlife Refuge*, P.O. Box 19, Burbank, Washington 99323.

Special Conditions: 1. Pheasants only may be hunted.

2. Pheasant hunting will be restricted to Wednesdays, Saturdays, Sundays and Thanksgiving Day.

3. Hunters are required to park vehicles in designated parking areas.

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

Big game hunting is permitted on the following refuge area:

*Little Pend Oreille National Wildlife Refuge*, Route 1, Colville, Washington 99114.

Deer hunting only is permitted on the following refuge areas:

*Columbia National Wildlife Refuge*, P.O. Drawer F, Othello, Washington 99344.

*Conboy Lake National Wildlife Refuge*, Box 5, Glenwood, Washington 98619.

*Umatilla National Wildlife Refuge*, P.O. Box 239, Umatilla, Oregon 97882.

Bear, deer and elk may be hunted on the following refuge area:

*Willapa National Wildlife Refuge*, Ilwaco, Washington 98624.

*Long Island Unit*

Special Conditions: 1. Archery hunting only is permitted.

2. Permits for the opening weekend only will be through application and drawing. Applications are available from the Refuge Manager.

3. After opening weekend hunters must possess regular hunting permit available at refuge headquarters and at Nahcotta dock.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50 Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

WILLIAM H. MEYER,  
Acting Regional Director,  
Fish and Wildlife Service.

[FR Doc.75-24124 Filed 9-10-75;8:45 am]

PART 32—HUNTING

DeSoto National Wildlife Refuge, Ia.

The following special regulations is issued and is effective on September 11, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on DeSoto National Wildlife Refuge, Iowa, is permitted in accordance with the following special regulations:

1. *Species*. Only waterfowl species (ducks, geese, coots) may be taken.

2. *Seasons*. The open season on the refuge hunting area will be November 1-December 9, 1975. Shooting hours will be the same as for the respective state, with the exception that refuge hunting will stop at 12:00 noon each day.

3. *Bag limits*. Bag limits for waterfowl species will be the same as the state bag limits.

4. *Methods of hunting*. Hunters must hunt from refuge-constructed 3-man blinds only. Blinds will be assigned under an advance reservation system. Individuals will be allowed to hold only one reservation at any one time. When this is used, he may apply for an unfilled date. Hunters will be required to check in and out at the refuge check station. Hunters will be allowed the use of decoys (either personal or rented at check station) and retrieving dogs (one per hunter).

All hunting will be from blinds only, with the exception that crippled birds may be pursued and shot within the shooting zone only (within 40 yards of blind as posted). Crippled birds may be pursued beyond this point up to the retrieval zone line (as posted), but guns must remain inside the shooting zone.

Shotguns only will be permitted, capable of holding three shells or less. Steel shot loads will be required in the refuge hunting area. These may be purchased at the refuge check station and will be available in 12 gauge only. Lead loads will not be allowed. A maximum

of 25 shells per hunter will be allowed per day.

5. *Open area*. The area open to hunting is delineated on maps available at refuge headquarters. The location of the hunting area is on the periphery of refuge lands in the northeast portion of the refuge. This area comprises about 355 acres.

6. *Other provisions*. All hunting will be by permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters, DeSoto National Wildlife Refuge, RR-1, Box 114, Missouri Valley, Iowa 51555, between the hours of 8:00 a.m.-5:00 p.m., Monday through Friday. Applications will be accepted through Saturday, September 27, 1975. A drawing to determine successful applicants will be held at refuge headquarters on Monday, September 29. Should openings remain following the drawing, reservations will be accepted on a first-come, first-serve basis on and after October 3, 1975. Reservations will not be accepted by phone.

Applicants for reservations must be at least 16 years of age or older. A \$3 fee must accompany each request for a reservation, and this must be in the form of a check or money order. Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged \$1 when he registers to hunt. Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of \$1 per dozen. Hunters will be responsible for decoys and will be charged for any decoys lost or damaged. Personal decoys may also be used.

Reservations are non-transferrable and fees will not be refunded. No provisions will be made for "stand by" hunters. Blinds will be assigned only once each day. Vacated blinds will not be refilled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1975.

JAMES E. FRATES,  
Refuge Manager,  
DeSoto National Wildlife Refuge.

SEPTEMBER 4, 1975.

[FR Doc.75-24177 Filed 9-10-75;8:45 am]

PART 32—HUNTING

DeSoto National Wildlife Refuge, Nebr.

The following special regulations is issued and is effective on September 11, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on DeSoto National Wildlife Refuge, Nebraska, is

permitted in accordance with the following special regulations:

1. *Species.* Only waterfowl species (ducks, geese, coots) may be taken.

2. *Seasons.* The open season on the refuge hunting area will be October 11-October 24, and November 1-November 16, 1975. Shooting hours will be the same as for the respective state, with the exception that refuge hunting will stop at 12:00 noon each day.

3. *Bag Limits.* Bag limits for waterfowl species will be the same as the state bag limits.

4. *Methods of Hunting.* Hunters must hunt from refuge-constructed, 3-man blinds only. Blinds will be assigned under an advance reservation system. Individuals will be allowed to hold only one reservation at any one time. When this is used, he may apply for an unfilled date. Hunters will be required to check in and out at the refuge check station. Hunters will be allowed the use of decoys (either personal or rented at check station) and retrieving dogs (one per hunter).

All hunting will be from blinds only, with the exception that crippled birds may be pursued and shot within the shooting zone only (within 40 yards of blind as posted). Crippled birds may be pursued beyond this point up to the retrieval zone line (as posted), but guns must remain inside the shooting zone.

Shotguns only will be permitted, capable of holding three shells or less. Steel shot loads will be required in the refuge hunting area. These may be purchased at the refuge check station and will be available in 12 gauge only. Lead loads will not be allowed. A maximum of 25 shells per hunter will be allowed per day.

5. *Open Area.* The area open to hunting is delineated on maps available at refuge headquarters. The location of the hunting area is on the periphery of refuge lands in the southwest portion of the refuge. This area comprises about 431 acres.

6. *Other Provisions.* All hunting will be by permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters, DeSoto National Wildlife Refuge, RR-1, Box 114, Missouri Valley, Iowa, 51555, between the hours of 8:00 a.m.-5:00 p.m., Monday through Friday. Applications will be accepted through Saturday, September 27, 1975. A drawing to determine successful applicants will be held at refuge headquarters on Monday, September 29. Should openings remain following the drawing, reservations will be accepted on a first-come, first-serve basis on and after October 3, 1975. Reservations will not be accepted by phone.

Applicants for reservations must be at least 16 years of age or older. A \$3 fee must accompany each request for a reservation, and this must be in the form of a check or money order. Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged \$1 when he registers to hunt. Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of \$1 per dozen.

Hunters will be responsible for decoys and will be charged for any decoys lost or damaged. Personal decoys may also be used.

Reservations are non-transferable and fees will not be refunded. No provisions will be made for "stand by" hunters. Blinds will be assigned only once each day. Vacated blinds will not be refilled.

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 November 16, 1975.

JAMES E. FRATES,  
Refuge Manager,  
DeSoto National Wildlife Refuge.

SEPTEMBER 4, 1975.

[FR Doc. 75-24178 Filed 9-10-75; 8:45 am]

## PART 32—HUNTING

### De Soto National Wildlife Refuge, Ia.

The following special regulation is issued and is effective on September 11, 1975.

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

#### IOWA

##### DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the DeSoto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 601 E. 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all State regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, October 11, 1975, to November 21, 1975, and November 26, 1975, to December 5, 1975.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1975.

JAMES E. FRATES,  
Refuge Manager,  
DeSoto National Wildlife Refuge.

SEPTEMBER 5, 1975.

[FR Doc. 75-24176 Filed 9-10-75; 8:45 am]

## Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2715]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hefler Realty Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and

statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices; § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

*In the Matter of Hefler Realty Sales, Inc., a corporation, and Clyde M. Taylor, individually and as an officer of said corporation.*

Consent order requiring a Miami, Fla., marketer of condominiums and single-family homes, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hefler Realty Sales, Inc., a corporation, its successors and assigns, and its officers, and Clyde M. Taylor, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321; 15 U.S.C. 1601, et seq.), do forthwith cease and desist from:

1. Failing to state the rate of a charge for consumer credit expressed as an "annual percentage rate," using that term, as prescribed by § 226.10(d) (1) of Regulation Z.

2. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) of Regulation Z:

- The cash price;
- The amount of the downpayment required or that no downpayment is required, as applicable;
- The number, amount and due dates or period of payments scheduled to re-

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

pay the indebtedness if the credit is extended; and

d. The amount of the finance charge expressed as an annual percentage rate.

3. Failing, in any advertisement, to make all disclosures as required by § 226.10 of Regulation Z and in the manner prescribed therein.

*It is further ordered.* That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered.* That the respondent corporation, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

*It is further ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Aug. 13, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-24097 Filed 9-10-75; 8:45 am]

[Docket No. C-2718]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Levine, Huntley & Schmidt, Inc.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

##### In the Matter of Levine, Huntley & Schmidt, Inc., a corporation.

Consent order requiring a New York City advertising agency, in connection with the product Rev-up vitamins or any vitamin and/or mineral product of Commerce Drug Company, Inc. or Del Laboratories, Inc., among other things to cease disseminating unsubstantiated advertisements regarding the efficacy, benefit or need to prospective purchasers of the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

*It is ordered.* That respondent Levine, Huntley & Schmidt, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the product Rev-up vitamins or any vitamin and/or mineral product of Commerce Drug Company, Inc. or Del Laboratories, Inc. do forthwith cease and desist from:

A. Disseminating or causing to be disseminated any advertisement by United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents in writing, orally, visually or in any other manner, directly or by implication, that:

1. The stresses and strains a person undergoes create a condition which will be benefited by consumption of such product;
2. People need such a specially formulated product;
3. Such product is of special benefit to a person or particular group of persons;
4. There is a daily low-energy period in people at any particular time of day, or words of similar import or meaning;
5. Such product will make one feel like a new person, or words of similar import or meaning;

Unless, at the time the statement or representation is made, respondent has a reasonable basis for such representations consisting of competent and reliable evidence.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement containing any representation referred to in Paragraph A above which is not supported by the aforesaid reasonable basis.

*It is further ordered.* That respondent maintain complete business records relative to the manner and form of their compliance with this order, and shall retain each record for three years after such record is made.

*It is further ordered.* That the respondent shall forthwith distribute a copy of this order to each of its present

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

and future operating divisions, officers, and directors, and to all present and future agents or representatives engaged in the preparation or placement of advertisements.

*It is further ordered.* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

*It is further ordered.* That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission July 29, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-24098 Filed 9-10-75; 8:45 am]

[Docket No. C-2714]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### James Slyman t/a Slyman Real Estate Co.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 62 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

##### In the Matter of James Slyman, an individual trading and doing business as Slyman Real Estate Company.

Consent order requiring a Knoxville, Tenn., real estate broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

*It is ordered.* That respondent James Slyman, an individual trading and doing business as Slyman Real Estate Company, or under any other name or names, and respondent's successors, assigns, agents, representatives and employees, directly or through any corporation, sub-

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.



subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" as defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, which advertisement states:

(a) The rate of a finance charge unless the rate of such charge is expressed as an "annual percentage rate," using that term as required by § 226.10(d)(1) of Regulation Z.

2. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The amount of the loan;

(b) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(c) The amount of the finance charge expressed as an annual percentage rate.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with § 226.4 and § 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

*It is further ordered.* That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said copy of this order from each such person.

*It is further ordered.* That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered.* That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

The Decision and Order was issued by the Commission Aug. 7, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-24099 Filed 9-10-75; 8:45 am]

[Docket No. 8909]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

**Xerox Corp.**

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets: 13.5-20; Federal Trade Commission Act. Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.470 To restrain or monopolize trade. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-5 Arbitration; 13.533-20 Disclosures; 13.533-60 Release of general, specific, or contractual restrictions, requirements, or restraints; 13.533-65 Renegotiation and/or amendment of contracts. Subpart—Cutting off access to customers or market: § 13.537 Contracts restricting employees' rights to work for self or competitor. Subpart—Dealing on exclusive and tying basis: § 13.670 Dealing on exclusive and tying basis; 13.670-20 Federal Trade Commission Act. Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.893 Lease versus sale. Subpart—Disparaging competitors and their products — Competitors' products: § 13.990 Materials; § 13.1015 Quality; § 13.1020 Results. Subpart—Using patents, rights or privileges unlawfully: § 13.2485 Using patents, rights or privileges unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

*In the Matter of Xerox Corporation, a corporation.*

Consent order requiring a Stamford, Conn., manufacturer and developer of office copier equipment, among other things to cease engaging in anticompetitive licensing, patent and marketing arrangements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

**I**

*It is ordered.* That the following definitions shall apply in this order:

A. "XEROX" means respondent Xerox Corporation, its SUBSIDIARIES (except RANK XEROX and FUJI XEROX), successors and assigns and its directors, officers, employees, agents and representatives. "RANK XEROX" means Rank

Xerox Limited, a corporation organized and existing under the laws of the United Kingdom. "FUJI XEROX" means Fuji Xerox Company Limited, a corporation organized and existing under the laws of Japan. "RANK XEROX" and "FUJI XEROX" each includes the SUBSIDIARIES, successors and assigns of said corporations and their directors, officers, employees, agents and representatives.

B. "PERSON" means any individual, partnership, firm, association, corporation or other legal or business entity (other than the Commission, XEROX, RANK XEROX, FUJI XEROX, The Rank Organization Limited (so long as it is a party to a joint venture with XEROX relating to OFFICE COPIER PRODUCTS), Fuji Photo Film Co., Ltd. (so long as it is a party to a joint venture with XEROX or RANK XEROX relating to OFFICE COPIER PRODUCTS), and any foreign government (or any entity whose ownership is controlled thereby)), their SUBSIDIARIES, successors and assigns, and directors, officers, agents and representatives.

C. "SUBSIDIARY" means a PERSON more than fifty percent (50%) or, at the option of the LICENSEE with respect to its SUBSIDIARIES, at least twenty percent (20%) of whose outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority, are now or hereafter owned or controlled, directly or indirectly, by XEROX, RANK XEROX, FUJI XEROX or PERSON, as the case may be, but such PERSON shall be deemed to be a SUBSIDIARY only so long as such ownership or control exists.

D. "LICENSEE" means any PERSON licensed by XEROX, RANK XEROX and/or FUJI XEROX pursuant to the terms of Paragraph II of this order, including all AFFILIATES of such PERSON. AFFILIATE means (1) any PERSON and SUBSIDIARIES thereof, engaged in the development, manufacture, use, lease or sale of OFFICE COPIER PRODUCTS at least fifty percent (50%) or, at the option of the LICENSEE, at least twenty percent (20%) of whose outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority, are now or hereafter owned or controlled, directly or indirectly, by the licensed PERSON; and (2) any PERSON and SUBSIDIARIES thereof, which now or hereafter own or control, directly or indirectly, more than fifty percent (50%) or, at the option of the LICENSEE, at least twenty percent (20%) of the outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority of the licensed PERSON, but only so long as such ownership or control exists.

E. "PATENT" means some, all or any portion of all patents (including utility models, design patents, certificates of

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

addition and the like), and all patents resulting from continuations-in-part, divisions, renewals, reissues and extensions based on said patents or the applications therefor, but only insofar as it relates to an OFFICE COPIER PRODUCT.

F. "ISSUED" means published and either issued, granted, sealed or registered.

G. "CORRESPONDING PATENTS" means two or more PATENTS, each of which has ISSUED in a different country, is entitled to the same priority date (or could have been if timely filed) and is based upon the same conception and reduction to practice.

H. "PRESENT PATENT" means a United States or FOREIGN PATENT ISSUED on or before the date of issuance of this order and all CORRESPONDING PATENTS regardless of the date they are ISSUED.

I. "FUTURE PATENT" means a United States or FOREIGN PATENT other than a PRESENT PATENT ISSUED on a patent application having an effective filing date prior to three years after the date of issuance of this order or ISSUED during the six years following the date of issuance of this order, and all CORRESPONDING PATENTS, regardless of the date they are ISSUED.

J. "FOREIGN PATENT" means a PATENT ISSUED by a country other than the United States.

K. "XEROX PATENT" means a PATENT which is owned or controlled by XEROX, RANK XEROX or FUJI XEROX or under which one or more of them has the power to grant licenses or sublicenses to PERSONS. XEROX' power to comply with this order with respect to PATENTS owned or controlled by RANK XEROX or FUJI XEROX, or under which they have the power to grant licenses or sublicenses, is confirmed in the undertakings of RANK XEROX and FUJI XEROX which have been submitted to the Commission.

L. "ORDER PATENT" means a PRESENT or FUTURE XEROX PATENT except one licensed pursuant to Paragraph X(b) of this order.

M. A "PATENT OF THE LICENSEE" means a PATENT which is owned or controlled by a LICENSEE, or a PATENT under which such LICENSEE has the power to grant licenses or sublicenses.

N. "IMPROVEMENT PATENT" means a PATENT on an invention which, if practiced, would infringe a licensed PATENT and which IMPROVEMENT PATENT is owned or controlled by the licensee of such PATENT or is one under which such licensee has the power to grant licenses or sublicenses. Determination of what is an IMPROVEMENT PATENT shall be made by reference to a licensed United States PATENT, if any, or if there is no such United States PATENT, by reference to the licensed FOREIGN PATENT.

O. "OFFICE COPIER" means a machine for the convenient reproduction of an original document and accessories physically attached to such machine. The

term "OFFICE COPIER" refers to all xerographic and non-xerographic office copiers, including but not limited to polychromatic color office copiers, high speed office copiers (such as the Xerox Model 9200), hybrid offset office copiers (such as the AMCD) and office copiers adapted to receive micro input as well as hard copy input, but does not include specialized use copiers (such as engineering drawing and microfilm copiers), or offset, stencil, or spirit duplicator machines.

P. "OFFICE COPIER PRODUCT" means an OFFICE COPIER and parts, components, raw materials and consumable supplies for use therein, including but not limited to photosensitive elements, refined selenium, metal alloys for machine parts, toner, developer, paper, and containers (such as toner cartridges) for consumable supplies.

Q. "ROYALTY-BEARING PRODUCT" means (1) an OFFICE COPIER, (2) toner, developer, paper, and similar consumable supplies, (3) containers (such as toner cartridges) for consumable supplies and (4) photosensitive elements, any of which are covered by a licensed PATENT other than one which is royalty-free.

R. "NET REVENUES" shall mean the total revenues received by the licensee from the lease or sale, as the case may be, of a ROYALTY-BEARING PRODUCT, or in the case of a lease of a ROYALTY-BEARING PRODUCT, at the option of the licensee, the published selling price for such ROYALTY-BEARING PRODUCT. Any of the following items, or any comparable items, may be deducted from the aforesaid total revenues or published selling price when they are separately stated on the invoice:

- (a) Packing costs
- (b) Actual transportation and insurance costs from place of shipment to point of installation
- (c) Excise, sales, use and property taxes
- (d) Import and export duties and taxes
- (e) The fair market value of replacement parts and components which are not covered by a licensed PATENT
- (f) The fair market value of consumable supplies which are not covered by a licensed PATENT whether or not they are in a licensed container
- (g) Actual credit to customers on account of any ROYALTY-BEARING PRODUCT which is not accepted by the customer
- (h) Costs of servicing or repairing the ROYALTY-BEARING PRODUCT excluding the costs of parts or components covered by a licensed PATENT.

To the extent that the amounts charged for the above items can be verified by referring to separate *bona fide* offers of such services or products, or to separate documents as in the case of taxes or duties, such amounts need not appear on the invoice.

S. "POLYCHROMATIC COLOR OFFICE COPIER PRODUCT" means an OFFICE COPIER PRODUCT specially adapted to produce multicolor copy.

T. "KNOW-HOW" means all written materials used by Xerox Corporation in manufacturing, refurbishing, reconditioning, retrofitting and servicing its OFFICE COPIER PRODUCTS which Xerox Corporation is not specifically prohibited by a legally enforceable obligation from disclosing, including but not limited to blueprints, drawings, formulae, manuals, process descriptions, production methods, specifications, quality control and test standards and computer programs.

U. "COMMERCIALY AVAILABLE" means generally available for immediate sale or lease to consumers in an area at least as large as an area served by at least one sales branch of the seller or lessor and on publicly announced terms.

V. "IBM" means International Business Machines Corporation, a corporation organized and existing under the laws of the State of New York, and its SUBSIDIARIES, successors and assigns, and directors, officers, employees, agents and representatives.

W. "UNITED STATES" means the United States of America, its territories or possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

## II

It is further ordered, That XEROX shall forthwith grant or cause to be granted to any PERSON making written application to XEROX at any time under this order a non-exclusive license for the full unexpired term under any, some or all ORDER PATENTS to make, have made, use or vend any, some or of the following: (1) OFFICE COPIERS (including the right to have made parts, components, and raw materials for use therein), (2) toner, developer, paper and similar consumable supplies, (3) toner, developer, paper and similar consumable supplies which may be used in future OFFICE COPIERS, (4) containers (such as toner cartridges) for consumable supplies, and (5) photosensitive elements. However, at XEROX' option exercised on a non-discriminatory basis, the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS may be up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date the PATENT is ISSUED for FUTURE PATENTS. Nothing in any license granted pursuant to the terms of this order shall be deemed to prohibit a LICENSEE from using a licensed OFFICE COPIER in conjunction with any other device for use in addition to the convenient reproduction of an original document.

## III

XEROX, RANK XEROX and FUJI XEROX shall agree not to sue any LICENSEE, or customers or suppliers of the LICENSEE, for PATENT infringement or royalties, with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for the LICENSEE prior to the date of issu-

ance of this order, or to maintain any such suit.

## IV

It is further ordered, That no license of an ORDER PATENT granted pursuant to the terms of this order shall contain or be conditioned upon any restriction, except as hereinafter provided:

A. The LICENSEE may, at his option, designate up to a total of three ORDER PATENTS which shall be licensed or sublicensed royalty-free; provided, however, that, in each country, the LICENSEE may substitute another ORDER PATENT as royalty-free for any ORDER PATENT previously designated as royalty-free which the LICENSEE has discontinued using in that country. On "ORDER PATENTS other than the three designated as royalty-free by the LICENSEE, XEROX may, in its sole discretion, charge a royalty not to exceed 1/2% per PATENT up to a maximum accumulated royalty of 1 1/2% of the LICENSEE'S NET REVENUES for each ROYALTY-BEARING PRODUCT which is manufactured, leased or sold by or for the LICENSEE. With respect to any ROYALTY-BEARING PRODUCT of the LICENSEE which the LICENSEE uses or consumes himself, the royalty shall be computed on the basis of the NET REVENUES that would have been received by the LICENSEE in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of ORDER PATENTS subject to royalty which are used in such ROYALTY-BEARING PRODUCT. In no event shall more than three royalty-free PATENTS apply to any one ROYALTY-BEARING PRODUCT at any one time irrespective of the number of licenses granted by XEROX with respect to such ROYALTY-BEARING PRODUCT. For the purpose of this Paragraph IV A, a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT. The LICENSEE need not take a license under any CORRESPONDING PATENT.

B. XEROX may require that a LICENSEE agree not to use XEROX, RANK XEROX or FUJI XEROX, or their customers or suppliers, for PATENT infringement or royalties with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for them prior to the date of issuance of this order, or to maintain any such suit.

C. To the extent the LICENSEE has the power to grant licenses or sublicenses, XEROX may require the grant to XEROX, RANK XEROX and FUJI XEROX of a non-exclusive license for the full unexpired term under any, some or all PATENTS OF THE LICENSEE to make, have made, use or vend any, some or all of the following: (a) OFFICE COPIERS (including the right to have made parts, components, and raw materials for use therein), (b) toner, developer, paper and similar consumable supplies, (c) toner, developer, paper, and similar consumable supplies which may

be used in future OFFICE COPIERS, (d) containers (such as toner cartridges) for consumable supplies, and (e) photosensitive elements, as hereinafter provided in this Paragraph IV C.

(1) XEROX may (at any time) require the license of one PATENT OF THE LICENSEE to XEROX, RANK XEROX and FUJI XEROX for each XEROX PATENT licensed to the LICENSEE in excess of the first three ORDER PATENTS licensed to the LICENSEE but in so doing XEROX may not require the license of (a) a greater number of PRESENT PATENTS OF THE LICENSEE than the number of XEROX PRESENT PATENTS licensed to the LICENSEE, or (b) a greater number of FUTURE PATENTS OF THE LICENSEE than the number of XEROX FUTURE PATENTS licensed to the LICENSEE. Notwithstanding the foregoing, for purposes of determining how many PRESENT PATENTS or FUTURE PATENTS OF THE LICENSEE which XEROX, RANK XEROX and FUJI XEROX are entitled to license, the LICENSEE shall have the right, if exercised at the time of first receipt of a license from XEROX under Paragraph II of this order, to have the first three ORDER PATENTS licensed from XEROX count, at the LICENSEE'S option, as XEROX PRESENT PATENTS, or as XEROX FUTURE PATENTS or as any combination of XEROX PRESENT PATENTS and XEROX FUTURE PATENTS, irrespective of the actual character of such ORDER PATENTS. For the purpose of determining the number of PATENTS under this Paragraph IVC(1), (a) a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT, and (b) the substitution of a previously unlicensed ORDER PATENT shall count as an additional PATENT unless the PATENT for which substitution is made was dedicated, revoked, disclaimed, or has expired or lapsed, or was held invalid or unenforceable. XEROX, RANK XEROX and FUJI XEROX need not take a license under any CORRESPONDING PATENT. A LICENSEE shall have no obligation to grant a license to XEROX, RANK XEROX or FUJI XEROX in any country in which, by reason of governmental action, XEROX has been prevented from granting or causing to be granted a PATENT license requested pursuant to this order. XEROX shall have no obligation to grant licenses in any country in which, by reason of governmental action, the LICENSEE is prevented from granting licenses to XEROX, RANK XEROX or FUJI XEROX pursuant to the terms of this Paragraph IVC(1).

(2) The license of PRESENT PATENTS OF THE LICENSEE shall not become effective until four years after the date of issuance of this order or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALY AVAILABLE, whichever is later. The license of FUTURE PATENTS OF THE LICENSEE shall not become effective

until four years after the date the FUTURE PATENT OF THE LICENSEE is ISSUED or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALY AVAILABLE, whichever is later. This Paragraph IVC(2) shall not apply to IBM, except that IBM may require that the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS not become effective for up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date IBM'S FUTURE PATENTS are ISSUED. With respect to CORRESPONDING FUTURE PATENTS the date such PATENTS are ISSUED shall be the date that the first such CORRESPONDING FUTURE PATENT is ISSUED.

(3) XEROX may (at any time) require the immediate license to XEROX, RANK XEROX and FUJI XEROX of any of the PRESENT or FUTURE PATENTS OF THE LICENSEE (a) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER manufactured by any of them following the date of issuance of this order if the invention covered by the PATENT is the same as that embodied in an OFFICE COPIER manufactured by any of them prior to the date of issuance of this order, or (b) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER PRODUCT which any of them makes COMMERCIALY AVAILABLE during the six years following the date of issuance of this order if the invention of the PATENT was embodied in a device which, as of the first publication or public use anywhere in the world of the invention covered by the PATENT OF THE LICENSEE or application therefor (i) actually had been built and incorporated in an engineering model or prototype model of the OFFICE COPIER by XEROX, RANK XEROX or FUJI XEROX and (ii) was part of a XEROX, RANK XEROX or FUJI XEROX funded product program. As used in this Paragraph IVC(3), "engineering model" means the first complete assembly of all the sub-assemblies of the OFFICE COPIER; and "prototype model" means the product development stage which follows the engineering model, if any. Licenses granted pursuant to this Paragraph IVC(3) shall not be subject to the provisions of Paragraph IVC(1) (except that they shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph) or Paragraph IVC(2), but shall be subject to all other provisions of this order. The burden of establishing the right to a license under this Paragraph IVC(3) shall be on XEROX.

(4) XEROX may require a LICENSEE to grant to XEROX, RANK XEROX, and FUJI XEROX a non-exclusive license under all IMPROVEMENT PATENTS on XEROX PATENTS licensed to the LICENSEE. Such licenses shall not be sub-

ject to the provisions of Paragraph IVC (1) (except that IMPROVEMENT PATENTS OF THE LICENSEE shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX, and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph) but shall be subject to all other provisions of this order.

(5) XEROX shall grant to the LICENSEE a non-exclusive license under all XEROX IMPROVEMENT PATENTS on PATENTS licensed to XEROX. Such licenses shall be subject to all the provisions of this order except that they shall not count for XEROX as PATENTS licensed by XEROX, RANK XEROX, and FUJI XEROX for purposes of Paragraph IVC(1).

(6) The LICENSEE may charge XEROX, RANK XEROX and FUJI XEROX a reasonable royalty for PATENTS licensed to any or all of them pursuant to this order, computed on the basis of the NET REVENUES of XEROX, RANK XEROX, and FUJI XEROX for each ROYALTY-BEARING PRODUCT which they manufactured, leased or sold. With respect to any ROYALTY-BEARING PRODUCT of XEROX, RANK XEROX and FUJI XEROX, which they use or consume themselves, the royalty shall be computed on the basis of the NET REVENUES that would have been received in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of the PATENTS which are used in such ROYALTY-BEARING PRODUCT.

(7) XEROX, RANK XEROX and FUJI XEROX may require that they be permitted to sublicense any PERSON in which they own, directly or indirectly, 50% or less, but not less than 20% of the voting stock if such PERSON makes its PRESENT and FUTURE PATENTS available for licensing pursuant to Paragraph II of this order. All such PERSONS shall be identified to anyone making written request, and a list of all such PERSONS current as of the date of issuance of this order shall be filed on the public record of the Commission. Any changes in said list shall be filed with the Commission within 30 days after they occur.

(8) A license to XEROX pursuant to this Paragraph IVC shall contain the provisions specified in Paragraphs IVH and IVI of this order and may contain the provisions specified in Paragraphs IVD, IVE, IVF, IVG, and IVJ of this order.

(9) If XEROX grants a license under ORDER PATENTS either pursuant to the terms of Paragraph II of this order or otherwise, the license agreement shall contain the irrevocable covenant of the licensee to license such of its PATENTS as are licensed to XEROX on reasonable terms and conditions (including the license to itself of its licensees' PATENTS or IMPROVEMENT PATENTS) to any other PERSON who is entitled to a license from XEROX pursuant to Paragraph II of this order, provided that such license need not be effective prior to the effective date of the licensee's license to

XEROX. Within 60 days following execution of a license agreement subject to this Paragraph IVC(9), XEROX shall submit to the Commission a copy thereof in camera.

D. Reasonable provisions may be made for the retention of books and records and for periodic royalty reports by the licensee to the Manager of Patent Licensing of the licensor, and for inspection of such books and records by an independent auditor or any other person reasonably acceptable to both the licensor and the licensee who shall report to said Manager only the amount of the royalty due and payable. The Manager of Patent Licensing of the licensor shall not disclose the content of said periodic royalty reports to any director, officer, employee, agent or representative of the licensor other than the members of his staff and employees necessarily involved in recording and depositing checks in a routine manner, who shall be similarly bound, unless the royalty owed is not timely paid. In the event that the licensor does not have a Manager of Patent Licensing, a mutually agreeable employee of the licensor shall be designated in his stead.

E. Notwithstanding any other provision of this order, any party taking a sublicense under the terms of this order may be required to reimburse the sublicensor for any payments it is legally required to make and does make to the original licensor on account of activities of the sublicensee under any sublicense granted pursuant hereto.

F. Reasonable provisions may be made for cancellation of the license granted to the licensee upon failure of the licensee to make the reports, pay the royalties, or permit the inspection of his books and records as hereinbefore provided, and, upon a wrongful act of the LICENSEE respecting the restrictions on use or disclosure of KNOW-HOW contained in Paragraph VII of this order, for XEROX to apply to the Commission for leave to cancel said license, in which event the decision of the Commission shall be final and non-appealable by either XEROX or the LICENSEE.

G. The license may be non-transferable.

H. The license must provide that the licensee may cancel the license in whole or as to any specified PATENTS at any time by giving 30 days notice in writing to the licensor; however, the licensor shall have the option to continue in effect any right granted to the licensor pursuant to Paragraph IVC of this order.

I. The license must provide for the arbitration specified in Paragraph VIII of this order and for suspension thereof pursuant to Paragraph VIII C of this order.

J. In granting a license pursuant to Paragraph II of this order, there shall be no discrimination by XEROX, RANK XEROX, FUJI XEROX or any PERSON in the royalty charged as among royalty-paying LICENSEES who procure the same rights under the same PATENTS; but nothing herein contained shall prevent XEROX, RANK XEROX, FUJI

XEROX or any PERSON from negotiating non-exclusive licenses and cross-licenses outside the terms (except Paragraph IVC(9) of this order) of this order with anyone who so elects.

#### V

*It is further ordered*, That nothing herein shall be deemed to prevent any LICENSEE or applicant for a license from attacking in any proceeding or controversy the validity, scope or enforceability of any PRESENT or FUTURE PATENT, nor shall this order be construed as imputing any validity, enforceability or value to any such PATENT.

#### VI

*It is further ordered*, That XEROX shall allow each PERSON who is a licensee of a XEROX PATENT on the date of issuance of this order to obtain a license pursuant to the terms of this order; however, XEROX, RANK XEROX and FUJI XEROX shall have the right to continue in effect any industrial property rights under the terms previously granted to XEROX, RANK XEROX or FUJI XEROX by the licensee, and such licensee shall have the right to continue in effect any industrial property rights under the terms previously granted to the licensee by XEROX, RANK XEROX or FUJI XEROX.

#### VII

*It is further ordered*, That:  
A. During the period ending five years after the date of issuance of this order, XEROX shall make available to LICENSEES of United States ORDER PATENTS under a license pursuant to the terms of this order who make written application therefore all KNOW-HOW (1) in existence on the date of issuance of this order or (2) made available to any other UNITED STATES manufacturer (except a supplier to XEROX) or UNITED STATES marketer of OFFICE COPIER PRODUCTS for use in connection with such PRODUCTS during the five year period. The delivery of the KNOW-HOW requested shall begin within 30 days and shall be completed within 120 days after the initial application therefor is received by XEROX; the response to subsequent requests shall be completed within a reasonable period of time. Such KNOW-HOW shall be of such a nature as to enable one skilled in manufacturing electro-mechanical office machinery and in the technologies embodied in OFFICE COPIER PRODUCTS or comparable technologies to manufacture, refurbish, recondition and service Xerox Corporation's OFFICE COPIER PRODUCTS. Upon written application, XEROX shall provide written clarification respecting such KNOW-HOW where such clarification is reasonably necessary. XEROX may make a reasonable charge for the cost of collecting and duplicating KNOW-HOW which it discloses and for the time spent in clarification. At the option of such LICENSEE, XEROX shall disclose KNOW-HOW pertaining to photosensitive elements, supplies, raw materials and particular OFFICE COPIER models and shall limit its charge to such KNOW-HOW. XEROX may require the LICENSEE to agree that all

KNOW-HOW disclosed to the LICENSEE by XEROX shall be considered a XEROX trade secret and to undertake, in good faith, to use the KNOW-HOW only in connection with the manufacture in the UNITED STATES of OFFICE COPIER PRODUCTS by or for the LICENSEE and not to disclose or permit the disclosure of the KNOW-HOW to anyone other than a supplier who is or will be manufacturing in the UNITED STATES and who enters into a similar agreement and undertaking respecting disclosure and use, unless the LICENSEE can establish that such KNOW-HOW (1) was previously known to the LICENSEE prior to the disclosure by XEROX, or (2) is or becomes part of the public domain through no wrongful act of LICENSEE, or (3) is subsequently otherwise legally acquired by LICENSEE, or (4) was or is disclosed by XEROX to third parties on non-confidential basis.

B. Commencing 120 days after the date of issuance of this order XEROX shall make available to KNOW-HOW licensees a list of the PERSONS whose KNOW-HOW XEROX claims to be prohibited from disclosing. Such list shall be subject to the restrictions on use and disclosure of KNOW-HOW provided in this Paragraph VII. XEROX need not make KNOW-HOW available to IBM.

## VIII

*It is further ordered, That:*

A. Upon receipt of a written application for a PATENT license or for a PATENT license and disclosure of KNOW-HOW under the terms of this order, XEROX shall advise the applicant in writing of the terms of such license and/or KNOW-HOW disclosure. If a dispute arises between XEROX and a LICENSEE or applicant regarding their respective rights under this order (except where certain matters are specifically referable to the Commission as provided in Paragraph IVF of this order), and if the parties to the dispute are unable to resolve it within 90 days after the existence of such dispute is communicated in writing to XEROX or to the LICENSEE or applicant, the dispute shall be determined by arbitration pursuant to this Paragraph VIII. Notwithstanding the provisions of Paragraph V of this order, no dispute between XEROX and a LICENSEE or applicant with respect to the validity, enforceability, infringement or scope of any PATENT shall be subject to arbitration pursuant to this order.

B. Unless otherwise agreed to by the parties, arbitration shall be held at a location in the UNITED STATES designated by the LICENSEE or applicant and in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The award of the arbitrator shall be final and binding on both parties. The arbitrator shall, upon a proper showing, issue protective orders and/or receive evidence in camera in the same manner as an Administrative Law Judge of the Federal Trade Commission.

C. Within 10 days after the initiation of arbitration, XEROX shall notify the Commission of the parties to the arbitra-

tion, the name of the arbitrator, and the nature of the dispute. XEROX shall notify the Commission of the dates of arbitration hearings and other arbitration proceedings, if any, as soon as possible. Copies of all papers in the nature of pleadings shall be served upon the Commission, and the Commission or its designee shall have the right to attend any arbitration proceeding. The Commission may, in its sole discretion, at any time before evidence has been submitted, suspend the provisions of this Paragraph VIII respecting arbitration and itself resolve any or all disputes subject thereto. The Commission will not assert any claim that XEROX has violated this order with respect to the subject matter of the arbitration where XEROX has complied with the award of the arbitrator.

D. Pending the completion of any negotiation, arbitration or Commission action respecting a dispute subject to this Paragraph VIII, XEROX and the applicant shall enter into a license, and XEROX shall make disclosure of KNOW-HOW, pursuant to the terms of this order with respect to the matters not in dispute. Upon conclusion of any negotiation, arbitration or Commission action, the disputed license or KNOW-HOW disclosure may provide for such adjustments as the parties agree to or as the arbitrator or Commission, as the case may be, deems appropriate.

## IX

*It is further ordered, That for the period ending six years after the date of issuance of this order, XEROX shall make available (a) English language translations of all ORDER PATENTS issued after the date of issuance of this order to XEROX, RANK XEROX, and FUJI XEROX by France, The Federal Republic of Germany, Japan, and The Netherlands, and (b) copies of all English language CORRESPONDING PATENTS at a reasonable charge not to exceed the cost of reproduction and, if the translation is made at the instance of the requesting PERSON, the cost of translation.*

## X

*It is further ordered, That for the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, acquire from any PERSON (including The Rank Organisation Limited and Fuji Photo Film Co., Ltd.) any exclusive rights, whether by license or otherwise to any PATENTS or know-how for use in OFFICE COPIER PRODUCTS except those (a) resulting from the work of XEROX, RANK XEROX or FUJI XEROX employees, XEROX, RANK XEROX or FUJI XEROX consultants, or research organizations doing sponsored research for XEROX, RANK XEROX or FUJI XEROX, or (b) under which XEROX grants or causes to be granted to any PERSON making written application a non-exclusive, royalty-free, unrestricted license to make, have made, use or vend OFFICE COPIER PRODUCTS under such PATENT or know-how. Any exclu-*

sive rights acquired by XEROX in accordance with part (a) of this Paragraph X shall be on such terms as will permit XEROX to comply with the licensing provisions of Paragraph II of this order. This Paragraph X shall not apply to any acquisition or exclusive license of a FOREIGN PATENT or of the right to use the know-how in a foreign country by RANK XEROX or FUJI XEROX.

## XI

*It is further ordered, That XEROX shall not dispose or permit the disposition of any PATENTS or rights thereunder so as to deprive it of the power to grant or cause to be granted the licenses required by this order.*

## XII

*It is further ordered, That for the period ending 10 years after the date of issuance of this order XEROX shall not, directly or indirectly, acquire any interest in a PERSON (including The Rank Organisation Limited and Fuji Photo Film Co. Ltd.) engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer, paper or photosensitive elements used in OFFICE COPIERS or form a joint venture involving any such products with any such PERSON (except The Rank Organisation Limited or Fuji Photo Film Co. Ltd. so long as either is a party to a joint venture with XEROX or RANK XEROX relating to OFFICE COPIER PRODUCTS). This Paragraph shall not apply (1) to the acquisition by XEROX of an interest in or joint venture with any PERSON in which at the time of the acquisition or joint venture it had a stock interest, other than a PERSON in which XEROX had such an interest by reason of an investment in employee funds such as pension or retirement plans (XEROX shall promptly file with the Commission a list of the PERSONS in which it has a stock interest as of the date of issuance of this order and to which this exception is to apply. Said list shall be updated as part of the annual compliance reports required by Paragraph XIX of this order), or (2) to any acquisition by RANK XEROX or FUJI XEROX of a PERSON not engaged in the manufacture, sale, lease or development of OFFICE COPIERS but who is engaged in the manufacture, sale, lease or development, solely outside of the UNITED STATES, of toner, developer, paper or photosensitive elements used in OFFICE COPIERS, or to the formation of a joint venture by RANK XEROX or FUJI XEROX involving any such products with any such PERSON, or (3) to a joint venture involving new capacity for the production of paper with a PERSON other than one engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer or photosensitive elements used in OFFICE COPIERS, or (4) to the acquisition by XEROX of an interest in any PERSON the sole purpose of which is an investment in employee funds such as pension or retirement plans. Such acquisitions, however, shall*

not be deemed immune or exempt from the provisions of the antitrust laws (including the Federal Trade Commission Act) by reason of anything contained in this order.

## XIII

*It is further ordered,* That during the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, make contracts in the UNITED STATES restricting employees working in its OFFICE COPIER PRODUCTS business from in the future working for any other PERSON, provided that XEROX may make contracts which prohibit the use or disclosure of trade secrets and confidential information as prohibited by XEROX' present form of "Proprietary Information and Conflict of Interest Agreement" which has been submitted to the Commission.

## XIV

*It is further ordered,* That during the period commencing on a date not later than nine months after the date of issuance of this order and ending 5 years after said commencement date, XEROX shall not, directly or indirectly, utilize in the UNITED STATES any price plan for the sale or lease of an OFFICE COPIER which depends upon the customer purchasing or leasing one or more additional OFFICE COPIERS of a different model. Any minimum qualifying level for a pricing plan or price schedule respecting any OFFICE COPIER shall be based solely on volume, revenues, number of OFFICE COPIERS, or the like of the same model.

## XV

*It is further ordered,* That:

A. During the period ending 10 years after the date of issuance of this order, XEROX shall, in addition to instructing its employees in the UNITED STATES not to comment on the quality of competitive toner or developer, place a notice in a location conspicuous to the key operator on each OFFICE COPIER sold or leased by it in the UNITED STATES stating the following: "Xerox Corporation manufactures and distributes toner and developer for use in this machine. Other suppliers may also provide toner and developer for this machine. It may be necessary to adjust the machine to accommodate toner or developer which is provided by either XEROX or any other supplier."

B. In the event that XEROX shall publish reasonable specifications for the toner and developer used in a particular machine, XEROX (1) may include the following additional statement in the aforementioned notice: "The toner and developer used in this machine must comply with specifications published by Xerox Corporation.", (2) shall promptly notify all suppliers of toner and developer, who request such notification, of any changes in such specifications, and shall promptly notify a supplier when his toner or developer does not comply with such specifications in a letter signed by an officer of XEROX, and (3) may not

require suppliers of toner or developer for XEROX' OFFICE COPIERS to provide to XEROX' customers a certification that the toner or developer supplied by them meets such specifications.

C. XEROX shall promptly notify all suppliers of toner and developer, who request such notification, of changes in XEROX OFFICE COPIERS which may affect the useability of the toner and developer in such OFFICE COPIERS.

D. Nothing herein contained shall prevent XEROX from advising a customer, in a letter signed by an officer of XEROX, that a non-XEROX toner or developer is not useable in a particular XEROX OFFICE COPIER, provided that XEROX simultaneously advises the supplier of such toner or developer in a letter signed by an officer of XEROX, that (1) in the opinion of XEROX, the supplier's toner or developer is not useable in a particular OFFICE COPIER model, and (2) disputes regarding the useability of the toner and developer are subject to arbitration pursuant to this order. Disputes regarding the useability of non-XEROX toner and developer or the reasonableness of XEROX specifications shall be subject to arbitration in accordance with Paragraph VIII (b) and (c) of this order.

E. XEROX may not, directly or indirectly, require in the UNITED STATES that it be the sole supplier of toner or developer for leased or sold OFFICE COPIERS; however, it may impose such a requirement with respect to a new model during the six months from the date such model first becomes COMMERCIALY AVAILABLE. For purposes of this Paragraph XV, "new model" includes collectively the basic OFFICE COPIER model and all subsequent models not embodying material variations in the xerographic processor thereof.

## XVI

*It is further ordered,* That during the period ending 10 years after the date of issuance of this order, (1) XEROX shall not in the UNITED STATES take orders or announce that it will take orders for the sale or lease of an OFFICE COPIER more than three months prior to the time when it is reasonably expected to be COMMERCIALY AVAILABLE, (2) XEROX shall not promote any new OFFICE COPIER in any area of the United States more than three months prior to the time that XEROX reasonably expects such new OFFICE COPIER to be first COMMERCIALY AVAILABLE in that area except for national advertising which includes a statement that the model is available only in the areas where XEROX reasonably expects such model to be COMMERCIALY AVAILABLE, and (3) at the time XEROX announces that it will take orders for the lease of an OFFICE COPIER in the United States, it shall also announce the selling price of such OFFICE COPIER.

## XVII

*It is further ordered,* That within 30 days after the date of issuance of this order and annually thereafter until the

expiration of all FUTURE PATENTS, XEROX shall submit for publication in the Official Gazette of the United States Patent Office a notice (1) identifying by number, title, date of issue and category of subject matter (to an extent acceptable to the Commission) all United States PATENTS which it is empowered to license together with all FOREIGN PATENTS based on the patent application from which each United States PATENT originates; (2) stating that XEROX shall grant licenses under (a) its ORDER PATENTS to make, have made, use and vend OFFICE COPIER PRODUCTS under the terms of this order, and (b) patents required to be licensed pursuant to the terms of Paragraph X of this order, if any; (3) stating that XEROX shall disclose KNOW-HOW to a licensee of its United States ORDER PATENTS for use in connection with the manufacture of OFFICE COPIER PRODUCTS in the UNITED STATES under the terms of this order; and (4) stating that a copy of this order and a list of PATENTS licensed to XEROX which are subject to the provisions of Paragraph II and IVC(9) of this order, if any, are available from XEROX upon written request. Beginning 30 days following the date of issuance of this order, and until the expiration of all XEROX FUTURE PATENTS, XEROX shall send a copy of this order and of the current edition of such notice to each person who inquires as to the availability of a license for OFFICE COPIER PRODUCTS, or to whom XEROX has offered such a license at any time after January 1, 1970.

## XVIII

*It is further ordered,* That XEROX notify the Commission at least 30 days prior to any proposed change in the respondent, RANK XEROX or FUJI XEROX which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other such change.

## XIX

*It is further ordered,* That XEROX shall file with the Commission reports, in writing, setting forth in detail the manner and form in which it intends to comply, is complying, and has complied with this order. Said reports shall be filed 60 days and 180 days after the date of issuance of this order, and yearly thereafter on the anniversary date of the order during the period in which XEROX has obligations under this order, and shall contain such information and documents as are requested by the Bureau of Competition or the Commission relating to compliance with this order.

With Commissioner Nye not participating the Decision and Order was issued by the Commission July 29, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-24100 Filed 9-10-75; 8:45 am]

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF COMMERCE

Bureau of the Census

[ 15 CFR Part 80 ]

### FURNISHING PERSONAL CENSUS DATA FROM CENSUS OF POPULATION SCHEDULES

#### Notice of Proposed Rulemaking

Title 13, United States Code, section 9, requires census of population records held by the Department of Commerce from the 1900 census and each decennial census thereafter to be maintained in confidence, except that section 8 provides authority to furnish data from such censuses for genealogical and other proper purposes.

These proposed rules set forth the procedures to be followed to obtain data from decennial census of population records, and they are issued under the authority of section 8 of title 13, United States Code, section 301 of title 5, United States Code, and Department of Commerce Organization Order No. 35-2A and 35-2B.

These rules do not fall within the criteria set forth in the Department Administrative Order relating to Inflationary Impact Statements required by Office of Management and Budget Circular No. A-107.

Interested parties have until October 14, 1975 within which to submit comments which will be considered before final action is taken on these proposed rules. Comments should be addressed to:

Office of the Legal Adviser, Bureau of the Census, Room 3039, Federal Building 3, Suitland, Maryland 20233.

Copies of all written comments will be available for examination by interested persons at the above address during and after the 30-day period. The proposed rules may be changed in light of the comments received.

In consideration of the above, a new part 80 of title 15, Code of Federal Regulations is proposed as set forth below.

#### PART 80—FURNISHING PERSONAL CENSUS DATA FROM THE 1900 AND SUBSEQUENT DECENNIAL CENSUSES OF POPULATION

- Sec.
- 80.1 General requirements.
- 80.2 Rules pertaining to records of the living.
- 80.3 Rules applicable to deceased persons and estates.
- 80.4 Signatures of persons unable to sign their name.
- 80.5 Detrimental use of information.
- 80.6 False statements.

AUTHORITY: Sec. 1, Pub. L. 83-1158, 68 Stat. 1013 (13 U.S.C. 8).

#### § 80.1 General requirements.

(a) Data from records of decennial census of population questionnaires pertaining to an individual will be released only in accordance with these rules.

(b) Census information contains only the responses recorded by the Census enumerator; no changes of any of these entries have been or can be made.

(c) Requests for information from decennial census of population records (herein "Census information") should be made on Form BC-600, which is available from offices of the Bureau of the Census at Suitland, Maryland 20233 and Pittsburg, Kansas 66762, all county courthouses, Social Security field offices, and Immigration and Naturalization Service offices.

(1) A letter request without Form BC-600 will be accepted only if it contains the information necessary to complete a Form BC-600.

(2) No application will be processed without payment of the required fee as set forth in § 50.5 of title 15, CFR.

(d) The Bureau may require verification of the identity of the applicant requesting Census information and it may require the applicant to submit the following notarized statement:

I, \_\_\_\_\_, do hereby certify that I (printed name) am the individual to whom the requested record pertains or that I am within the class of persons authorized to act on his behalf in accordance with 15 C.F.R., Part 80.

Signature \_\_\_\_\_

Date \_\_\_\_\_

In the County of \_\_\_\_\_

State of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_ who is personally

(name of individual) known to me, did appear before me and sign the above certificate.

Signature \_\_\_\_\_

Date \_\_\_\_\_

(8) My commission expires \_\_\_\_\_

(e) Except as otherwise provided, Census information will be provided only to the individual to whom the record pertains. It will include the names of the subject and the head of the household, the relationship of the subject to the head of the household, and the subject's age and birthplace.

(f) Similar Census information pertaining to other members of a household will be furnished only upon written authorization of the individual whose record is requested, except as provided in § 80.3.

(g) Census information may be provided to others only upon signed request by an individual entitled to receive the information which indicates the person and address to which the information is to be sent.

#### § 80.2 Rules pertaining to records of the living.

(a) An individual who has attained age 18 may request his or her own Census information.

(b) A parent may request Census information for and in behalf of a child who has not reached age 18. The request must be signed by one of the parents.

(c) A legal guardian may obtain Census information relating to a ward by submitting a certified copy of the order of guardianship appointment.

#### § 80.3 Rules applicable to deceased persons and estates.

(a) Census information relating to a deceased person may be released only to a parent, child, grandchild, brother, sister, spouse, insurance beneficiary, or the executor or administrator of a deceased person's estate. The request must be signed by a person entitled to receive the information as provided herein, state the relationship of the applicant to the deceased, and include a certified copy of the death certificate or other adequate proof of death. The request of an executor or administrator must be accompanied by a certified copy of the court order of appointment.

(b) Except for a spouse, a person related to the deceased person through marriage, such as an in-law relationship, is not eligible to request Census information on the deceased, whether or not the applicant was a member of the household of the deceased.

#### § 80.4 Signature of persons unable to sign their name.

A person requesting Census information who is unable to sign his or her name shall make an "X" mark where signature is required, and the mark must be witnessed by two persons who know the applicant. They must also sign the application certifying the applicant's identity. In the case of such persons who are unable to make an "X" mark, Census information can be released upon receipt of a physician's sworn statement verifying the disability and the written request of a parent, brother, sister, child or a spouse.

#### § 80.5 Detrimental use of information.

Section 8 of title 13, United States Code, requires that, "In no case shall information furnished under the author-

ity of this section be used to the detriment of the persons to whom such information relates."

#### § 30.6 False statements.

Any false statement or forgery on the application or supporting papers required to obtain Census information is punishable by a fine and/or imprisonment pursuant to section 1001 of title 18 of the United States Code.

Dated: September 4, 1975.

VINCENT P. BARABBA,  
Director, Bureau of the Census.

[FR Doc. 75-24096 Filed 9-10-75; 8:45 am]

#### National Oceanic and Atmospheric Administration

#### [ 50 CFR Part 216 ]

#### COMMERCIAL FISHING OPERATIONS

#### Hearing To Consider Reissuance of Incidental Take General Permits

#### Correction

In FR Doc. 75-23632 appearing at page 41531 in the issue of Monday, September 8, 1975 the first line of column three on page 41533 should be transferred to the top of column two, so that the first two lines of column two are corrected to read "required to attend other formal training sessions when there are substantial" and the first line of column three should read "vessel owner or charterer, board and/or".

#### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### [ 33 CFR Part 1 ]

#### [ CGD 75-123 ]

#### CIVIL PENALTY PROCEDURES

#### Final Agency Action

The Coast Guard is considering amending the procedure for implementing the civil penalty provisions of all statutes which the Coast Guard enforces by vesting authority for final agency action in the local District Commander. This is a change from the present procedure under which an appeal from a civil penalty assessment may be made to the Commandant of the Coast Guard.

The present procedure for handling civil penalties creates needless paperwork to the detriment of the person charged and the Government. Persons charged have had to expend considerable time, effort, and expense to exhaust administrative remedies. The Government has expended time and expense in support of this system. This change will significantly reduce paperwork, save time, and reduce administrative expense while maintaining a fair and reasonable civil penalty program effectuated by District Commanders and their maritime safety, port safety, boating safety, and legal staffs.

Interested persons may participate in this proposed rulemaking by submitting

written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard Headquarters, 400 Seventh Street, SW, Washington, D.C. 20590. Each person or organization submitting a comment should include his name and address, identify this notice (CGD 75-123), and give reasons for any recommendations. Comments received before October 27, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. This proposal may be changed in light of the comments received.

No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

In consideration of the foregoing, it is proposed to amend 33 CFR Part 1, as follows:

#### § 1.07-9 [Amended]

- Paragraph (d) of § 1.07-9 is deleted.
- Paragraph (c) of § 1.07-13 is revised to read as follows:

#### § 1.07-13 Payment and collection of civil penalties.

(c) If the assessed or mitigated amount of a civil penalty is not paid within 30 days of receipt of a notice of assessment or mitigation or within such longer period as may be allowed in the notice, the Coast Guard may initiate appropriate legal proceedings to collect the penalty.

(5 U.S.C. 552; 14 U.S.C. 2, 663; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Dated: September 4, 1975.

R. A. RATTI,  
RAdm, U.S. Coast Guard,  
Chief Counsel.

[FR Doc. 75-24161 Filed 9-10-75; 8:45 am]

#### Federal Aviation Administration

#### [ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 75-WE-20]

#### DESIGNATION OF TEMPORARY RESTRICTED AREAS

#### Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the vicinity of Nellis AFB, Nev., and Edwards AFB/NAS China Lake, Calif., to contain a joint military training exercise, BOLD EAGLE 76 scheduled from 0800 PST, February 4, 1976, through 1800 PST, February 17, 1976. The restricted areas would also be

included in the continental control area for the duration of their time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before October 14, 1975 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would designate the following restricted areas and include them in the continental control area for the duration of their times of designation.

#### R-2514A BOLD EAGLE 76

Boundaries. Beginning at Lat. 36°30'00" N., Long. 116°47'00" W.; to Lat. 36°06'00" N., Long. 116°18'00" W.; to Lat. 35°39'00" N., Long. 115°53'00" W.; to Lat. 35°18'45" N., Long. 116°18'45" W.; thence along the eastern and northern boundaries of R-2502E, R-2502N and R-2524 to Lat. 35°36'00" N., Long. 117°26'00" W.; to Lat. 35°40'30" N., Long. 117°25'00" W.; thence along the eastern and northern boundaries of R-2505 to Lat. 36°14'00" N., Long. 117°53'00" W.; to Lat. 36°30'00" N., Long. 117°36'00" W.; to point of beginning.

Designated altitudes. 2500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0601 PST February 13, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles, ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

#### R-2514B BOLD EAGLE 76

Boundaries. Beginning at Lat. 34°56'00" N., Long. 117°09'00" W.; to Lat. 35°01'30" N., Long. 116°41'00" W.; to Lat. 35°07'00" N., Long. 116°34'00" W.; thence along the southern boundary of R-2502E and R-2515 to point of beginning.

Designated altitudes. 500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0601 PST February 13, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.



## R-2514C-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north and east boundaries of R-4806, R-4808 and R-4807, to Lat. 37°53'00" N., Long. 116°26'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center. Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

## R-2514C-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north/eastern boundaries of R-4806, R-4808 and R-4807 to Lat. 37°53'00" N., Long. 116°26'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

## R-2514D-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°08'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long. 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning.

Designated altitudes. 200 feet to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

## R-2514D-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°08'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long. 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

## R-2514E-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

## R-2514E-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976 to 1800 PST February 17, 1976.

Controlling Agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

Exercise BOLD EAGLE 76 will train active and reserve component forces in all phases of joint ground and air operations. The temporary restricted areas are required to accommodate the extensive air operations associated with the exercise. Approximately 196 tactical fighter aircraft, 13 reconnaissance, 10 airlift, 150 rotary wing and 50 other fixed wing aircraft would be involved. The aircraft would be conducting close air support, interdiction, air defense/counter air, reconnaissance, drone launch and recovery, aerial resupply and electronic warfare missions which would require air maneuvering through a wide range of airspeeds and altitudes. Total air traffic associated with the exercise is expected to exceed 500 sorties per day.

A Tactical Air Control System (TACS) would be established for the control of exercise aircraft within designated airspace. Nonparticipating aircraft would be allowed penetration of and operations within the designated exercise airspace after coordination with the appropriate TACS facility. They should encounter little or no delay in obtaining clearance.

Leased lines of communications would be installed with appropriate FAA facilities in order to accomplish the orderly and safe ingress/egress of both exercise air traffic and coordinated movement of nonexercise air traffic within and proceeding in and out of the exercise areas. A wide area telecommunications system (WATS) reverse charge telephone number would be provided so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. The number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period.

Except for approved arrivals and departures at operating bases, exercise aircraft will avoid overflight of inhabited areas. The users of the temporary restricted areas understand that they are also obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable for the protection of persons and property on the surface. All close air support training will be conducted in uninhabited maneuver areas and the

permanent restricted areas, R-2502 and R-2524.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 5, 1975.

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

[FR Doc. 75-24082 Filed 9-10-75; 8:45 am]

ENVIRONMENTAL PROTECTION  
AGENCY

[40 CFR Part 52]

## COMMONWEALTH OF PUERTO RICO

Approval and Promulgation of  
Implementation Plans

On January 3, 1975, the Governor of the Commonwealth of Puerto Rico submitted to the Regional Administrator a proposed revision to Article 6 of the Puerto Rico Regulation for the Control of Atmospheric Pollution. This regulation revises the control strategy for sulfur oxides in Puerto Rico by assigning a maximum allowable sulfur content, by weight, to each source having a rated heat input capacity which is greater than 8 million Btu/hr. The sulfur contents are chosen such that the resulting ambient air quality concentrations predicted by means of a specified dispersion model are below the national ambient air quality standards for sulfur oxides.

The computer printouts initially submitted with the plan revision request for the area of Ensenada which is part of the Aguada air basin and Barceloneta showed that the Central Guanica and Pfizer plants in these areas had been modeled without having included the impact of terrain on the predicted sulfur dioxide concentrations. On June 2, 1975, the Executive Director of EQB submitted the predicted sulfur dioxide concentrations for these areas after terrain was included. The calculations showed that with the sulfur in fuel limitations assigned in Appendix B contravention of the maximum 24-hour and annual average national standards for sulfur oxides resulted. Consequently, in a previous issue of the FEDERAL REGISTER, the Administrator is proposing maximum fuel limitation which had been assigned to these sources. To correct the deficiencies with regard to these sources, the Administrator is proposing maximum sulfur in fuel limitations of 0.4 percent and 0.5 percent, by weight, for the Central Guanica plant and Pfizer unit #15, respectively. The assignment of these sulfur in fuel limitations will ensure that national standards for sulfur oxides will not be contravened in the Aguada and Barceloneta air basins.

Public hearings on this proposed rulemaking will be held not less than 30 days after publication of this notice. Notice of the times, dates and locations of the

hearings will be published in a subsequent issue of the FEDERAL REGISTER.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region II, 26 Federal Plaza, New York, New York 10007. Receipt of comments will be acknowledged. Comments received will be available for public inspection during normal business hours at the EPA Region II Office, 26 Federal Plaza, New York, New York, Room 907 and at other locations to be announced in Puerto Rico. This notice of proposed rulemaking is issued under the authority of section 110 (c) of the Clean Air Act (42 U.S.C. 1857c-5(c)).

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 Code of Federal Regulations as follows:

**Subpart BBB—Puerto Rico**

Section 52.2729 is amended by adding a new paragraph (e) as follows:

§ 52.2729 Control strategy and regulations: Sulfur oxides.

(e) Regulation for control of sulfur compound emissions. (1) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for Pfizer unit #15 in the Barceloneta air basin shall be 0.5 percent.

(2) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for the Central Guanica facility in the Aguada air basin shall be 0.4 percent.

(3) All other provisions of Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution shall remain applicable to the sources referenced in paragraph (e) (1) and (2) of this section.

[FR Doc. 75-24201 Filed 9-10-75; 8:45 am]

**FEDERAL TRADE COMMISSION**

[ 16 CFR Part 453 ]

**FUNERAL INDUSTRY PRACTICES**

**Trade Regulation Proceeding**

**Correction**

In FR Doc. 75-22962, appearing at page 39901, of the issue of Friday, August 29, 1975, the following changes should be made:

1. In the second column on page 39903, in paragraph (d) (1), the 16th line, the word "other" should be changed to read "outer".

2. In the second column on page 39904, the fourth and fifth lines should be transposed.

3. In the third column on page 39904, paragraph (b), the eleventh line, the word "the" should be inserted before the word "necessity".

4. On page 39905, in the second line of footnote 7, the word "rev'q" should be changed to read "rev'g".

**SECURITIES AND EXCHANGE COMMISSION**

[ 17 CFR Parts 231, 239, 240, 241, 249, 259 ]

[Release Nos. 33-5609, 34-11616, 35-19140; File No. 57-580]

**DISCLOSURE OF CORPORATE OWNERSHIP**

**Rules, Schedules, and Reporting and Registration Forms**

The Commission today proposed rules and amendments to its rules, schedules, and reporting and registration forms relating to the disclosure of beneficial ownership for purposes of: Sections 13(d) and 14(d) of the Securities Exchange Act of 1934 (Exchange Act); the proxy rules and certain registration and reporting forms under the Exchange Act, certain registration forms under the Securities Act of 1933 (Securities Act) and Form U5S (17 CFR 259.5s) under the Public Utility Holding Company Act of 1935 (Holding Company Act). In addition, proposals would require disclosure in proxy statements and certain reporting forms and registration statements of the 30 largest record holders of any class of voting securities and of the associated underlying voting authority.

The purpose of the proposals is to make more meaningful and, in some cases, to clarify, disclosure of beneficial ownership and holders of record of securities of an issuer. The proposed rules and amendments under sections 13 and 14 of the Exchange Act would (1) provide standards for determination of beneficial ownership for purposes of sections 13(d) and 14(d); (2) require more disclosure in Schedule 13D (17 CFR 240.13d-101) about the nature of the beneficial ownership and about other beneficial owners of the securities; (3) require disclosure in Schedule 13D of record holders of the securities reported on; (4) permit filing of one Schedule 13D reporting different owners of the same securities; (5) deem certain persons who become beneficial owners of securities to have acquired such securities for purposes of Section 13(d) (1); (6) provide a short form acquisition notice, Form 13D-5, to be used by certain persons who acquire securities in the ordinary course of their business and not for purposes of control; and (7) provide an exemption from the filing requirements of Section 13(d) (1) for certain underwriters who acquire securities in the ordinary course of a firm commitment underwriting.

The proposed amendments to the various registration and reporting forms requiring disclosure of principal security holders as well as to Schedule 14A, Information Required in Proxy Statement (17 CFR 240.14a-101), would require disclosure, to the extent known by the issuer, of (1) beneficial owners of more than five percent of any class of voting securities and the nature of their own-

ership; (2) the aggregate amount and nature of beneficial ownership by officers and directors of each class of voting securities of the issuer; and (3) the 30 largest holders of record of each class of voting securities (names of persons holding less than 1/10 of 1 percent of the outstanding securities of the class need not be included) and their voting authority and underlying voting authority, if known. The proposed rule relating to who is a beneficial owner for purposes of section 13(d) is proposed to be adopted as an instruction to the proposed item relating to beneficial ownership, to Schedule 14B under the proxy rules, and to Form U5S under the Holding Company Act which requires disclosure of beneficial owners of more than one percent of any class of voting securities.

This release contains a general description of the background, purpose and general effect of the proposals to assist in a better understanding of their provisions. A brief synopsis is also included. However, attention is directed to the proposals themselves for a more complete understanding.

**BACKGROUND**

Since the adoption of sections 13(d) and 14(d) of the Exchange Act in 1968, as amended, requiring disclosure by persons acquiring beneficial ownership of more than five percent<sup>1</sup> of certain classes of securities of an issuer, there have been questions raised about the standards to be applied for determination of beneficial ownership for purposes of the reporting requirements of sections 13(d) and 14(d). The need for improved disclosure in this area has become more apparent recently because of increased public interest in the identity and nationality of any person who has the power to influence or effect changes in the control of corporations.

In the fall of 1974, the Commission conducted hearings concerning beneficial ownership and related matters.<sup>2</sup> Letters of comment from interested persons and written and oral testimony from witnesses at the hearings were received on, among other things, the questions whether the term "beneficial owner" should be defined and, if so, how, and whether there should be additional disclosure by beneficial owners and by companies about principal owners of their securities.

On the basis of the record of the Beneficial Ownership Hearings, Congressional concern with full disclosure in this area<sup>3</sup> and the Commission's experience in administering the existing rules, the Commission is proposing rules intended to make more meaningful and to clarify disclosure concerning beneficial owners of securities of public companies. The Commission is of the view that these proposals, if adopted, would carry out the Congressional purpose for enacting section 13(d).<sup>4</sup> In addition to disclosure about beneficial owners, the Commission is also proposing disclosure of the 30 largest record holders of each class of

See footnotes on pages 42216 and 42217.

voting securities of an issuer, subject to a de minimis exception. This proposal reflects some of the recommendations of the Interagency Steering Committee on Uniform Corporate Reporting<sup>1</sup> which recommended that agencies such as the Commission, the Civil Aeronautics Board, the Federal Communications Commission and the Interstate Commerce Commission require disclosure of, among other things, the 30 largest record holders and of their voting power with regard to issuers subject to the authority of such agencies.

#### SYNOPSIS OF PROPOSALS

##### PROPOSED AMENDMENT TO RULE 13D-1: FILING OF SCHEDULE 13D

The proposed standards for determination of beneficial ownership (see discussion of proposed Rule 13d-3 below) could result in there being more than one beneficial owner of the same securities. This is particularly true with regard to the attribution provisions of proposed Rule 13d-3(a) which deem family members sharing the same home to be the beneficial owners of any securities held by any of them and where the incidents of ownership are split between several persons. Therefore, it is proposed to amend Rule 13d-1 (17 CFR 240.13d-1) to provide that only one report need be filed to report beneficial ownership of either a family group sharing the same home or of the same securities beneficially owned by different persons. In each case, the report would have to identify the persons who are beneficial owners of the securities and state that it is filed on behalf of all such persons. The proposals allowing for one report relate only to Schedule 13D and section 13(d)(1), not to any short form filings on proposed Form 13D-5.

##### PROPOSED AMENDMENT TO RULE 13D-3: DETERMINATION OF BENEFICIAL OWNERSHIP

Proposed Rule 13d-3 would provide standards for determining who is a beneficial owner for purposes of deciding who must file the statement required by section 13(d). At present, there is no explicit definition of the term "beneficial owner" for purposes of this section.

Section 13(d) provides that any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to Section 12 of the Exchange Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of the Exchange Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than five percent of such class must file an acquisition statement with the Commission and send it to the issuer and any exchange on which the securities are traded.

Proposed amendments to Rule 13d-3 would, for purposes of section 13(d),

deem any person who directly or indirectly through any contract, arrangement, understanding or relationship, has or shares the power to direct the voting or disposition of a security or who has or shares the right to receive or the power to direct the receipt of dividends from or the proceeds of sale of a security to be a beneficial owner of such security. Thus, as a note to the proposed rule points out, there could be more than one beneficial owner of the same securities, for example, the account owner and the broker in a discretionary account. In addition, as another note indicates, all securities beneficially owned by a person would be aggregated in determining how many securities he owned, regardless of the nature of his beneficial ownership. Thus, a person who served as investment adviser to a group of mutual funds and also as adviser to discretionary accounts might be the beneficial owner of the securities held by the funds as well as in the accounts and would have to aggregate the number held in each capacity in determining whether or not he was the beneficial owner of more than five percent of a class.

The proposed rule also provides specifically that certain persons, whether or not they otherwise would come within the definition, would be deemed to be beneficial owners. Thus, proposed Rule 13d-3(a)(1) deems a person to be a beneficial owner of all securities beneficially owned by all individuals who are related by blood, marriage or adoption to such person and who share the same home. In addition, proposed Rule 13d-3(a)(2) incorporates and expands existing Rule 13d-3 (17 CFR 240.13d-3) and deems a person to be the beneficial owner of securities which he has a right to acquire through the exercise of an option, warrant, or right exercisable within 60 days, through the conversion of convertible securities convertible within 60 days, or through the revocation of a trust or similar arrangement. The definition of beneficial owner, although intended to be broad, would not usually include such persons as pledgees pursuant to a bona fide pledge agreement, remaindermen under various trusts or estate arrangements or other persons who have an interest in securities that is subject to a condition occurring over which they have no control. As indicated in the proposed note to Rule 13d-1(b), if the conditions are within the control of the holder of the right to acquire the securities, the holder would be considered to be the beneficial owner of the securities to which such right related.

The proposed rule contains a specific exclusion for persons who would come within the definition solely because they are members of a national securities exchange that has rules allowing the members to vote securities held of record, without instruction, on certain routine matters.<sup>2</sup>

Although the proposal would provide specific standards for determination of beneficial ownership, the actual determination usually rests on an analysis of the facts and circumstances of each case. It should be noted that if there is a plan

or scheme to evade the reporting requirements of section 13(d), a report under section 13(d)(1) would be required.

The proposed rule also provides that any person may expressly declare in any statement filed that the filing of the statement shall not be construed as an admission that the person is the beneficial owner of the securities covered by the statement. This is parallel to the provision in Rule 16a-3 (17 CFR 240.16a-3) under the Exchange Act which allows a similar disavowance in reports filed pursuant to section 16(a). It should be noted, however, that this parallel does not carry over to the definition of beneficial ownership. Since the purposes of section 16 are different from those of sections 13(d) and 14(d), the Commission is not proposing to amend the rules under section 16. The current concept of beneficial ownership for purposes of section 16 would continue to be applicable, as defined and interpreted by the Commission and construed by the federal courts.

##### PROPOSED RULE 13D-5 AND FORM 13D-5: SHORT FORM ACQUISITION STATEMENT

The proposed definition of beneficial owner includes persons who, although deemed to have beneficial ownership of securities, have acquired the securities in the ordinary course of their business and not with a view toward changing or effecting a change in control of the issuer (for example, an endowment fund). In such cases, filing of a Schedule 13D and prompt amendment of such schedule do not appear to be necessary for the purposes of section 13(d). To alleviate burdens on such persons, Congress specifically provided in section 13(d)(5) that the Commission could permit the filing of a short form acquisition notice in lieu of the more detailed Schedule 13D which, since it is primarily aimed at obtaining information about potential changes in control, calls for specific information about the beneficial owner, his holdings and his plans.

The Commission believes, particularly in light of the proposed definition of "beneficial owner" for purposes of section 13(d), that it is appropriate to propose a short form acquisition notice pursuant to section 13(d)(5). Proposed Rule 13d-5 would make proposed Form 13D-5 available to any registered broker or dealer, insurance company exempted from the Exchange Act pursuant to Section 12(g)(2)(G), bank required to file under section 12(i) of the Exchange Act, registered investment company, registered investment adviser, or employee benefit plan, pension fund or endowment fund that had acquired the beneficial ownership of more than five percent of a class subject to section 13(d)(1), if such person had acquired the securities in the ordinary course of its business and not with the purpose or effect of changing or influencing the control of the issuer nor in connection with, or as a participant, in any transaction having such purpose or effect. This latter standard is the standard set by section 13(d)(5). The short form would be available only to

<sup>1</sup> See footnotes on pages 42216 and 42217.

the persons specified since they are the ones who are most likely to have acquired more than a five percent interest in an issuer in the ordinary course of their business.

The proposed short form, Form 13D-5, would require the name and business address of the principal office of the reporting person and the country of which such person is a national; the name of the issuer; the reporting person's business; and the amount and percentage of the class beneficially owned. In addition, any nominees used as record holders and their addresses would have to be identified, and the reporting person would have to represent that the securities were acquired in the ordinary course of business as set forth in section 13(d) (5).

In connection with the proposed short form acquisition notice, the Commission is also proposing a rule relating to the necessity for amendment of such notice. Existing Rule 13d-2 (17 CFR 240.13d-2) requires prompt amendment of an acquisition statement whenever a material change in the facts reported on occurs. The Commission believes it would be unworkable and also unnecessary for the protection of investors to require amendments to the short form notice whenever any material change occurs, since many of the persons filing such a notice would be financial institutions that might have changes occurring frequently in the ordinary course of their businesses. Therefore the Commission is proposing Rule 13d-5(b) which would, notwithstanding Rule 13d-2, require that an amendment to the short form notice reflecting material changes as of the end of the quarter be filed within ten days of the end of each calendar quarter; one type of material change that would have to be reported would be a decrease to five percent or less in the percent of the class owned. However, as a proposed note indicates, once an amendment to the short form notice has been filed reflecting ownership of five percent or less, no additional filing would be required unless the person thereafter acquired securities resulting in ownership of more than five percent of the class. To be able to use the quarterly update rather than be subject to Rule 13d-2, the person would have to continue to be eligible to file a short form acquisition notice pursuant to the requirements set forth in proposed Rule 13d-5. If the person ceased to meet such requirements for the short form notice, he would, under proposed Rule 13d-5(c), immediately become subject to Rule 13d-1.

The Commission is of the opinion that the information that would be required in the short form acquisition notice would be sufficient for purposes of section 13(d) so long as the securities were acquired in the ordinary course of business and not for the purpose (nor with the effect of) changing or influencing control of the issuer, nor in connection with any transaction having such purpose or effect. The Commission believes, however, that obtaining the short form

information is important even where the object is not control since any large block of securities subject to direction by one person has the potential to be significant in influencing control of the issuer.

The Commission is aware that information obtained in the short form notice may, at some future time, also be required pursuant to new section 13(f) of the Exchange Act.<sup>7</sup> At such time as rules are adopted thereunder, the Commission intends, where appropriate, to revise any rules necessary to avoid duplication of information and unnecessary burdens on institutional holders of securities.

#### PROPOSED RULE 13D-6: ACQUISITION OF SECURITIES

The Commission is proposing Rule 13d-6 which would deem certain persons who become beneficial owners of securities to have "acquired" them for purposes of section 13(d)(1) of the Exchange Act. Under proposed Rule 13d-6(a), a person such as a donee, executor, trustee or legatee who becomes a beneficial owner of securities without purchasing them shall be deemed to have "acquired" the securities for purposes of section 13(d)(1).<sup>8</sup> This would make it clear that an acquisition statement would have to be filed by such person if he becomes beneficial owner of more than five percent of a class subject to section 13(d)(1) even though he had not intended, and had taken no action, to become a beneficial owner.

Proposed Rule 13d-6(b) would deem persons who have agreed, whether orally or in writing, to act together for purposes of acquiring, holding or disposing of securities of an issuer to have "acquired," as of the time of the agreement, the securities beneficially owned by each of the persons in the group. This proposal is based in part on the holding of the court in "GAF v. Milstein,"<sup>9</sup> where the court decided that, for purposes of section 13(d)(1), it was not necessary for a group to acquire additional securities if their combined holdings, upon formation of the group, were more than five percent of the class.

#### PROPOSED RULE 13D-7: EXEMPTION FOR CERTAIN UNDERWRITERS

In connection with the proposal to provide a short form for persons who acquire securities in the ordinary course of their business, the Commission is proposing Rule 13d-7 which would provide an exemption from section 13(d)(1) for acquisitions by certain underwriters. Section 13(d)(6)(D) of the Exchange Act provides that the Commission can exempt an acquisition from section 13(d)(1) if it determines that the acquisition was not entered into for the purpose of, and does not have the effect of, changing or influencing the control of the issuer, or is otherwise not comprehended within the purposes of section 13(d)(1).

The Commission believes that an acquisition by an underwriter of securities as part of a good faith firm commitment underwriting where it is anticipated that he will, as part of the distribution, be immediately reselling such securities, is

not the type of acquisition that section 13(d)(1) was intended to cover. Proposed Rule 13d-7 would exempt an acquisition of securities by a person in the business of underwriting distributions through his participation in good faith in a firm commitment underwriting. However, the proposed rule would subject such underwriter to section 13(d)(1) if he retains beneficial ownership of the securities for more than 40 days (based on the 40 day period specified in section 4(3) of the Securities Act).

#### PROPOSED AMENDMENTS TO SCHEDULE 13D: MORE MEANINGFUL DISCLOSURE OF BENEFICIAL OWNERS AND HOLDERS OF RECORD

Since the proposed concept of beneficial owner may be somewhat broader than the current understanding of the term, the Commission is proposing amendments to the Notes and Items 2, 3, 5 and 6 of Schedule 13D, the acquisition statement, to reflect the proposed definition and to obtain more meaningful information about the beneficial owners and the nature of their ownership. In addition, a proposed paragraph would call for information about any record holder of the securities beneficially owned. Information obtained in the Beneficial Ownership Hearings and experience in this area suggest that other amendments to Schedule 13D may be appropriate; the staff of the Commission is currently considering recommending additional amendments.

Notes. As it now reads, Note B of Schedule 13D (the Notes are proposed to be changed to Instructions) requires that, if a reporting person is a corporation, the information required by Items 2-6 of the Schedule must be included with respect to each officer and director and controlling person of the corporation. The Commission believes that requiring such detailed information about each officer is unnecessarily broad and thus is proposing to limit the requirement to information about each "executive" officer, as defined to include the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the corporation. In addition, the Note, proposed Instruction B, would be amended to refer to "affiliate" rather than "controlling person."

The Commission also proposes to add a new Instruction C which would reflect the proposed definition of beneficial owner as it relates to family members sharing the same home. Under the proposed definition, all such persons would be deemed to be beneficial owners of securities owned by any of them; however, proposed Rule 13d-1(c) would allow only one report to be filed on behalf of all such persons. Proposed Instruction C specifies that information called for by Items 2-6 would need to be provided only as to the head of the household and as to each adult member of the household who would be the beneficial owner of the securities in the absence of the special provisions for attribution set forth in Rule

<sup>7</sup> See footnotes on pages 42216 and 42217.

13d-3(a)(1). Thus, information would not have to be provided about any children nor about adults who are deemed to be beneficial owners solely because they share the same home with another beneficial owner.

*Item 2.* Item 2 of Schedule 13D, "Identity and Background," is proposed to be amended to require, in addition to information about the background of the person filing the Schedule, identification of the country of which such person is a national. The Commission specifically invites comment as to whether disclosure of citizenship would be more appropriate, and, if so, the reasons therefor.

*Item 3.* Item 3 of Schedule 13D, "Source and amount of funds or other consideration," requires information about the source of funds or other consideration used to acquire the securities reported on, or to be used to acquire additional securities. The Commission is proposing to amend Item 3 by adding a requirement that, if the securities reported on were acquired otherwise than by purchase, the method of acquisition should be described and the person from whom the securities were acquired identified. Thus, if the securities were received as a gift, the name of the donor and the circumstances of the gift would have to be included in the Schedule 13D.

*Item 5.* The core of disclosure about the securities beneficially owned by the person filing the report is contained in Item 5, "Interest in securities of the issuer." The Commission is proposing to amend existing Item 5 to reflect the broad definition of beneficial owner and to obtain more information relating to the securities owned.

As amended, Item 5 would require a statement of the number and percentage of the class beneficially owned by each of the persons about whom information is required by the Schedule and by each of their affiliates. Existing Item 5 requires information about the ownership of securities by associates, which may be a larger group than "affiliates."<sup>10</sup> In light of the expanded definition of beneficial owner, however, the Commission believes that information need only be furnished about affiliates of the persons reporting. The amended item would also require a description of the nature of each person's beneficial ownership, the names of any persons other than those set forth who share beneficial ownership of a material amount of the securities reported on, information about any transactions in the class of securities effected during the past 60 days by the persons reporting or by executive officers, directors or affiliates of any subsidiaries of a reporting corporation. In addition, the proposed item would require disclosure of any overlapping beneficial ownership so that a fair understanding of the amount of securities actually owned could be achieved from reading the Schedule.

*Item 6.* The Commission is also proposing to amend Item 6, "Contracts, arrangements or understandings with respect to securities of the issuer," to make clear that disclosure should be made if

any of the securities are subject to any contingency that would give the power to direct the voting or disposition of the securities to another person or would give another person the right to receive or the power to direct the receipt of the dividends or proceeds from the sale of such securities.

It is also proposed to add a new paragraph to Item 6 requiring disclosure of the record holder of the securities, if different from the person filing the statement. For purposes of this proposed paragraph, the record holder would be the person who is identified as the holder of the securities on the records of security holders maintained by or on behalf of the issuer of the securities. The name and address of the record holder would have to be provided, and if the record holder is a nominee, the name and address of the person employing the nominee would have to be included. For these purposes, where the nominee is the nominee for a clearing agency (such as Cede & Co. for the Depository Trust Company), information would have to be given about the participant in the clearing agency who deposited the securities.

*Signature.* The signature section of Schedule 13D is proposed to be amended to require that whenever the statement is filed on behalf of more than one person, each person on whose behalf it is filed must sign it, with certain exceptions relating to filings on behalf of a family. This would mean that in the case of a group filing, each person who is a member of the group would have to sign the statement. The existing Schedule provides that if a statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority must be filed with the statement.

**PROPOSED AMENDMENT TO RULE 14D-1 (17 CFR 240.14D-1): DETERMINATION OF BENEFICIAL OWNERSHIP**

Section 14(d) makes it unlawful for any person to make a tender offer for or a request or invitation for tenders of any class of security described in section 13(d)(1) if after consummation thereof, the person would directly or indirectly be the beneficial owner of more than five percent of the class, unless such person has filed with the Commission a statement of the type required by section 13(d).

In order to make clear that the definition of beneficial ownership for purposes of section 13(d)(1) also applies for purposes of section 14(d)(1), the Commission is proposing Rule 14d-1(g) so stating.

**PROPOSED AMENDMENT TO SCHEDULE 14B: DETERMINATION OF BENEFICIAL OWNERSHIP**

Schedule 14B (17 CFR 240.14a-102) under the Exchange Act must be filed by persons, other than management of an issuer, who solicit proxies in connection with an election contest. Item 3 of the Schedule requires information about shares of the issuer "beneficially owned." The Commission is proposing an instruction to Item 3 that would state that the

definition of beneficial owner in proposed Rule 13d-3 would be applicable in responding to the item.

Proposed amendments to Schedule 14A, Forms 10, 10-K, 12 and 12-K under the Exchange Act; to Forms S-1, S-2, S-3, S-11 and 1-A under the Securities Act of 1933; and to Form U5S under the Holding Company Act to require information about security ownership and holdings of principal beneficial owners and management and to require information about the 30 largest security holders of record.

Schedule 14A, Information Required in Proxy Statement (17 CFR 240.14a-101), the Form 10 (17 CFR 249.210) registration statement and the annual report Form 10-K (17 CFR 240.310) under the Exchange Act, as well as Form S-1 (17 CFR 239.11), S-2 (17 CFR 239.12), S-3 (17 CFR 239.13), and S-11 (17 CFR 239.18) registration statement forms and the Form 1-A Notification Statement of Regulation A (17 CFR 239.90) under the Securities Act and the Form U5S (17 CFR 259.5a) annual report form under the Holding Company Act require disclosure of the principal security holders, of record and beneficially, of the registrant and, in some instances, of the security holdings of management. Forms 12 (17 CFR 249.212) and 12-K (17 CFR 249.312) under the Exchange Act do not presently require information about principal security holders.

The Commission believes that information about both the record holders and the significant beneficial owners of the securities of the issuer is material to investors since it may be related to the question of who has or can influence control of the issuer. Also, there appears to be little reason to have different disclosure requirements for the various annual report, registration and notification forms, although the proxy statement form should contain more information about management holdings because the proxy statement is directly related to the voting of securities and to election of directors.

The Commission is therefore proposing to amend the above registration, notification, proxy and reporting forms to include an item (referred to for purposes of this release as Item X) calling for disclosure, to the extent known, with respect to (1) beneficial owners of more than five percent of any class of voting securities (one percent in the case of Form U5S); (2) aggregate beneficial ownership by officers and directors; and (3) any contractual agreement that involves a pledge of securities the operation of the terms of which may result in a change of control. Another proposed item (referred to as Item XA for purposes of this release) would require disclosure of the 30 largest holders of record of each class of voting securities subject to a de minimus exception, their voting authority, and certain underlying holders of voting authority, if not the record holder. These items, if adopted, would replace the existing principal security holder item in Schedule 14A and Forms 10, 10-K, S-1, S-2, S-3, S-11, 1-A and

<sup>10</sup> See footnotes on pages 42215 and 42217.

U5S, and would be added to Forms 12 and 12-K. Since information required by Schedule 14A is also required to be included in information statements filed pursuant to section 14(c), no amendment to Schedule 14C (17 CFR 240.14c-101) is necessary.

In some instances, the items would be modified to reflect the purpose and structure of the particular form. The Commission is not publishing the specific items for each form because this would be unnecessarily complex and lengthy and the substance of the proposed items should provide adequate basis for comment.

**Item X.** The first paragraph of proposed Item X would require the name and address and holdings of any person (including any group) known to the registrant to be, directly or indirectly, the beneficial owner of more than five percent (as opposed to the present ten percent requirement in many forms) of any class of the registrant's voting securities. In the case of Holding Company Act Form U5S, this would include a beneficial owner of more than one percent. It should be noted that this proposal will indirectly increase disclosure in other areas, particularly the items requiring disclosure of "certain transactions" between management and "principal shareholders" named in response to the principal shareholder item.

A breakdown of each person's voting and investment authority over the securities and of his right to receive or power to direct the receipt of dividends or proceeds from the sale, would have to be included, if known. Identification of the country of which such person is a national would also be required, if known. However, the Instructions would specifically provide that the registrant could rely upon information set forth in acquisition statements filed with the Commission pursuant to section 13(d), unless the registrant knew or had reason to believe that the information was not complete or that an acquisition statement should have been filed but was not. The registrant would be deemed to know the contents of any statements filed pursuant to section 13(d).

The second paragraph of proposed Item X would require that the registrant include a table showing, as to each class of voting securities of the registrant or its parents or subsidiaries, the aggregate amount and percentage beneficially owned by all directors and officers of the registrant (other than directors' qualifying shares). This is similar to disclosure now required in several forms including Form 10-K. In addition, however, the proposed item would require an indication of the number of shares over which such persons have or share the power to direct the vote and disposition thereof and the number with respect to which they have the right to receive or the power to direct the receipt of dividends or the proceeds from sale.

Several forms now also contain a requirement that the registrant disclose

any contractual arrangement known to the registrant involving a pledge of securities if the operation of the terms of the arrangement might result in a change in control of the registrant. It is proposed that this be included in the item.

Proposed instructions to the item would make clear that the definition of beneficial owner for purpose of section 13(d) (proposed Rule 13d-3) would also apply for purposes of Item X. In addition, the proposed instructions would require that any overlapping beneficial ownership be appropriately disclosed, if known, in order to avoid confusion.

**Item XA.** Proposed Item XA would require that the issuer furnish for each class of voting securities the name and address of and amount and percentage of securities held of record by, and the voting authority (if known) held by, each of the 30 largest holders of record as of a recent date (except that a person holding less than 1/10 of 1 percent of the outstanding securities of the class need not be disclosed). In addition, the proposed item would require that if the issuer knows that a record holder does not have the power to direct the vote of securities held, the issuer must, to the extent known, provide information about the persons with power to direct the vote of the ten largest blocks of stock held of record by each record holder. Also, if the registrant has a corporate parent, comparable information would have to be provided about such parent.

A proposed instruction would specify that holder of record, as with Item 6(b) of Schedule 13D, means the person who is identified as the holder of securities on the records of security holders maintained by or on behalf of the issuer. The instruction would require, however, that if the holder of record is a nominee, the registrant must aggregate the holdings of different nominee accounts for the same person, to the extent known by the registrant after reasonable inquiry, and must identify the person employing the nominees. The person employing a nominee in the case of a nominee for a clearing agency would be the participant in such agency who deposited the securities. A proposed Note calls the attention of registrants to the Nominee List published annually by the American Society of Corporate Secretaries.

The proposal relating to holders of record is substantially based on the recommendations of the Interagency Steering Committee on Uniform Corporate Reporting. Although that Committee recommended that disclosure included the 30 largest shareholders of record and that anyone holding less than 1/10 of 1 percent of the outstanding securities not be required to be included, the Commission is considering other alternatives and specifically asks for public comment on the question of whether 30 is the appropriate and meaningful number and whether 1/10 of 1 percent is a reasonable cut off point for disclosure or whether some other standard such as a dollar amount is more appropriate. The Com-

mission also invites comment on the feasibility of obtaining the information proposed to be required about the persons with underlying power to direct the vote of the securities.

#### OPERATION OF PROPOSALS

The Commission is mindful of the cost to registrants and others of its proposals and it recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the cost to registrants and others of the proposals published in this release, if adopted.

The Commission hereby proposes for comment (1) proposed Rules 13d-5, 13d-6 and 13d-7 and Form 13D-5 and amendments to Rules 13d-1, 13d-3 and 14d-1, Schedules 13D, 14A and 14B, and Forms 10, 10-K, 12 and 12-K pursuant to sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act; (2) proposed amendments to Forms S-1, S-2, S-3, S-11 and 1-A pursuant to sections 3(b), 7, 10 and 19(a) of the Securities Act, and (3) proposed amendments to Form U5S pursuant to sections 5, 7, 14 and 20 of the Holding Company Act.

All interested persons are invited to submit their views and comments on the following proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before November 30, 1975. Such communications should refer to File No. S7-580 and will be available for public inspection. The text of the proposed rules and forms and amendments to rules, schedules and forms follows.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 25, 1975.

#### FOOTNOTES

<sup>1</sup> As adopted in 1968, section 13(d) (1) required disclosure of owners of more than ten percent of the class; the ten percent figure was lowered to five percent in 1970.

<sup>2</sup> Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions of Securities by Foreign and Domestic Persons, Securities Act Release Nos. 5526 (September 9, 1974) and 5538 (November 5, 1974) (hereafter, Beneficial Ownership Hearings).

<sup>3</sup> E.g. Disclosure of Corporate Ownership, S. Doc. 93-62, 93d Cong., 2d Sess. (1974). See also Hearings on Corporate Disclosure Before the Subcommittees on Inter-Governmental Relations and on Budgeting, Management and Expenditures of the Senate Committee on Government Operations, 93d Cong., 2d Sess. (1974).

<sup>4</sup> S. Rep. No. 550, 90th Cong., 1st Sess. 7 (1967); H.R. Rep. No. 1711, 90th Cong., 2d Sess. 8 (1968).

<sup>5</sup> Interagency Steering Committee on Uniform Corporate Reporting, Model Corporate Disclosure Regulations (January 1975).

<sup>6</sup> For example, Rule 451 of the rules of the New York Stock Exchange and Rule 577 of the rules of the American Stock Exchange.

<sup>7</sup> Securities Act Amendments of 1975 (Pub. L. 94-29).

<sup>8</sup> "Stak v. Wings & Wheels Express, Inc.," 70-71 Transfer Binder, CCH, Fed. Sec. L. Repr. para. 90,665 (S.D.N.Y. 1970) but see "Ozark Air Lines, Inc. v. Cox," 326 F. Supp. 113 (E.D. Mo. 1971).

"GAF Corp. v. Milstein," 453 F. 2d 709 (2d Cir. 1971), cert. denied 406 U.S. 910 (1972), but see "Bath Industries, Inc. v. Blot," 427 F. 2d 97 (7th Cir. 1970).

"Associate" is defined in Rule 12b-2 (17 CFR 240.12b-2) under the Exchange Act to mean, when used to indicate a relationship with any person, (1) any corporation or organization (other than the registrant or a majority-owned subsidiary of the registrant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the registrant or any of its parents or subsidiaries.

"Affiliate" is defined in Rule 12b-2 under the Exchange Act to mean a person that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

Rule 13d-1 is proposed to be amended to read as follows:

**§ 240.13d-1 Filing of Schedule 13D**  
(§ 240.13d-101).

- (a) [No change]
- (b) Not more than one report need be filed to report beneficial ownership of any securities by persons related by blood, marriage or adoption who share the same home; *Provided*, That the report filed shall identify all such persons and shall state that such report is filed on behalf of all such persons.
- (c) Not more than one report need be filed to report beneficial ownership of the same securities by different persons; *Provided*, That the report filed shall disclose the names of all such persons, shall contain the required information about all such persons and their beneficial ownership of securities of the class being reported on, and shall indicate that such report is filed on behalf of all such persons.

Rule 13d-3 is proposed to be amended to read as follows:

**§ 240.13d-3 Determination of beneficial ownership.**

(a) For purposes of section 13(d), a beneficial owner of a security is any person who directly or indirectly through any contract, arrangement, understanding or relationship has or shares the power to direct the voting or the disposition of such security or has or shares the right to receive or the power to direct the receipt of dividends from or the proceeds from the sale of such security; *Provided, however, That:*

- (1) A person shall be deemed to be a beneficial owner of all securities beneficially owned by all individuals who are related by blood, marriage or adoption to such person and who have the same home as such person;
- (2) A person shall be deemed to be a beneficial owner of securities which such person has the right to acquire (1) through the exercise of an option, war-

rant or right exercisable within 60 days, (ii) through the conversion of securities convertible within 60 days, or (iii) pursuant to the power to revoke within 60 days a trust or similar arrangement. Any securities not outstanding which are subject to such options, warrants, rights or conversion privileges shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person.

**NOTE.**—Any option, warrant, right or conversion privilege subject to conditions the material ones of which are within the control of the holder of the option, warrant, right or privilege, would be considered exercisable.

(3) A member of a national securities exchange shall not be deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because such member, pursuant to the rules of such exchange, may direct the vote of such securities, without instruction, on other than contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted, but is otherwise precluded by the rules of such exchange from voting without instruction;

**NOTE 1.**—It is possible that there may be more than one beneficial owner of the same securities since different persons may have the same or different powers with respect to the securities. For example, securities held in a trust might be beneficially owned by the trustee, the settlor, and the beneficiary of the trust. In such case, Rule 13d-1(c) allows only one report to be filed under certain circumstances.

**NOTE 2.**—All securities of the same class of the same issuer beneficially owned by any person would, regardless of the form which such beneficial ownership takes, be aggregated in calculating the number of shares beneficially owned by such person.

(b) Any person may expressly declare in any statement filed that the filing of such statement shall not be construed as an admission that such person is the beneficial owner of any securities covered by the statement.

Rule 13d-5 is proposed to read as follows:

**§ 240.13d-5 Filing of Form 13D-5**  
(Schedule 13D-5), short form acquisition notice.

(a) A person, who after acquiring directly or indirectly the beneficial ownership of any equity security of a class described in section 13(d) (1) of the Act, is directly or indirectly the beneficial owner of more than five percent of such class, may in lieu of filing a Schedule 13D acquisition statement required by section 13(d) (1) of the Act, file with the Commission, within ten days after the end of the month in which such person became subject to section 13(d) (1), a short form acquisition notice on Form 13D-5 and send it, by registered or certified mail, to the issuer of the security at its principal executive office and to each exchange

where the security is traded, provided that:

(1) Such person has acquired such securities in the ordinary course of his business and not with the purpose nor with the effect of changing or influencing the control of the issuer, nor in connection with or as a participant in any transaction having such purpose or effect; and

(2) Such person is:

(i) A broker or dealer registered under section 15 of the Act;

(ii) An insurance company which would be required to file reports under the Act but for the exemption set forth in section 12(g) (2) (G) of the Act;

(iii) A bank which is required to file reports under section 12(i) of the Act;

(iv) An investment company registered under section 8 of the Investment Company Act of 1940;

(v) An investment adviser registered under section 203 of the Investment Advisers Act of 1940; or

(vi) An employee benefit plan, pension fund, or an endowment fund.

(b) Notwithstanding Rule 13d-2; *And provided*, That such person continues to meet the requirements set forth in Rule 13d-5(a), any person who has filed a short form acquisition notice on Form 13D-5 shall amend such form within ten days after the end of each calendar quarter to reflect, as of the end of the quarter, material changes, if any, in the information reported including a decrease in percentage of the class of securities held to five percent or less of the class. Such amendment shall be filed with the Commission and sent, by registered or certified mail, to the issuer of the security at its principal executive office and to each exchange where the security is traded.

**NOTE.**—Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings would be required unless the person thereafter becomes the beneficial owner of more than five percent of the class. In addition, no amendment would be required if there were no material change in the information previously reported.

(c) Notwithstanding paragraphs (a) and (b) of this section, if any person who has filed a short form acquisition notice on Form 13D-5 ceases to meet the requirements of Rule 13d-5(a), such person shall immediately become subject to Rule 13d-1.

Rule 13d-6 is proposed to read as follows:

**§ 240.13d-6 Acquisition of securities.**

(a) A person who becomes a beneficial owner of securities otherwise than through purchase of such securities shall be deemed to have acquired such securities for purposes of section 13(d) (1).

(b) Persons who agree, orally or in writing, to act together for the purpose of acquiring, holding or disposing of securities of an issuer shall be deemed to have acquired, as of the date of such agreement, beneficial ownership of all the securities of that issuer beneficially owned by such persons, for purposes of section 13(d) (1).

Rule 13d-7 is proposed to read as follows:

**§ 240.13d-7 Exemption for certain underwriters.**

An acquisition of equity securities of a class described in section 13(d)(1) by a person engaged in business as an underwriter of securities, through his participation in good faith in a firm commitment underwriting, shall be deemed not to be an acquisition for purposes of section 13(d). *Provided*, That, any such securities which are beneficially owned by such person for more than 40 days shall be deemed to have been acquired for purposes of section 13(d) at the end of such 40 day period.

Schedule 13D is proposed to be amended to read as follows:

**§ 240.13d-101 Schedule 13D—Information to be included in statements filed pursuant to § 240.13d-1 or § 240.14d-1.**

**INSTRUCTIONS: A.** [No change]

**B.** [No change in first sentence] If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each executive officer and director of such corporation and any affiliate of such corporation. Executive officer shall mean the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance), and any other person who performs similar policy making functions for the corporation.

**C.** If filed by an individual on behalf of himself and persons related to him by blood, marriage or adoption who share the same home, the information called for by Items 2-6 inclusive shall be given with respect to the head of household and any adult person who would be the beneficial owner of the securities in the absence of the provisions for attribution in Rule 13d-3(a)(1).

**Item 1.** [No change.]

**Item 2. Identity and Background.**

(a)-(e) [No change.]

(f) Country of which such person is a national.

**Item 3. Sources and Amount of Funds or Other Consideration.**

[No change in first sentence] If the securities were acquired otherwise than by purchase, describe the method of acquisition and identify the person from whom the securities were acquired.

**Item 4.** [No change]

**Item 5. Interest in Securities of the Issuer.**

(a) State the aggregate number and percentage of the class represented by such shares beneficially owned (identifying those shares which there is a right to acquire) by each of the persons named in response to Item 2 and by each of his affiliates (other than the issuer of the securities), identifying any such affiliate.

(b) For each person named in response to paragraph (a), indicate the nature of such person's beneficial ownership (e.g., the power to direct the voting or disposition of the securities, or the right to receive or the power to direct the receipt of dividends or proceeds from the sale of the securities);

(c) If persons other than those named in paragraph (a) share beneficial ownership or a material amount of the securities reported on, identify such persons and the nature and extent of their beneficial ownership;

(d) If the persons named in response to this item share beneficial ownership of the same securities, disclose and quantify any overlapping ownership;

(e) Describe any transactions in the class of securities to be reported on that were effected during the past 60 days or since the most recent filing, whichever is less, by the persons named in response to paragraph (a) and by any executive officers, directors or affiliates of any subsidiaries of such person.

**Item 6. Contracts, Arrangements or Understandings with Respect to Securities of the Issuer.**

(a) Furnish any information as to any contracts, arrangements or understandings with any person with respect to any securities of the issuer, including but not limited to transfer or voting of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss, or guarantees of profits, division of profits or losses, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements or understandings have been entered into and giving the details thereof. Include such information for any of the securities that are pledged or are otherwise subject to a contingency the occurrence of which would give another person the power to direct the voting or disposition of the securities, or the right to receive or the power to direct the receipt of dividends or proceeds from the sale thereof.

(b) If the securities are held of record by someone other than the person filing this statement:

(1) Give the name and address of such record holder.

(2) If the record holder is a nominee, furnish in addition, the name and address of the person employing such nominee. For purposes of this paragraph, the person employing the nominee shall, in the case of securities which are evidenced by certificates registered in the name of a nominee for a clearing agency (e.g., the Depository Trust Company, Midwest Securities Trust Company, Pacific Securities Depository Trust Company, and National Clearing Corporation for which the nominees are, respectively, Cede & Co., Kray & Co., Pacific & Co., and NCC & Co.), be deemed to be the participant in such agency who deposited such securities.

(3) For purposes of this item, holder of record shall mean a person who is identified as the holder of such securities on the records of security holders maintained by or on behalf of the issuer.

**Item 7.** [No change]

**Item 8.** [No change]

**Signature**

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

(Date)

(Signature)

The statement shall be signed by each person on behalf of whom the statement is filed, except that in the case of a statement filed on behalf of persons related by blood, marriage or adoption who share the same home, the statement shall be signed only by those persons about whom information is provided in accordance with Instruction C. Notwithstanding, the statement may be signed on behalf of a person by an authorized representative. In such case, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

Rule 14d-1 is proposed to be amended to read as follows:

**§ 240.14d-1 Filing Schedule 13D (§ 240.13d-101) and furnishing of information to security holders.**

(a)-(f) [No change]

(g) The definition of beneficial owner set forth in Rule 13d-3 for purposes of section 13(d)(1) shall apply also for purposes of section 14(d)(1).

Schedule 14B is proposed to be amended to read as follows:

**§ 240.14a-102 Schedule 14B. Information to be included in statements filed by or on behalf of a participant (other than the issuer) pursuant to § 240.14a-11(e) (Rule 14a-11(e)).**

**Item 3. Interests in Securities of the Issuer**

(a)-(g) [No change]

*Instruction.* For purposes of this item, the definition of "beneficial owner" set forth in Rule 13d-3 under the Act shall apply.

Schedule 14A and Forms 10, 10-K, 12 and 12-K under the Exchange Act; Forms S-1, S-2, S-3, S-11 and 1-A under the Securities Act; and Form U5S under the Holding Company Act are proposed to be amended as follows:

The following items are proposed to replace existing items relating to principal security holders in Schedule 14A (17 CFR 240.14a-101) and in Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) under the Exchange Act; Forms S-1 (17 CFR 239.11), S-2 (17 CFR 239.12), S-3 (17 CFR 239.13), S-11 (17 CFR 239.18) and 1-A (17 CFR 239.90) under the Securities Act and Form U5S (17 CFR 259.55) under the Holding Company Act (in that form, disclosure must be made of all beneficial owners of more than one percent of the class). They are also proposed to be added to Forms 12 (17 CFR 249.212) and 12-K (17 CFR 249.312) under the Exchange Act.

**Item X. Security Ownership and Holdings of Principal Owners and Management.**

(a) Furnish the following information, in substantially the tabular form indicated, with respect to any person (including any "group" as that term is used in section 13(d)(3) of the Exchange Act) who is known to the registrant to be the beneficial owner of more than five percent of any class of the registrant's voting securities. Show in Column (3) the total number of shares beneficially owned and in Column (4) the percent of class so owned. If known, indicate in Column (5) the number of shares over which such listed beneficial owner has sole or shared power to direct the voting of such securities; show in Column (6) the number of shares over which such listed beneficial owner has sole or shared power to direct the disposition; and indicate in Column (7) the number of shares with respect to which such listed beneficial owner has or shares the right to receive or the power to direct the receipt of the dividends or proceeds from the sale. If known, indicate also the country of which each listed beneficial owner is a national.



(1)	(2)	(3)	(4)	(5)	(6)	(7)
Title of class	Name and address of beneficial owner and country of which beneficial owner is a national	Amount beneficially owned	Percent of class	Authority to direct vote	Authority to direct disposition	Right to receive or power to direct receipt of dividends or proceeds from sale

(b) Furnish the following information, in substantially the tabular form indicated, as to each class of voting securities of the registrant or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned by all directors and officers of the registrant as a group, without naming them. Indicate in Column (4) the number of shares over which such persons have sole

or shared power to direct the voting of such securities; show in Column (5) the number of shares over which such persons have or share the power to direct the disposition; and indicate in Column (6) the number of shares with respect to which such persons have or share the right to receive or the power to direct the receipt of the dividends or proceeds from the sale.

(1)	(2)	(3)	(4)	(5)	(6)
Title of class	Amount beneficially owned	Percent of class	Authority to direct vote	Authority to direct disposition	Right to receive or power to direct receipt of dividends or proceeds from sale

(c) Describe any arrangements known to the registrant including any pledge by any person of securities of the registrant or any of its parents, the operation of the terms of which may at a subsequent date result in a change in control of the registrant.

**Instructions to Item X.**

1. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the issuer.

2. For purposes of this item, the definition of "beneficial owner" set forth in Rule 13d-3 under the Act shall apply. [In Securities Act forms, the text of Rule 13d-3 would be included in the instruction.]

3. The registrant shall be deemed to know the contents of any acquisition statements filed with the Commission pursuant to section 13(d) of the Act. A registrant may rely upon information set forth in such acquisition statements unless the registrant knows or has reason to believe that such information is not complete or accurate or that an

acquisition statement or amendment should have been filed and was not.

4. Where more than one beneficial owner is known to be listed for the same securities, appropriate disclosure should be made to avoid confusion.

5. Paragraph (c) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the registrant.

**Item XA. Holdings of 30 Largest Security Holders of Record**

1. Furnish the following information, in substantially the form indicated, with respect to each of the 30 largest holders of record, as of a recent date, of each class of voting securities of the registrant: *Provided, however,* That no information need be furnished as to any record holder of less than 1/10 of 1% of the class. If known, show in Column (5) the amount over which the holder of record has or shares the power to direct the voting of the securities held.

(1)	(2)	(3)	(4)	(5)
Title of class	Identity and address of holder of record	Amount held of record	Percent of class	Amount over which holder of record has sole or shared power to direct the vote

2. If, to the issuer's knowledge, a record holder named in response to paragraph (1) does not have the power to direct the vote of the securities held, furnish, if known, the information called for by paragraph (1) about the persons having the power to direct the vote of the ten largest blocks of such securities held of record by such record holder.

3. If the issuer has a parent corporation, the issuer should furnish the information required by paragraphs (1) and (2) of this item with respect to such parent corporation.

Form 13D-5, Short Form Acquisition Notice, is proposed to include the following:

**§ 249.323 Form 13D-5, short form acquisition notice.**

- 1(a). Name
- 1(b). Business Address of Principal Office
- 1(c). Country of Which Such Person is a National
2. Name of Issuer
3. Status of Investor
4. Type of Ownership
5. Ownership of Five Percent or Less of Class

**6. Listing of Nominees**

7. The securities referred to above were acquired in the ordinary course of business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer of such securities and were not acquired in connection with or as a participant in any transaction having such purpose or effect.

**8. Signature**

(Secs 3(b), 7, 10, 19(a), 48 Stat. 75, 78, 81, 85; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 5, 7, 14, 20, 49 Stat. 812, 815, 827, 833; secs. 205, 209, 49 Stat. 906, 908; secs. 1, 8, 49 Stat. 1375, 1379; 59 Stat. 167; secs. 8, 202, 68 Stat. 685, 686; secs. 4, 5, 6, 78 Stat. 569, 570-574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 1, 2, 3, 5, 28, 84 Stat. 1435, 1480, 1497; (15 U.S.C. 77c(b), 77g, 88j, 77s(a), 781, 78m, 78n, 78o(d), 78w(a), 79e, 79g, 79n, 79t))

[FR Doc.75-24167 Filed 9-10-75; 8:45 am]

**[ 17 CFR Part 240 ]**

[Release No. 34-11617; File No. S7-581]

**REGISTERED BROKERS**

**Communications to Beneficial Owners**

The Commission today proposed new Rule 14b-1 (17 CFR 240.14b-1) under the

Securities Exchange Act of 1934, "Obligations of Registered Brokers in Connection with the Timely Forwarding of Certain Communications to Beneficial Owners." The proposed rule would require a registered broker to (1) respond promptly, by means of a search card or otherwise, to inquiries made by issuers in accordance with Rule 14a-3(d) (17 CFR 240.14a-3) with respect to how many of the broker's customers are beneficial owners of the issuer's securities which are held of record by the broker or its nominees and (2) upon receipt of a sufficient number of proxy statements and annual reports to security holders and assurances that its reasonable expenses shall be paid by the issuer, to forward such materials in a timely manner to such customers. As an alternative to complying with the foregoing obligations, the proposed rule would permit a registered broker to furnish an issuer with a list of its customers who are beneficial owners of the issuer's securities held of record by the broker or its nominees provided that the broker also furnished authorization to vote such securities in accordance with instructions of the customer. A note to the proposed rules makes clear that a broker furnishing such a list to an issuer may impose reasonable conditions upon the issuer's use of such a list.

Last fall the Commission adopted Rule 14a-3(d) requiring that if an issuer knows that securities of a class entitled to vote at a meeting are held of record by a broker, dealer, bank or voting trustee or their nominees, the issuer must inquire of such record holder whether other persons are beneficial owners, and, if so, the issuer must supply the record holder with as many copies of proxy soliciting material and annual reports to security holders as requested by the record holder in order to send a copy of each to the beneficial owners. The issuer is also required to pay the reasonable expenses of the record holder for mailing the materials.<sup>1</sup> The Commission is proposing to amend Rule 14a-3(d) to require issuers to carry out their obligations in a timely manner and to reflect the obligations imposed on brokers by proposed Rule 14b-1. The proposed amendments would require that issuers make appropriate inquiry at least 10 days prior to the record date for the annual meeting and that issuers furnish record holders with their materials in a timely manner. The proposed amendments would also require that if a broker, pursuant to Rule 14b-1, provides the issuer with an appropriate list of names, addresses and holdings of its customers and appropriate authorization, the issuer must comply with the proxy rules with respect to such customers directly, i.e., the issuer must forward proxy materials and annual reports directly to the broker's customers.

The Commission has been concerned that persons whose securities are held in "street name" or nominee accounts for convenience, safety or other personal reasons receive information about the

<sup>1</sup> See Exchange Act Release No. 11079 (Oct. 31, 1974).

issuer of the securities in a timely manner. As the Commission recently noted, "the process of communication between issuers and beneficial owners is one which requires close cooperation among issuers, transfer agents, soliciting agents, and brokers, banks and other securities record holders such as securities depositories."<sup>2</sup>

The Commission adopted Rule 14a-3(d), "Information to be Furnished to Security Holders," based upon its own experience and its consideration of the letters of comment submitted in response to proposed Rule 14a-3(d). Many letters of comment supported the proposed rule but several letters also requested that the Commission take suitable action to require that record holders promptly forward materials received from issuers to beneficial owners.<sup>3</sup>

In late 1974, the Commission conducted a Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons.<sup>4</sup> One of the specific inquiries of that proceeding was whether the Commission should adopt rules to facilitate communications between issuers and the beneficial owners of their securities. During the proceeding the Commission received oral testimony and written comments on this inquiry from representatives of public companies, brokerage firms, banks and proxy soliciting firms and from attorneys and other interested persons.

Many of the witnesses and commentators noted that, from time to time, there have been breakdowns in connection with the timely distribution of issuer communications to beneficial owners. The Commission received inconsistent, and sometimes contradictory, testimony regarding the extent of, and the causes for, breakdowns in the distribution system. There appears, however, to be a consensus among most interested persons with experience in the distribution process that the performance in this area at times has varied greatly from issuer to issuer and from brokerage firm to brokerage firm.

Based upon the record in the Beneficial Ownership Proceeding and its own experience, the Commission is publishing for comment a proposed Rule 14b-1 relating to the obligations of registered brokers which would complement the obligations already imposed on issuers by the adoption of Rule 14a-3(d). The Commission believes that proposed Rule 14b-1, if adopted, would improve the distribution of issuer communications to beneficial owners. It should be particularly noted that all procedural rules and interpretations implementing the broad

mandate of Rule 14b-1, including the setting of "reasonable expenses," would continue to be administered and enforced by the various self-regulatory organizations.

The Commission recognizes that the imposition of obligations on brokerage firms alone will not assure that all beneficial owners receive issuer communications since other record holders such as banks and trust companies would not be subject to such obligations. Accordingly the Commission is concurrently transmitting its proposals in this area to the Comptroller of the Currency, the Federal Reserve System and the Federal Deposit Insurance Corporation recommending that they consider the adoption of comparable regulations for persons subject to their jurisdiction.

Based upon the record in the Beneficial Ownership Proceeding and its own experience, the Commission is publishing for comment proposed amendments to Rule 14a-3(d) in order to require issuers to carry out their obligations in a timely manner. In particular, issuers would be required to make appropriate inquiry of record holders at least ten days prior to the record date for the meeting of security holders and, upon receipt of a search card or other communication for the record holder, to furnish an appropriate amount of proxy materials and annual reports to record holders in a timely manner. The rule would also be amended to require an issuer to furnish these materials directly to beneficial owners if a broker chooses to comply with proposed Rule 14b-1(b) by furnishing a list of its customers to the issuer.

#### OPERATION OF PROPOSALS

The Commission is mindful of the cost to registrants, brokers and others of its proposals and it recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the cost to registrants, brokers and others of the proposals published in this release, if adopted.

The Commission hereby proposes for comment proposed Rule 14b-1 and proposed amendments to Rule 14a-3(d) pursuant to Sections 14(a), 14(b), and 23(a) of the Exchange Act. All interested persons are invited to submit their views and comments on the following proposal to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 30, 1975. Such communications should refer to File No. S7-581, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

AUGUST 25, 1975.

Section 240.14a-3 is proposed to be amended as follows:

§ 240.14a-3 Information to be furnished to security holders.

(a)-(c) [No change.]

(d) If the issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder, at least ten days prior to the record date for the meeting of security holders, whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to beneficial owners. The issuer shall supply such record holder in a timely manner with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent; provided, however, if a broker pursuant to Rule 14b-1, furnishes the issuer with a list as of the record date of the names, addresses and holdings of beneficial owners of securities held of record by the broker or its nominees and also furnishes appropriate authorization to vote such securities in accordance with the instructions of such customers, the issuer shall comply with the requirements of this rule for solicitation of proxies, consents or authorization with respect to such customers.

NOTE 1.—If the issuer's list of security holders indicates that some of its securities are registered in the name of a clearing agency (e.g., the Depository Trust Company, Midwest Securities Trust Company, and Pacific Securities Depository Trust Company, and National Clearing Corporation for which the nominees are, respectively, Cede & Co., Kray & Co., Pacific & Co., and NCC & Co.), an issuer shall make appropriate inquiry of the agency and thereafter of the participants in such an agency who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant.

NOTE 2.—The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to issuers, however, where banks, broker-dealers, and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

<sup>2</sup> Exchange Act Release No. 11243 (Feb. 13, 1975).

<sup>3</sup> Public Docket S7-504 (Letters of Comment in Response to Exchange Act Release No. 10591; Jan. 10, 1974).

<sup>4</sup> Securities Act Release Nos. 5526 (Sept. 9, 1974) and 5538 (Nov. 5, 1974).

NOTE 3.—The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to Rule 14b-1 and applicable self-regulatory requirements to obtain and forward annual reports and proxy soliciting materials in a timely manner to beneficial owners for whom such broker-dealers hold securities.

Section 240.14b-1 is proposed to read as follows:

§ 240.14b-1 **Obligations of registered brokers in connection with the timely forwarding of certain communications to beneficial owners.**

(a) A broker registered under Section 15 of the Act shall:

(1) Respond to an inquiry made in accordance with Rule 14a-3(d) by or on behalf of an issuer whose management is soliciting proxies, consents or authorization by promptly indicating, by means of a search card or otherwise, the approximate number of its customers who are beneficial owners of the issuer's securities that are held of record by the broker or its nominee; and

(2) Upon receipt of the proxy, other proxy soliciting material, and/or annual reports to security holders and of assurances that its reasonable expenses shall be paid by the issuer forward such materials in a timely manner to such customers; or

(b) In lieu of complying with the requirements of paragraph (a) of this section, a broker registered under section 15 of the Act may respond to an inquiry made in accordance with Rule 14a-3(d) by or on behalf of an issuer whose management is soliciting proxies, consents or authorization by promptly furnishing such issuer with:

(1) A list as of the record date of the names, addresses and holdings of its customers who are beneficial owners of the issuer's securities that are held of record by the broker or its nominee; and

(2) Authorization to vote such securities in accordance with the instructions of such customers.

NOTE.—A broker choosing to furnish a list of its customers who are beneficial owners to an issuer may impose reasonable conditions on the use of such a list—e.g., that the list be used only for the purposes of mailing annual reports and proxy materials to beneficial owners.

(Secs. 14(a), 14(b), 23(a), 48 Stat. 895, 901; sec. 5, 78 Stat. 569, 570; sec. 10, 78 Stat. 580; (15 U.S.C. 78n, 78w))

[FR Doc. 75-24186 Filed 9-10-75; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1037]

[No. 35220]

### GRAIN AND GRAIN PRODUCTS

#### Practices and Policies in the Settlement of Loss and Damage Claims

SEPTEMBER 4, 1975.

Pursuant to numerous informal requests for modification of the present rules governing the handling of loss and damage claims on bulk grain and bulk grain products (49 CFR 1037), the Commission, Division 2, convened an informal conference on July 15, 1975, and a subsequent informal conference on August 14, 1975, in the above-entitled proceeding. In these informal conferences, shippers and carriers have generally represented that the present rules do not reflect the realities of rail operations and grain loading practices in the Nation and have resulted in hardships and inequities not contemplated in the prior report and order in No. 35220 (346 I.C.C. 33). The shippers and carriers have encouraged the Commission to modify the present rules so as to provide a workable scheme of rules to govern the handling of loss and damage claims and to eliminate certain obstacles to the efficient handling of grain and grain product traffic. Accordingly, the parties attending the August 14 conference agreed to the following modifications:

1. Revise Paragraph c of § 1037.1, to read as follows:

§ 1037.12 **Weights and weighing.**

(c) **Shipping weights**—Where the shipper weighs the grain or grain products for shipment and a claim for loss and damage is subsequently filed on that shipment, the shipper shall furnish the carrier with whom the claim is filed certificates of weight showing car initials and number; the kind of grain or grain products; the total scale weight; the type and house number of the scale used; the number of drafts and weight of each draft; the date and time of weighing; whether the weight is official, board-of-trade, grain-exchange, State, or other supervised weight; and the number of grain door used. This information should be furnished at the time the claim is filed.

§ 1037.2 **[Amended]**

2. In Paragraph a of § 1037.2, delete the words "open-top interior linings or" appearing in line 3 of that paragraph.

3. Establish a new provision, Paragraph c of § 1037.2 reading,

(c) Cars with open-top linings tendered by the railroads may be used by the shipper without jeopardizing any subsequent claim which may be filed.

4. In Paragraph (c) of § 1037.3, delete the last two sentences of that paragraph so that the provision will read,

§ 1037.3 **Claims.**

(c) In case of a disputed claim, the records of both the carrier and the claimant affecting the shipment involved shall be available to both parties. These records shall include a written complaint if any, filed by the shipper with the railroad at the time the car was placed for loading that the car was defective, and the written report of an investigation of the complaint, filed by the railroad with the shipper, if made.

This notice is being given to allow any interested party an opportunity to comment upon the proposed modifications. While the scope of the prior informal conferences included issues not covered by the proposed modifications, such as the application of the ¼ of one percent weight tolerance on shipments moving prior to March 5, 1975, the Commission will address those additional issues in a separate order and not in conjunction with the implementation of the proposed modifications.

Accordingly, interested parties are invited to comment on the proposed modifications by written statement. Written statements are due 15 days from the date of service of this notice and should be confined to the modifications proposed herein.

*It is ordered.* That this notice of proposed rulemaking and modification of regulations be served upon the parties, and furnished to the general public by mailing a copy of this notice and order to the Governor of every State and to the Public Utilities Commission or Board having jurisdiction over transportation in each State, by depositing a copy of this order in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of The Federal Register, for publication in The FEDERAL REGISTER.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-24219 Filed 9-10-75; 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.

## STATE DEPARTMENT

### Office of the Secretary

[Public Notice 463]

#### ASSISTANCE TO CERTAIN COUNTRIES UNDER THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

##### Determination To Permit the Continuation

Pursuant to the authority vested in me by section 101 of Executive Order 10973, as amended, I hereby determine in accordance with section 664 of the Foreign Assistance Act of 1961, as amended (the Act), that the waiver of the provisions of section 620(a) (3) of the Act with respect to the furnishing of assistance to any country that may allow ships and aircraft under its registry from transporting goods to or from Cuba is in the national interest, and accordingly I hereby so waive the provisions of that section.

This determination shall be reported to Congress as required by law, and published in the FEDERAL REGISTER.

[SEAL] HENRY A. KISSINGER,  
Secretary of State.

AUGUST 20, 1975.

[FR Doc.75-24126 Filed 9-10-75; 8:45 am]

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms FIREARMS

#### Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

- Atwood, R. B., Route 1, Box 78, Frankston, Texas, convicted on February 9, 1937, in the United States District Court for the Eastern District of Texas.
- Clapp, Allan E., 309 Briarwood Lane, Battlecreek, Michigan, convicted on or about September 7, 1971, in the Circuit Court, Kalamazoo County, Michigan.
- Conroy, Edwin B., 608 Warburton Avenue, Yonkers, New York, convicted on or about April 26, 1973, in the Westchester County Court, White Plains, New York.

Copner, Richard D., 97 Valley Drive, Portage, Indiana, convicted on July 12, 1965, in the United States District Court, Southern District of Georgia.

Covey, Mark E., R.R. #2, Box 99, Britt, Iowa, convicted on July 25, 1972, in the United States District Court, District of Nebraska.

Crawford, Steven Lee, Zion Harbor, Federal Dam, Minnesota, convicted on May 4, 1971, in the District Court, Ramsey County, Minnesota.

DeMary, Rufus Peter, 220 Garland Street, Beaumont, Texas, convicted on April 18, 1960, in the Criminal District Court, Jefferson County, Texas.

Dunphy, Jodie L., Star Route, North Anson, Maine, convicted on September 21, 1972, in the Penobscot County Superior Court, Bangor, Maine.

Eberline, Kim Paul, PV2, Co. B 54th Engr. Bn., APO, New York, convicted on March 26, 1973, in the Michigan Circuit Court, Iosco County, Michigan.

Eggleston, Gerald C., 1900 Coldstream Avenue, N.E., Cedar Rapids, Iowa, convicted on July 3, 1973, in the District Court, Cedar Rapids, Iowa.

Ferguson, Wilfred D., 3400 North Cotner Boulevard, Lincoln, Nebraska, convicted on January 12, 1961, in the District Court, Lancaster County, Nebraska.

Florence, Eiel G., 3608 North 44th Avenue, Omaha, Nebraska, convicted on June 25, 1953, in the United States District Court, District of Nebraska.

Poster, Charles D., 3447 Milton Avenue, Dallas, Texas, convicted on October 9, 1969, in the 147th District Court, Travis County, Texas.

Gandt, Larry Lee, 715 Jones Avenue, Oconto, Wisconsin, convicted on May 21, 1971, in the Oconto County Court, Wisconsin.

Groves, David M., Jr., 1433 Timbergrove Road, Knoxville, Tennessee, convicted on or about May 28, 1964, in the Washington County Criminal Court, Jonesboro, Tennessee.

Heinis, Steven L., 3823 Hall Street, Rapid City, South Dakota, convicted on April 27, 1972, in the Circuit Court, Second Judicial Circuit, Minnehaha County, South Dakota.

Ison, Chester D., Troy Terrace, Route 2, Eagle, Wisconsin, convicted on August 23, 1973, in the Waukesha County Court, Wisconsin.

Krivaneck, Gary E., 1150 Juliet Street, St. Paul, Minnesota, convicted on May 28, 1974, in the District Court, Second Judicial District, Ramsey County, Minnesota.

Loeffelholz, Aloysius H., Rural Route 2, Carroll, Iowa, convicted on April 9, 1958, in the District Court, Calhoun County, Iowa.

Mahan, Bill E., 3205 South Larimer Avenue, Sioux City, Iowa, convicted on March 10, 1961, in the Superior Court, Santa Clara County, California.

Manken, Carl E., Jr., R.R. #1, Box 159, Hartford, South Dakota, convicted on February 18, 1972, in the Circuit Court, Minnehaha County, Minnesota.

Mesquit, Bruce R., 708 West Tefft, Nipomo, California, convicted on August 4, 1967, in the California Superior Court.

Milligan, Marlin R., 1706 Burlingame, S.W., Wyoming, Michigan, convicted on or about June 14, 1968, and on or about February 6, 1970, in the Kent County Circuit Court, Michigan.

Nelson, Kenneth H., 3216 Bennett Drive, Bellingham, Washington, convicted on October 4, 1968, in the Superior Court, Whatcom County, Washington.

Norris, Robert Jesse, 109-15th Court North, Birmingham, Alabama, convicted on October 6, 1924, in the Circuit Court of the State of Alabama.

Owens, Mickel Lee, 3311 Marlon Road, S.E., Rochester, Minnesota, convicted on October 15, 1971, in the Fillmore County Court, Minnesota; and on February 15, 1972, in the District Court for the Third Judicial District, Olmsted County, Minnesota.

Salen, Bettye L., 2201 Bainbridge Drive, Salem, Virginia, convicted on May 27, 1968, in the Superior Court, Guilford County, North Carolina.

Taylor, Robert L., 81 North Ardmore, Pontiac, Michigan, convicted on or about June 9, 1964, in the Oakland County Circuit Court, Michigan.

Taylor, Robert W., 22 North Street, Augusta, Maine, convicted on March 16, 1973, in the Kennebec County Superior Court, Maine.

VanBuren, Charles R., Route 2, Box 284, Parma, Idaho, convicted on November 10, 1970, in the Malheur County Circuit Court, Oregon.

Vaughn, Alvin R., Route 3, Box 114, Mount Airy, North Carolina, convicted on May 7, 1970, in the United States District Court, Middle District, North Carolina.

Venable, John A. S., Jr., 300 South French Court, Virginia Beach, Virginia, convicted on April 11, 1945, in the Superior Court, Alameda County, California.

Waessli, Jonathan F., 16316 Knollwood Drive, Granada Hills, California, convicted on February 26, 1959, and April 24, 1959, in the Superior Court, Los Angeles, California.

Walsh, Fred B., 2106 N. Chevrolet, Flint, Michigan, convicted on October 5, 1958, in the Genesee County Circuit Court, Michigan.

Williams, James P., C-5 McMillan Terrace, Anniston, Alabama, convicted on July 17, 1972, in the United States District Court, Northern District of Alabama.

Signed at Washington, D.C. this 21st day of August 1975.

REX D. DAVIS,  
Director, Bureau of Alcohol,  
Tobacco and Firearms.

[FR Doc.75-24127 Filed 9-10-75; 8:45 am]

#### Customs Service

### CASTOR OIL PRODUCTS FROM BRAZIL

#### Preliminary Countervailing Duty Determination

On April 30, 1975, a "Notice of Receipt of Countervailing Duty Petition" was published in the FEDERAL REGISTER (40 F.R. 18814). The notice indicated that a petition had been received alleging that payments, bestowals, rebates or refunds, granted by the Brazilian Government upon the manufacture, production, or exportation of hydrogenated castor oil and 12 hydroxystearic acid constitute the payment or bestowal of a bounty or

grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by the Brazilian manufacturers/exporters of hydrogenated castor oil and 12 hydroxystearic acid which may constitute bounties or grants within the meaning of the Act. These programs include the granting to manufacturers/exporters of tax credits upon export, income tax reductions, and preferential financing. Programs tentatively determined not to be bounties or grants within the meaning of the Act include the exemption from certain indirect taxes upon exportation of the castor oil product under consideration and the governmental control of prices for castor oil exports. The investigation indicated no government controls promoting artificially high prices for castor oil exports. Programs tentatively found not to be applicable to the manufacturers/exporters of the castor oil products under consideration from Brazil include exemption for certain imports from certain indirect taxes and import taxes, an income tax deduction for overseas promotion expenses, and a trading company tax exemption. A final decision in this case is required on or before March 10, 1975.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the Federal Register.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Dated: September 8, 1975.

VERNON D. ACREE,  
Commissioner of Customs.

Approved:

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.75-24222 Filed 9-10-75;8:45 am]

## DEPARTMENT OF DEFENSE

Department of the Air Force

### REGIONAL DISCHARGE REVIEW BOARDS Hearings

1. *Authority.* Department of Defense memorandum dated June 18, 1975, which directed the Services, effective October 31, 1975, to establish procedures for review of discharges under 10 U.S.C. 1553 in areas outside of Washington, D.C.

2. *Purpose.* To make discharge review boards more geographically accessible to applicants.

3. *Implementation.* The Air Force will have a traveling board hold quarterly hearings beginning in November 1975 in the Veterans Administration Regional Offices in St. Louis at 1520 Market Street, San Francisco at 211 Main Street, and Houston at 2515 Murworth Drive. Hearings will last approximately two or three days in each city, depending upon caseload.

Those former service members who desire to appeal the type of discharge received and who wish to appear before either the Washington board or one of the new regional boards can make application using DD Form 293. The applicant should indicate his preference of hearing site when making application.

SEPTEMBER 3, 1975.

JAMES L. ELMER,  
Major, USAF, Executive,  
Directorate of Administration.

[FR Doc.75-24172 Filed 9-10-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT FES-75-78]

### PROPOSED REHABILITATION OF NATIONAL MALL, WASHINGTON, D.C.

Availability of Final Environmental  
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the proposed rehabilitation of the National Mall, Washington, D.C.

This statement describes the project to rehabilitate the Mall in Washington, D.C., between Madison Drive and Jefferson Drive, from Third Street to 14th Street. The project includes the construction of four pedestrian/bike paths between Third Street and 14th Street and crosswalks at each of the Mall museum buildings, plus reconstruction of walks along Third, Fourth, Seventh, and 14th Streets. It also includes the installation of park benches, drinking fountains, curb ramps for handicapped persons, street lights, telephones, refreshment and information kiosks, foundations, bike racks, additional plantings in the tree panels, and necessary utility services. Two of the walks would replace Adams and Washington Drives and two walks would replace Sixth and 13th Streets between Madison and Jefferson Drives.

A part of the project, but outside the boundaries of the project area, is the establishment as a demonstration project, of fringe parking at the Robert F. Kennedy Stadium and at the North Pentagon parking area. A visitor bus shuttle system would connect both fringe parking lots with the Mall. The route to be taken from RFK Stadium to the Mall would be spread over several streets.

Additional visitor parking would be provided in East Potomac Park with bus shuttle service to the Mall. All day parking along Ohio Drive, in West Potomac Park, would be prohibited. Methods of enforcing parking regulations on the Mall would also be changed.

Comments received in letters on the Draft Environmental Statement are included and addressed. Public hearing testimony is summarized and addressed.

Copies of the final statement are available from or for inspection at the following locations:

National Capital Parks, Room 202, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Martin Luther King Memorial Library, 901 G Street, NW., Washington, D.C.

National Park Service, Department of the Interior, Room 1210, 18th and O Streets, NW., Washington, D.C. 20240.

Dated: September 5, 1975.

ROYSTOR C. HUGHES,  
Assistant Secretary of the Interior.

[FR Doc.75-24192 Filed 9-10-75;8:45 am]

Bureau of Land Management

[NM 26500]

NEW MEXICO

Application

SEPTEMBER 5, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 20 S., R. 27 E.

Sec. 33, SW¼NE¼.

These pipelines will convey natural gas across .150 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

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

[FR Doc.75-24107 Filed 9-10-75;8:45 am]

[NM 26443]

NEW MEXICO

Application

SEPTEMBER 5, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 21 S., R. 26 E.

Sec. 1, lot 16 and NE¼SE¼.

T. 21 S., R. 27 E.

Sec. 6, lots 6, 11, 12 and 13.

This pipeline will convey natural gas across .953 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

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

[FR Doc.75-24108 Filed 9-10-75;8:45 am]

[NM 26308]

NEW MEXICO

Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for an 8½ inch and 10¼ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 24 N., R. 6 W.  
Sec. 1, lot 4;  
Sec. 3, lots 2, 7 and 8;  
Sec. 5, lot 6;  
Sec. 6, lot 10.
- T. 25 N., R. 6 W.  
Sec. 25, NE¼SE¼ and S¼SE¼;  
Sec. 33, NE¼SE¼;  
Sec. 34, W½SW¼, SE¼SW¼ and SW¼SE¼.
- T. 24 N., R. 7 W.  
Sec. 1, lots 6, 9, 10, 11 and 12;  
Sec. 3, N½S½ and SW¼SW¼;  
Sec. 4, S½SE¼;  
Sec. 7, lots 1, 2, S½NE¼, NE¼SE¼ and SE¼NW¼;  
Sec. 8, NW¼SW¼ and S½N½;  
Sec. 9, NW¼NE¼, E½NW¼ and SW¼NW¼.
- T. 24 N., R. 8 W.  
Sec. 1, E½SW¼, NW¼SW¼ and SW¼SE¼;  
Sec. 3, lots 2, 3, 4, S½NE¼ and SW¼NW¼;  
Sec. 4, lots 8, 9, 10, 11 and 12;  
Sec. 5, lots 1 and 2;  
Sec. 12, N½NE¼.
- T. 25 N., R. 8 W.  
Sec. 10, lot 4;  
Sec. 30, lots 1, 2, SE¼NW¼, E½SW¼ and W½SE¼;  
Sec. 31, N½NE¼ and SE¼NE¼.
- T. 25 N., R. 9 W.  
Sec. 14, N½S½;  
Sec. 15, S½N½ and NE¼SE¼;  
Sec. 17, S½N½;  
Sec. 18, lot 2, S½NE¼ and SE¼NW¼;  
Sec. 24, W½NE¼, E½SE¼, SE¼NE¼ and NW¼SE¼.
- T. 25 N., R. 10 W.  
Sec. 7, lots 1, 2, SW¼NE¼ and SE¼NW¼;  
Sec. 8, S½SE¼;  
Sec. 14, S½NW¼, NE¼SW¼, N½SE¼ and SW¼NE¼;  
Sec. 15, S½NE¼ and NW¼NE¼;  
Sec. 17, NE¼NE¼.

This pipeline will convey natural gas across 21.523 miles of national resource

lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

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

[FR Doc.75-24109 Filed 9-10-75;8:45 am]

[NM 26444]

NEW MEXICO

Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

- T. 26 N., R. 5 W.  
Sec. 10, SW¼NW¼.  
T. 26 N., R. 7 W.  
Sec. 24, SE¼NW¼ and NE¼SW¼.

This pipeline will convey natural gas across .545 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

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

[FR Doc.75-24110 Filed 9-10-75;8:45 am]

[NM 26426]

NEW MEXICO

Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

- T. 21 S., R. 27 E.  
Sec. 2, lot 13;  
Sec. 3, lots 15 and 16.

This pipeline will convey natural gas across .651 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico 88201.

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

[FR Doc.75-24111 Filed 9-10-75;8:45 am]

[NM 26314]

NEW MEXICO

Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Dugan Production Corporation has applied for one 3½ inch and 2¾ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 27 N., R. 13 W.  
Sec. 29, NW¼NE¼ and N½NW¼;  
Sec. 30, E½E½;  
Sec. 31, lots 1, 7, 8, N½NE¼, SE¼NE¼ and N½SE¼;  
Sec. 32, SW¼NE¼, E½NW¼, NW¼SE¼ and NW¼SW¼;  
Sec. 33, SW¼NE¼, SW¼NW¼, NW¼SW¼ and NW¼SE¼.

This pipeline will convey natural gas across 4.815 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their view should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

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

[FR Doc.75-24112 Filed 9-10-75;8:45 am]

[NM 26301]

NEW MEXICO

Application

SEPTEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4 inch, one 6 inch and one 8 inch natural gas pipe-

line rights-of-way across the following lands:

**NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO**

- T. 24 S., R. 26 E.  
 Sec. 1, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 12, E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 25, W $\frac{1}{2}$ E $\frac{1}{2}$ .  
 T. 22 S., R. 27 E.  
 Sec. 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 21 S., R. 28 E.  
 Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 31, W $\frac{1}{2}$ NE $\frac{1}{4}$ .

These pipelines will convey natural gas across 5,736 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

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

[FR Doc.75-24113 Filed 9-10-75;8:45 am]

[Nevada 054565]

**NEVADA**

**Proposed Withdrawal and Reservation of Lands**

SEPTEMBER 3, 1975.

The Forest Service, U.S. Department of Agriculture has filed the above application for the withdrawal of the lands described below from location and entry under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws. The applicant desires the land to be set aside as a natural research area, designated as the Mt. Jefferson Research Natural Area. The lands are within the Toiyabe National Forest. On or before October 14, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (2351.4 (c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to

reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced. The lands involved in the application are:

**MOUNT DIABLO MERIDIAN, NEVADA**

- T. 11 N., R. 45 E., unsurveyed.  
 Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 7, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 8, All;  
 Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 17, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 18, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 19, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 20, All;  
 Sec. 28, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 29, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 30, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 32, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described aggregates approximately 4,900 acres.

WILLIAM J. MALENCIK,  
*Chief, Division of Technical Services.*

[FR Doc.75-24114 Filed 9-10-75;8:45 am]

[Wyoming 52213]

**WYOMING**

**Application**

SEPTEMBER 4, 1975.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

**SIXTH PRINCIPAL MERIDIAN, WYOMING**

- T. 28 N., R. 113 W.,  
 sec. 7;  
 sec. 8;  
 sec. 18.

The pipeline will convey natural gas from the Tip-Top T-36-8-G well in sec. 8 to an existing line in sec. 18, all in

T. 28 N., R. 113 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,  
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-24174 Filed 9-10-75;8:45 am]

[Wyoming 52214]

**WYOMING**

**Application**

SEPTEMBER 4, 1975.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

**SIXTH PRINCIPAL MERIDIAN, WYOMING**

- T. 28 N., R. 113 W.,  
 sec. 7.

The pipeline will convey natural gas from the Tip-Top T-63-7-G well to an existing line, all in sec. 7, T. 28 N., R. 113 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,  
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-24175 Filed 9-10-75;8:45 am]


**Fish and Wildlife Service**

**ENDANGERED SPECIES PERMIT**

**Receipt of Application**

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, Soco Gardens Zoo, Route 1, Box 355, Maggie Valley, North Carolina 28761. Mr. Thomas P. Ritter, Owner.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)													
		<input type="checkbox"/> SPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. <b>TO BREED AND EXHIBIT AT SOCO GARDENS ZOO</b>													
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) <b>SOCO GARDENS ZOO RT 1 Box 355 MAGGIE VALLEY, N.C. 28751 704-926-1746</b>		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION <b>OPERATE ZOO FOR PUBLIC VIEWING AND BREEDING FOR PAST 22 YEARS.</b>													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			6. NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. <b>704-926-1746</b> <b>THOMAS P. RITTER, OWNER</b> IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
7. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED <b>RT 1 Box 355, MAGGIE VALLEY, N.C. 28751. U.S. HWY 19 BETWEEN ASHEVILLE AND CHEROKEE N.C. IN MAGGIE VALLEY.</b>		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)													
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF <b>50.00</b>		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document) <b>U.S.D.A. # 55-C-3 EXHIBITOR N.C. # 371-CI-44 ANNUALMENT.</b>													
9. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 22.12) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION, LIST SECTIONS OF 20 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. <b>17.23</b>		10. DESIRED EFFECTIVE DATE <b>AT ONCE</b>													
11. DURATION NEEDED <b>INDEFINITELY</b>		12. SIGNATURE OF APPLICANT <b>Thomas P. Ritter, owner.</b>													
13. DATE <b>June 20, 1975</b>		14. SIGNATURE OF WITNESS													

TOM & CLARA RITTER, Exhibitors  
Home Office  
Route 7, Box 535  
Austin, Texas 78703

SOCO GARDENS ZOO,  
Maggie Valley, North Carolina,  
June 20, 1975.

DIRECTOR (FWS/LE)  
U.S. Fish & Wildlife Service  
Post Office Box 19183  
Washington, D.C. 20036

DEAR SIR:  
The Soco Gardens Zoo, Maggie Valley, North Carolina, has on loan from the Louisiana Purchase Garden & Zoo, Monroe, Louisiana, one male captive born JAGUAR, born January 19, 1974. Scientific name: *Panthera onca*.

The Louisiana Purchase Zoo has no breeding plans for this animal. As such, we would like to purchase the Jaguar for our own breeding stock.

We have given tours and lectures to hundreds of thousands of students, scouts,

church groups, etc. Our guides are all college educated, then trained on the job here to insure maximum performance.

Your consent to our request to purchase the Jaguar will be greatly appreciated.

Very truly yours,

THOMAS P. RITTER,  
Owner, Soco Gardens Zoo.

Statement: I am willing to participate in a cooperative breeding program and maintain or contribute data to a studbook.

The Jaguar is being housed and maintained at the Soco Gardens Zoo and is being regularly inspected by the U.S.D.A. under license #55c3.

THOMAS P. RITTER.

TOM & CLARA RITTER, Exhibitors  
Home Office  
Route 7, Box 535  
Austin, Texas 78703

SOCO GARDENS ZOO,  
Maggie Valley, North Carolina 28751,  
August 8, 1975.

Re: PRT-8-278-C

The DIRECTOR  
Fish and Wildlife Service  
Washington, D.C. 20240  
Attention: A. Eugene Hester, Special Agent  
in Charge, Permits

DEAR SIR:

In response to your recent letter, we submit the following additional information, which you have requested:

(1) The housing is constructed of concrete floor, chain link fence, corrugated metal roof with wood insulation. The enclosure contains a sleeping box, pool, wood bench, and hanging tire. Pictures and scaled diagram of same enclosed.

(2) At present we have one male Jaguar 22 years old, incapable of breeding. He is probably the oldest living Jaguar in the country. We also have the young male Jaguar which is on loan from the Louisiana Purchase Garden & Zoo, for which we have requested the permit in order to acquire him permanently.

For nearly 20 years we have carried on a cooperative program with the Knoxville Zoological Park, Knoxville, Tennessee, Guy Smith, Director, in order to breed, balance inventories, and exhibit animals, reptiles and birds. They have promised us a young female Jaguar which should be delivered in late October. This will enable us to continue on with our Jaguar breeding plans.

(3) As noted previously, we have been in the animal business for 22 years and have bred or raised almost any animal that you can think of. The fact that we have one Jaguar 22 years old, that we raised from a kitten, should be proof in itself that we know the animal business.

(4) Our veterinary services are handled by the Junaluska Animal Hospital, Waynesville, North Carolina, which is a 10-minute drive from us. They have three full-time vets on their staff, namely, Dr. Mack Setser, Dr. Frank Enloe, and Dr. R. F. Mannisto. A copy of our most recent bill from them is attached as proof.

(5) We have had no Jaguar mortalities at our zoo. We have had one Cougar die of old age last year.

Please note: Our original request called for a permit to acquire a captive-bred male Jaguar from the Louisiana Purchase Garden & Zoo.

Please change the request to read: To acquire captive-bred male and female Jaguars from recognized zoos for propagation purposes.

Or, to acquire a captive-bred male Jaguar from the Louisiana Purchase Garden & Zoo, and a captive-bred female Jaguar from the Knoxville Zoological Park for propagation purposes.

Sincerely yours,

THOMAS P. RITTER,  
Owner, Soco Gardens Zoo, Route 1,  
Box 355, Maggie Valley, North  
Carolina 28751

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Wash-



ington, D.C. 20036. All relevant comments received on or before October 14, 1975.

Dated: September 5, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.75-24220 Filed 9-10-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation COMMODITY CREDIT CORPORATION ADVISORY BOARD Public Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that the Commodity Credit Corporation Advisory Board will meet at 8:30 a.m. on Monday, September 29, 1975 and Tuesday, September 30, 1975, in Room 2-W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to advise the Secretary of Agriculture relative to surveys of the general policies of the Commodity Credit Corporation, including Corporation policies in connection with the purchase, storage and sale of commodities, and the operation of lending and price support programs.

The meeting will be open to the public. Any member of the public may file a written statement with the Board before or within one week following the meeting.

The names of the members of the Advisory Board, Agenda, Summary of the Meeting and other information pertaining to the meeting may be obtained from Mr. Frank G. McKnight, Secretary, Commodity Credit Corporation, Room 207-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C., on September 8, 1975.

E. J. PEARSON,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.75-24196 Filed 9-10-75;8:45 am]

### Federal Crop Insurance Corporation [Notice No. 98]

#### SUGAR BEETS—CALIFORNIA

##### Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for sugar beet crop insurance in the California county listed below is hereby extended until the close of business on September 5, 1975.

Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

CALIFORNIA  
IMPERIAL

[SEAL] M. R. PETERSON,  
Manager, Federal Crop  
Insurance Corporation.

[FR Doc.75-24131 Filed 9-10-75;8:45 am]

## Forest Service OKANOGAN NATIONAL FOREST GRAZING ADVISORY BOARD

### Meeting

The Okanogan National Forest Grazing Advisory Board will meet at 1:00 p.m. on Tuesday, October 14, 1975 in the Forest Supervisor's Office, Okanogan, Washington 98840.

The purpose of this meeting is to discuss the new Charter for the Okanogan National Forest Grazing Advisory Board. A second topic will be qualification requirements to hold a term grazing permit.

The meeting will be open to the public.

Dated: September 4, 1975.

GERHART H. NELSON,  
Forest Supervisor.

[FR Doc.75-24090 Filed 9-10-75;8:45 am]

## TONTO NATIONAL FOREST GRAZING ADVISORY BOARD

### Meeting

The Tonto National Forest Grazing Advisory Board will meet October 10, 1975, at 10:00 a.m. at the office of the District Ranger, Payson, Arizona.

The purpose of this meeting is to review and revise the by-laws of the Board; elect officers; and review the Forest Supervisor's decision to eliminate the temporary grazing permit held by Mr. Chester Scott for grazing use on the Soldier Camp grazing allotment.

The meeting will be open to the public. Persons who wish to attend should notify Fred J. Wirth, Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona, 85034, Telephone No. Area Code 602-261-3205. Written statements may be filed with the Board before or after the meeting.

No specific rules have been established for public participation. Comments from the public are welcome at anytime during the meeting.

Dated: September 5, 1975.

FRED J. WIRTH,  
Forest Supervisor.

[FR Doc.75-24091 Filed 9-10-75;8:45 am]

## Rural Electrification Administration

### CENTRAL ELECTRIC POWER CO-OP.

#### Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with Section 102 (2) (C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for financial assistance for Central Electric Power Cooperative, Inc., Cayce, South Carolina 29033.

The proposed transmission lines and related facilities are:

1. 23 miles of 230 kV transmission line from the Summer Nuclear Plant in Fairfield County to Blythewood in Richland County, and 230 kV terminal facilities at

the existing 230/69 kV substation located near Blythewood.

2. 17 miles of 230 kV transmission line from the Summer Nuclear Plant in Fairfield County to Newberry in Newberry County and a new 230/69 kV substation located near Newberry.

3. 55 miles of 230 kV transmission line from Varnville in Hampton County to Hilton Head (mainland) in Beaufort County passing through Jasper County with a new 230/115 kV substation located near Varnville and a new 230/115 kV substation located on the mainland just opposite Hilton Head Island.

4. A new 230/115 kV substation near Batesburg.

5. A new 230/69 kV substation near Camden.

Additional information may be obtained at Central's office during regular business hours.

Interested parties are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statements.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Central Electric Power Cooperative, Inc., whose address is given.

Dated at Washington, D.C., this 5th day of September 1975.

RICHARD F. RICHTER,  
Acting Administrator, Rural  
Electrification Administration.

[FR Doc.75-24132 Filed 9-10-75;8:45 am]

## Soil Conservation Service BUCKHORN-MESA WATERSHED PROJECT, ARIZONA

### Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2) (C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1973); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Buckhorn-Mesa Watershed Project, Maricopa and Pinal Counties, Arizona, USDA-SCS-EIS-WS - (ADM) - 76-01 (D)-AZ.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by five floodwater retarding structures with associated structure outlets and floodways.

The combined length of the floodways is 4.16 miles; and structure outlets is 1.06 miles. The system of structures will provide flood protection on an alluvial fan that contains 18,095 acres of urban land and 10,905 acres of irrigated cropland. All streams affected are ephemeral.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 6029 Federal Building, 230 N. First Avenue, Phoenix, Arizona 85025.

Copies of the draft environmental impact statement has been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to George C. Marks, State Conservationist, Soil Conservation Service, 6029 Federal Building, 230 N. First Avenue, Phoenix, Arizona 85025.

Comments must be received on or before November 3, 1975 in order to be considered in the preparation of the final environmental impact statement.

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

Dated: September 4, 1975.

JOSEPH W. HAAS,  
Deputy Administrator for  
Water Resources.

[FR Doc.75-24092 Filed 9-10-75;8:45 am]

**CHIPPEWA AND LONG PRAIRIE HEADWATERS FISH AND WILDLIFE DEVELOPMENT, WESMIN RC&D PROJECT, MINN.**

**Availability of Final Environmental Impact Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Chippewa and Long Prairie Headwaters Fish and Wildlife Development, WesMin RC&D Project, Douglas, Grant, Otter Tail, and Pope Counties, Minnesota, USDA-SCS-EIS-RCD-(ADM)-75-1-(F)-MN.

The EIS concerns a plan for public water-based fish and wildlife development, improvement in wildlife habitat, and improve water quality for water-based recreational activities. The planned works of improvement provide for 89 carp barrier control structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests.

Soil Conservation Service, USDA, 200 Federal Building & U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: August 28, 1975.

R. C. BARNES,  
Acting Deputy Administrator  
for Field Services, Soil Conservation Service.

[FR Doc.75-24093 Filed 9-10-75;8:45 am]

**ROCK CREEK WATERSHED PROJECT, OREGON**

**Availability of Final Environmental Impact Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Rock Creek Watershed Project, Gilliam and Morrow Counties, Oregon, USDA-SCS-EIS-WS-(ADM)-75-2-(F)-OR.

The EIS concerns a plan for watershed protection, flood prevention, and irrigation. The planned works of improvement will include conservation land treatment measures on 38,200 acres of cropland, 45,000 acres of rangeland, and 15,000 acres of forest land; a multiple-purpose dam and reservoir with 14,430 acre-feet of storage and a surface area of 264 acres. Other structural measures include a check dam and diversion plus a multi-stage pumping plant and 44,400 feet of pressurized pipeline ranging in size from 10 to 30 inches in diameter with a 36 cfs capacity for the irrigation water distribution system.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 1220 S.W. Third Avenue, 16th Floor, Portland, Oregon 97204.

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

Dated: September 2, 1975.

JOSEPH W. HAAS,  
Deputy Administrator for  
Water Resources.

[FR Doc.75-24094 Filed 9-10-75;8:45 am]

**DEPARTMENT OF COMMERCE**

**Domestic and International Business Administration**

**BUREAU OF DOMESTIC COMMERCE**

**Organization and Function**

This order effective August 12, 1975 amends the material appearing at 40 FR 10218 of March 5, 1975.

DIBA Organization and Function Order 45-2, dated February 11, 1975 is hereby amended, as follows:

1. Section 7., Office of Industrial Mobilization, is amended to read, as follows:

"Section 7. Office of Industrial Mobilization

.01 The Office of the Director includes: the Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Mobilization Operations and Plans Division shall support current national defense requirements, the Alaskan oil production program, the Maritime shipbuilding program and such other high national priority programs as may be authorized, by administering the Defense Materials System and the Defense Priorities System under Title-I of the Defense Production Act of 1950, as amended and extended; plan for and maintain emergency measures for regulating industrial production and distribution during emergency situations; and develop plans for assisting defense contractors suffering from natural disasters and implement them as necessary.

.03 The Industrial Resources Division shall provide guidance to the Federal Preparedness Agency, GSA, on matters relating to the National Stockpile Program; identify industrial facilities of exceptional importance to the national security, mobilization readiness, post-attack survival and recovery; supervise analyses of critically important industrial products and services and conduct feasibility studies to determine capabilities to meet national emergencies; maintain Industrial Mobilization Data Centers at selected relocation sites; evaluate and improve relocation sites of DIBA's field offices; support BDC's participation in Departmental preparedness exercises and in FPA/GSA interdepartmental preparedness exercises; recruit and train Executive Reservists from industry to assume major responsibilities in a national emergency; develop emergency operating procedures for continuity of BDC's essential functions during war, and provide staff support for the U.S. Representative to the NATO Industrial Planning Committee and for the Co-chairman of the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials. The Division shall also identify for GSA the required machine tools and their manufacturers for expediting procurement in an emergency under the "Machine Tool Trigger Order Program."

2. The organization chart attached to this amendment supersedes the organization chart dated February, 1975. A copy of the chart is on file with the

original of this document in the Office of the Federal Register.

Effective August 12, 1975.

**SAMUEL B. SHERWIN,**  
Deputy Assistant Secretary  
for Domestic Commerce.

Approved:

**DONALD E. JOHNSON,**  
Deputy Assistant Secretary  
for Domestic and  
International Business.

[FR Doc.75-24095 Filed 9-10-75;8:45 am]

**MARYLAND STATE DEPT. OF HEALTH & MENTAL HYGIENE ET AL.**

**Notice of Consolidated Decision on Applications for Duty Free Entry of Scientific Articles**

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq. 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

"The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11."

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final decision of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides: ". . . the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the Federal Register for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 75-00025-33-46040. Applicant: Maryland State Department of Health & Mental Hygiene, Laboratory Administration, 16 E. 23rd Street, Baltimore, Maryland 21218. Article: Electron Microscope, Model HS-9. Date of denial without prejudice to resubmission: May 6, 1975.

Docket number: 75-00295-65-77045. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Combined X-Ray Diffractometer/Spectrometer. Date of denial without prejudice to resubmission: May 15, 1975.

Docket number: 75-00315-99-74000. Applicant: Rutgers University, Dept. of Geology, Queens Campus, New Brunswick, N.J. 08903. Article: FS-3 Portable Reflection-Refractometer Selsmograph and Accessories. Date of denial without prejudice to resubmission: May 21, 1975.

Docket number: 75-00346-01-16095. Applicant: The Johns Hopkins University, Charles & 34th Streets, Baltimore, Maryland 21218. Article: High Count Rate Gas Proportional Counter. Date of denial without prejudice to resubmission: May 21, 1975.

Docket number: 75-00359-33-46040. Applicant: University of Minnesota, Department of Laboratory Medicine & Pathology, Box 198, Mayo Memorial Hospital, Minneapolis, Minn. 55455. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: May 21, 1975.

Docket number: 75-00361-33-43780. Applicant: Shriners Hospital for Crippled Children, 8200 NE Sandy Blvd., Portland, Oregon 97220. Article: Coventry Infant Leg Screw. Date of denial without prejudice to resubmission: May 21, 1975.

Docket Number: 75-00367-33-90000. Applicant: St. Joseph Hospital, 1401 S. Main Street, Fort Worth, Texas 76104. Article: EMI Scanner System with Magnetic Tape Storage Unit. Date of denial without prejudice to resubmission: May 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**RICHARD M. SEPPA,**  
Acting Director,  
Special Import Programs Division.

[FR Doc.75-24156 Filed 9-10-75;8:45 am]

**National Oceanic and Atmospheric Administration**

**EASTERN PACIFIC TUNA FISHERIES**

**Notice of Intent and Finding**

In view of reports which indicate that extensive violations of the conservation recommendations of the Inter-American Tropical Tuna Commission (IATTC) have taken place by foreign vessels with respect to fishing for yellowfin tuna in the eastern Pacific Ocean, a public hearing was held by the National Marine Fisheries Service (NMFS) on August 29, 1975, in San Diego, California.

The purpose of the hearing was, among other things, to receive relevant information from the U.S. fleet and other interested persons with respect to such alleged violations and to determine whether the various sanctions available to the United States under the provisions of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951 et seq.), might be applicable.

Under the Act, and regulations contained at 50 CFR, Part 291, the Director, NMFS, upon finding that the conduct of foreign fishing operations by any country in the regulatory area tends to diminish the effectiveness of the conservation recommendations of the Commission, shall prohibit the entry into the United States of fish subject to regulation under the convention caught in the regulatory area in violation of such conservation recommendations. Yellowfin tuna is currently the only species of fish under regulation by the Commission.

As a result of such hearing, the Director of the NMFS has made a preliminary determination that the information thus far received indicates that foreign flag fishing vessels are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission. Before taking action on this information, the interested public is invited, within 15 days from the date of this Notice, to submit any additional information that may assist the Director of the NMFS in arriving at a final determination. Where the information consists of sightings of foreign vessels, it should be submitted in written form containing the name, flag and hulling port of vessel sighted; the time, date, and

place of sighting; the name of the vessel from which the sighting is made, and should be signed by the person making the sighting. Such information should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

A final determination will be made on this matter within 30 days from the date of this Notice and will be published in the FEDERAL REGISTER. Prior to such determination, the Director of the NMFS will analyze any additional information received and, through the Department of State, discuss the matter with the appropriate foreign governments. It is the intention of the Director of the NMFS to impose an embargo on the importation of yellowfin tuna in any form taken from the regulatory area by all countries operating in a manner which tends to diminish the effectiveness of the conservation recommendations of the IATTC.

In addition to the embargo referred to above, the Act provides that, if there are repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary of Commerce, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, that are under investigation by the Commission and which were taken in the regulatory area. This authority has been delegated to the Director of the NMFS.

In addition to the embargoes permitted under the Act, the Act directs the Secretary of Commerce to suspend at any time the application of regulations when, after consultation with the Secretary of State and the United States Commissioners of the IATTC, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the Commission's recommendations. This authority has also been delegated to the Director of the NMFS.

Data available to the National Marine Fisheries Service indicates that approximately 8,000 tons of yellowfin tuna in 1975 through August 15 have been taken from the CYRA during the closed season contrary to the Commission's recommendations. It is estimated that during the remainder of the fishing season this could rise to 15,000-20,000 tons.

The IATTC recommended a quota for yellowfin tuna of 175,000 tons for 1975, with two increments of an additional 10,000 tons each of yellowfin tuna allowable at the discretion of the Director of Investigations of the Commission. In addition, the length of the open season was calculated on the assumption of a certain level of total catch from all sources.

The Director of the NMFS has determined that the current level of fishing by foreign vessels during the closed season in the Commission Yellowfin Regulatory Area (CYRA) does not support a finding that such fishing operations con-

stitute a serious threat to the achievement of the objectives of the Inter-American Tropical Tuna Commission recommendations.

On the basis of information presently available, it is believed that the current level of operations by foreign vessels contrary to the IATTC recommendations coupled with the efforts expended in conformance with the conservation regime will not result in a total catch of yellowfin tuna in 1975 which is significantly above the 175,000 ton quota. In view of this evaluation, it is the determination of the National Marine Fisheries Service that the finding required by the Act to invoke an embargo on all species of tuna taken in the regulatory area or to support a suspension of the application of regulations governing the fishing for yellowfin tuna cannot be sustained at this time.

Issued at Washington, D.C., and dated September 9, 1975.

Dated: September 9, 1975.

ROBERT W. SCHONING,  
Director, National Marine  
Fisheries Service.

[FR Doc.75-24307 Filed 9-10-75;8:45 am]

#### ROBERT L. BROWNELL, JR.

#### Issuance of Endangered Species Permit—E6

On May 9, 1975, notice was published in the FEDERAL REGISTER (40 F.R. 20333) that applications had been filed with the National Marine Fisheries Service by Robert L. Brownell, Jr., Department of Vertebrate Zoology, National Museum of Natural History, Smithsonian Institution, Washington, D.C. 20560, for permits to take, by tagging, up to one hundred and fifty (150) fin whales (*Balaenoptera physalus*), two hundred and twenty-five (225) sei whales (*Balaenoptera borealis*), and four hundred and fifty (450) sperm whales (*Physeter catodon*) over a period of three years, in the western South Atlantic Ocean, for the purpose of scientific research.

Notice is hereby given that on August 27, 1975, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) for the above mentioned taking, to Robert L. Brownell, Jr., subject to certain conditions set forth therein. Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with and is subject to Parts 220 and 222 of Title 50 C.F.R., the National Marine Fisheries Service regulations governing endangered species permits (39 F.R. 41367, November 27, 1974).

A similar permit (40 F.R. 30515, July 21, 1975) for the taking of these and other species of whales has been issued under the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

The Scientific Purposes Permit is available for review by interested persons in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: August 27, 1975.

JACK W. GEHRINGER,  
Acting Director, National  
Marine Fisheries Service.

[FR Doc.75-24151 Filed 9-10-75;8:45 am]

#### MYSTIC MARINELIFE AQUARIUM

#### Modification of Permit

Notice is hereby given that, pursuant to the provisions of Section 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 F.R. 1851, January 15, 1974), the Public Display Permit issued to Mystic Marinelife Aquarium on February 28, 1975, is modified in the following manner:

The stated termination of the period of validity is deleted. The Permit Holder must report the taking of authorized sea lions within 30 days.

This modification is effective September 11, 1975.

Dated: August 15, 1975.

MORRIS M. PALLOZZI,  
Acting Associate Director  
for Resource Management.

[FR Doc.75-24152 Filed 9-10-75;8:45 am]

#### NAVAL UNDERSEA CENTER

#### Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 F.R. 1851, January 15, 1974), the Scientific Research Permit issued to the Naval Undersea Center, Bio-systems Research Department, on March 5, 1974, as modified on July 8, 1974 (39 F.R. 24932), on August 2, 1974 (39 F.R. 27933), on February 26, 1975 (40 F.R. 8240), and on April 22, 1975 (40 F.R. 17770), is further modified, by means of Modification No. 6, in the following manner:

Six, rather than the initially authorized three, common dolphins (*Delphinus delphis*) may be taken and maintained in captivity. Seven, rather than the initially authorized ten, common dolphins (*Delphinus delphis*) may be taken, tagged with radiosonic tags, and released.

This modification is effective on the date of publication of this Notice in the FEDERAL REGISTER.

The Permit as modified is available for review in the Office of the Director,

National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 20, 1975.

GERALD V. HOWARD,  
Director, Southwest Region,  
National Marine Fisheries  
Service.

[FR Doc.75-24153 Filed 9-10-75;8:45 am]

#### NELLY AND ANDRE BRUNEAU

##### Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Nelly and Andre Bruneau, Van Donwen's Seals, P.O. Box 2014, St. Augustine, Florida 32084, to take one (1) California sea lion (*Zalophus californianus*), which will be trained and exhibited in their traveling performing sea lion show.

The sea lion will be taken from the California Channel Islands by a professional collector.

The requested sea lion will be exhibited with four other sea lions currently displayed by the applicant.

The sea lions are transported between exhibition sites in a truck, 16 feet long, 8 feet wide and 9 feet high in interior dimensions. Two of the currently owned sea lions are maintained in individual cages, 4 by 4 feet and 3 by 4 feet, respectively. Two younger sea lions are kept in one cage, 7 feet wide and 4 feet deep. All cages are 6½ feet high. Similar space will be available for the requested sea lion. Two pools are available to the sea lions. One, 18 inches deep, is within the truck, directly beneath the cages. The second is a portable pool, 6 feet long, 5 feet wide and 3½ feet deep.

Van Donwen's Seals perform with circuses and at fairs and shopping centers. This trained sea lion show is presented for 8 to 10 minutes twice daily, with three shows on Saturday. Such shows are normally performed 25 to 30 weeks each year. Van Donwen's Seals have been exhibited throughout Europe and North America since 1955.

The arrangements and facilities for transporting and maintaining the marine mammal requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the sea lion.

Documents submitted in connection with the above application are available for review at the following locations: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, DC 20235; Office of

the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33902; and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors. Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service Department of Commerce, Washington, DC 20235 within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 3, 1975.

MORRIS M. PALLOZZI,  
Acting Associate Director for  
Resource Management, National  
Marine Fisheries Service.

[FR Doc.75-24154 Filed 9-10-75;8:45 am]

#### UTICA ZOOLOGICAL SOCIETY

##### Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Utica Zoological Society, Steele Hill Road, Utica, New York 13502, requests to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. The animals will be captured with nets during the period of November to April.

The animals will be maintained in a circular pool with a 37 foot diameter and a depth of 4 feet 4 inches having a capacity of 22,000 gallons. An Island 19 feet in diameter provides a haulout area and a heated compartment of nine square feet for winter quarters. The Utica Zoo is a non-profit publicly owned facility operated by the Utica Zoological Society. Admission to the Zoo is free and a nominal fee is charged at the Children's Zoo where the sea lions will be exhibited. An estimated 110,000 people visited the Zoo in 1974. Animal health care services are available from a local veterinarian. The animals will be on display six days a week during the period of May through October.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted with this application are available for review in the Office of the Director, National Marine Fisheries Service, Washington, DC 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Office of the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 3, 1975.

MORRIS M. PALLOZZI,  
Acting Associate Director for  
Resource Management, National  
Marine Fisheries Service.

[FR Doc.75-24155 Filed 9-10-75;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75F-0252]

WARF INSTITUTE, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4A3020) has been filed by WARF Institute, Inc., P.O. Box 2499, Madison, WI 53701, proposing that § 121.1039 *Methylene chloride* (21 CFR 121.1039) be amended to provide for the safe use of methylene chloride as a solvent in the micro-encapsulation of thiamine intended for use in dry beverage mixes, dry breakfast cereals, dry pudding mixes and dry gelatin mixes.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environ-

mental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-85, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 4, 1975.

HOWARD R. ROBERTS,  
Acting Director, Bureau of Foods.

[FR Doc.75-24137 Filed 9-10-75;8:45 am]

Health Services Administration  
**PROFESSIONAL STANDARDS REVIEW  
ORGANIZATION**  
CALIFORNIA

Results of Poll of Physicians in PSRO  
Area VI

On May 7, 1975, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Professional Standards Review Organization of San Mateo County, Inc., designating it as the Professional Standards Review Organization for PSRO Area VI located in the State of California, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.7.

Such notice was also published in three consecutive issues of the *San Mateo Times* and *News Leader* on May 7, 8, and 9, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VI of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who objects to the Secretary entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc., on the grounds that such organization is not representative of doctors in PSRO Area VI, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before June 6, 1975.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area VI, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VI have expressed timely objection to entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc.

Therefore, on July 3, 1975, in accordance with 42 CFR 101.106, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice announcing a poll to be conducted of all doctors of medicine or osteopathy engaged in active practice in PSRO Area VI to determine whether the Professional Standards Review Organization of San Mateo County, Inc., is representative of such doctors in the area.

Such notice was also published in the *San Mateo Times* and *News Leader* on July 3, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VI of the contents of the notice.

The notice stated that a ballot was to be mailed to each such doctor in which he was to indicate whether in his opinion the Professional Standards Review Organization of San Mateo County, Inc., was or was not representative of the doctors of medicine or osteopathy engaged in active practice in PSRO Area VI. The notice also requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who had not received a ballot by July 8, 1975, might request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. According to the notice, only those ballots postmarked no later than August 2, 1975, and returned in the stamped self-addressed envelope provided to each individual doctor would be considered valid.

A ballot and envelope together with a letter of explanation was mailed to each individual doctor of medicine or osteopathy whom the Secretary determined, pursuant to 42 CFR 101.103, to be engaged in the active practice of medicine or osteopathy in the PSRO Area.

The counting of the ballots took place in a proceeding open to the public at the City Council Chambers, City Hall, 330 West 20th Avenue, San Mateo, California, on August 8, 1975.

After reviewing the final tabulation of valid ballots received from doctors of medicine or osteopathy in PSRO Area VI, the Secretary has determined, pursuant to 42 CFR 101.107, that more than 50 percent of the doctors responding to the poll indicated that the Professional Standards Review Organization of San Mateo County, Inc., was not representative of the medical and osteopathic communities. Therefore the Secretary will not designate the San Mateo PSRO as a conditional Professional Standards Review Organization for San Mateo County.

Any doctor in the area who files a written request for a recount for pur-

poses of challenging the eligibility of a physician to participate in the poll shall identify the particular physician and state the reasons that form the basis for the challenge. If the total number of ballots challenged and/or the total number of ballots found to be invalid do not exceed the difference between the number of tabulated ballots which indicate that the organization is representative of the doctors in the area and the number of tabulated ballots which indicate that the organization is not representative of the doctors in the area, the Secretary will so state in a notice in the FEDERAL REGISTER and the result of the polling will be final. If the total number of ballots challenged and/or the total number of ballots found to be invalid do exceed the difference between the number of tabulated ballots which indicate that the organization is representative of the doctors in the area and the number of tabulated ballots which indicate that the organization is not representative of the doctors in the area, a recount will be conducted.

If five doctors file a written request for a recount on or before 10 days after the date this Notice appears in the FEDERAL REGISTER for the purpose of obtaining a second tabulation of the ballots, a recount shall be conducted without a reverification of the ballots.

Dated: September 2, 1975.

ROBERT VAN HOEK,  
Acting Administrator,  
Health Services Administration.

[FR Doc.75-24105 Filed 9-10-75;8:45 am]

Public Health Service  
**ADMINISTRATOR, HEALTH RESOURCES  
ADMINISTRATION**

Delegation of Authority

Notice is hereby given that on August 28, 1975, the Assistant Secretary for Health delegated to the Administrator, Health Resources Administration, the authorities and functions, except as noted below, under Sections 304, 305, 306, 307, 308, 310, 312, and 313 of the Public Health Service Act as amended by Public Law 93-353, which were delegated to the Assistant Secretary for Health on January 24, 1975, by the Secretary of Health, Education, and Welfare (40 F.R. 5554, February 6, 1975).

This delegation does not include: (1) the authority to prescribe regulations; (2) the authority under Section 304(b) (4) relating to the acquisition, construction, improvement, repair, operation, and maintenance of real property; (3) the authority under Section 306(d) (2) relating to the selection of members of the United States National Committee on Vital and Health Statistics; and (4) the authority relating to the selection of members to the expert advisory committee authorized under Section 312(d).

The authorities under Sections 307, 308, and 310 are limited to those functions required for, or involved in, the administration of programs and operations

assigned to the Health Resources Administration.

These authorities may be redelegated.

Dated: August 28, 1975.

RUPERT MOURE,  
Executive Officer.

[FR Doc.75-24106 Filed 9-10-75;8:45 am]

Office of the Secretary  
PRESIDENT'S BIOMEDICAL RESEARCH  
PANEL  
Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on October 27 and 28, in the conference room of the Panel's offices, 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

The meeting will be open to the public from 9 a.m. to 5 p.m. on October 27 and from 9 a.m. to 5 p.m. on October 28. The Panel will deal with issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate. The morning of October 28 will be concerned with discussion of on-going tasks and administrative issues that relate to the Panel's mandate.

Attendance by the public will be limited to space available.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (202-634-1907), 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

All requests for information should be directed to Ms. Susan L. Haught, at the above address.

Dated: September 5, 1975.

CHARLES U. LOWE,  
Executive Director.

[FR Doc.75-24186 Filed 9-10-75;8:45 am]

OFFICE OF ADMINISTRATION  
Statement of Organization, Functions, and  
Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to reflect the transfer of the Office of the Secretary Public Advisory Committee function from the Office of Management Planning and Technology (Chapter 1T40) to the Office of Administration (Chapter 1T30). The function will be assigned to the Administrative Staff and the functional order to incorporate it will read as follows:

B. Administrative staff.

5. The Administrative Staff will provide information, advice, and consultation in the establishment, organization, operation, and termination of Office of the Secretary advisory committees, and in the selection procedures for appoint-

ment of members to serve on such committees.

Dated: September 4, 1975.

THOMAS S. MCFEE,  
Acting Assistant Secretary for  
Administration and Manage-  
ment.

[FR Doc.75-24185 Filed 9-10-75;8:45 am]

SOCIAL SECURITY ADMINISTRATION  
Statement of Organization, Functions and  
Delegations of Authority

Part 4 (Social Security Administration) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 5836-5837 dated April 16, 1968), as amended, including as pertinent here, the additional amendments made by 35 FR 7033-34 dated May 2, 1970; 38 FR 15648 dated June 14, 1973; 38 FR 32828 dated November 28, 1973; 39 FR 14739 dated April 26, 1974; 39 FR 20715 dated June 13, 1974; and 39 FR 37796 dated October 24, 1974, is hereby further amended by adding the following subsection at the end of section 4-D.1—Delegations of Authority to the Commissioner of Social Security:

1. The functions vested with the Secretary by section 5 of Pub. L. 93-368, enacted on August 7, 1974 (88 Stat. 420), which amends section 1631 of the Social Security Act by adding subparagraph (g) to section 1631, whereby the Secretary, under certain circumstances, is authorized to reimburse states or their political subdivisions for interim assistance payments funded to individuals under the supplemental security income program established by section 301 of Pub. L. 93-603, enacted on October 30, 1972.

This delegation is effective as of September 11, 1975. Any actions taken prior to that date by the Commissioner of Social Security, or other SSA officials acting with the Commissioner's approval, are hereby affirmed and ratified, to the extent that such actions, in effect, involve the exercise of authority formally delegated by this document.

Dated: September 2, 1975.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.

[FR Doc.75-24184 Filed 9-10-75;8:45 am]

Social Security Administration  
COMMISSIONER OF SOCIAL SECURITY  
Delegations of Authority Pertaining To Pre-  
adjustment Conferences in Overpayment  
Cases

Under section 205(b) of the Social Security Act, as amended (the Act), the Secretary of Health, Education, and Wel-

fare (the Secretary) may make findings of fact and decisions affecting the rights of individuals to benefits under provisions of title II of the Act, as well as determinations not affecting the rights of individuals to such benefits. Under section 204(b) of the Act, the Secretary is authorized to waive recovery of incorrect payments made under provisions of title II where the overpaid individual is without fault and recovery would defeat the purpose of title II or would be against equity and good conscience. The Secretary has delegated the authority to perform these functions to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836-37, dated April 16, 1968).

To comply with an order issued by the U.S. District Court, W.D. Washington, in the case of *Buffington-Biner v. Weinberger*, Civil No. 734-73C2, the Social Security Administration (SSA), pending appeal of the order, will give individuals who incur an overpayment under section 202 of the Act, an opportunity for an oral hearing prior to taking any action to recover the overpayment by adjusting or reducing section 202 benefits. The conference must be conducted by an SSA employee who did not participate in the prior overpayment determination. Interim procedures have been established to provide for such conferences. Beginning August 15, 1975, a 6-month test will be conducted to determine which SSA employees can most effectively and efficiently conduct preadjustment review conferences in these cases.

Notice is hereby given that, in conjunction with SSA's interim procedures relative to preadjustment conferences in section 202 overpayment cases, the Commissioner has delegated the following authorities to the position of Associate Commissioner for Program Operations, to conduct preadjustment review conferences and to make decisions on these cases:

1. Authority, under section 205(b) of the Social Security Act, as amended (the Act), to make findings of fact and decisions affecting the rights of individuals;
2. Authority, under section 205(b) of the Act, to make determinations not affecting the rights of individuals;
3. Authority, under section 204(b) of the Act, to approve or deny waiver of adjustment or recovery of incorrect payments.

The Associate Commissioner for Program Operations may, in turn, redelegate the authorities described above only to personnel who:

1. Hold positions as Claims Representatives (Social Insurance Representatives, GS-105-7 and above); or Field Representatives (Social Insurance Representatives, GS-105-10); or
2. Hold positions as Reconsideration Reviewers (Social Insurance Claims Examiners, Retirement, GS-993-11 or above); or

3. Hold positions as Recovery Reviewers (Social Insurance Claims Examiners, Retirement, GS-993-9 or above); or

4. Hold positions in the line of supervision over the positions specified in items 1., 2. and 3. above.

The basic delegation and redelegations described above are effective as of the date that this General Notice thereof is published in the FEDERAL REGISTER, and are to remain in effect until February 15, 1976. Further redelegations of these authorities may not be made.

ARTHUR E. HESS,  
Acting Commissioner of  
Social Security.

[FR Doc. 75-24087 Filed 9-10-75; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-370]

ACTING REGIONAL ADMINISTRATOR,  
REGION IV (ATLANTA)

### Designation

The employees appointed to the following positions in Region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region IV, during the absence of the Regional Administrator, with all powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no employee is authorized to serve as Acting Regional Administrator unless all other employees whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator
2. Assistant Regional Administrator for Administration
3. Special Assistant to the Regional Administrator (Regional Council)
4. Assistant Regional Administrator for Community Planning and Development
5. Assistant Regional Administrator for Housing Production and Mortgage Credit

(Delegation of Authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Dept. Interim Order II (31 FR 815, January 21, 1966))

This designation supersedes the designation effective January 28, 1975 (40 FR 20846, May 13, 1975).

**Effective Date.** The 7th day of August, 1975.

E. LAMAR SEALS,  
Regional Administrator,  
Region IV (Atlanta).

[FR Doc. 75-24134 Filed 9-10-75; 8:45 am]

[Docket No. D-75-369]

## ACTING AREA DIRECTOR REGION II; NEWARK

Designation and Delegation of Authority

SECTION A. Designation of Acting Area Director. Each of the officials appointed to the following position is design-

nated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors; Provided, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director
2. The Director, Housing Management
3. The Director, Housing Production Mortgage Credit
4. The Director, Community Planning and Development
5. The Area Counsel

**Effective Date.** This designation and delegation shall be effective on September 5, 1975.

JAMES C. SWEENEY,  
Deputy Regional Adm.,  
New York Regional Office, II.

[FR Doc. 75-24135 Filed 9-10-75; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 14976]

### STUDY OF AVIATION WAR RISK INSURANCE

#### Notice of Public Meeting and Request for Comments

The Federal Aviation Administration (FAA) is conducting an investigation and study of the possible need for expanding the Aviation War Risk Insurance Program required under Section 3 of Public Law 94-90 (89 Stat. 439) and Executive Order No. 11875, dated August 9, 1975 (40 FR 33961; August 13, 1975). The purpose of this notice is to invite public participation in this study by submitting written comments to the docket and making oral presentations at the public meeting to be conducted for that purpose on September 30, 1975.

Section 3 of Public Law 94-90 requires that the President conduct an investigation and study of the possible expansion of the Aviation War Risk Insurance Program and report to Congress within 90 days the results of this investigation and study together with his recommendation, if any, for legislation. By Executive Order 11875 the President has designated the Secretary of Transportation, who in turn, has delegated to the Federal Aviation Administration the responsibility for conducting the investigation and study, developing the report, and the drafting of recommendations, if any, for legislation.

Authority for the Aviation War Risk Insurance Program is set forth in Title XIII of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1531, *et seq.*). Implementing regulations are prescribed in Part 198 of the Federal Aviation Regulations (14 CFR Part 198).

The existing authority of the Secretary of Transportation is limited to "war risks" including to the extent he may

determine all or any part of those risks described in "free of capture and seizure" and analogous clauses in commercial insurance policies. This investigation and study is considering the possible legislative expansion of this coverage to include losses and damage resulting from riots, civil disorder, hijacking or other similar acts which are normally subject to the exclusionary provisions of commercial insurance policies.

Interested persons are invited to participate in this study by submitting such relevant written data, views, or arguments as they may desire. Written communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Dockets Section, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All written communications received before September 30, 1975, will be considered by the FAA in the preparation of the study report.

Any comment regarding the legislative expansion of the Aviation War Risk Insurance Program is of interest; however, the FAA specifically invites statements or comments regarding the following possible approaches to the Aviation War Risk Insurance Program under Subsection 1301(b) of the Federal Aviation Act of 1958:

1. Leaving the present language in Subsection 1301(b) and relying on the existing authority of the Secretary of Transportation to provide coverage to risks related to a "war" or "free of capture and seizure" situation.

2. Amending Subsection 1301(b) by adding at the end thereof: "and, all or any part of those risks which are directly related to and arise out of such war risks."

3. Amending Subsection 1301(b) by changing the period presently at the end thereof to a comma and by adding after that comma the following: "and also includes, to such extent as the Secretary may determine, all or any part of any other risk of loss and damage from—(i) detonation of an explosive, any weapon of war, or any exercise of military power, and (ii) riots, civil commotion, hijacking, and any other act intended to cause loss, damage, injury or death however described (other than acts of employees or agents of the insured in connection with a labor dispute with the insured)."

4. Amending Subsection 1301(b) by adding at the end thereof: "and, any intentional act, whether or not intended to cause loss or damage."

The FAA will conduct a public meeting on the subject matter of this notice on September 30, 1975, convening at 9:30 a.m. in Conference Rooms 7A and B on the seventh floor of the Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. The meeting will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the meeting will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory



catory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements may be given the opportunity to do so, if time permits, at the conclusion of the presentations in the same order in which initial statements are made. Persons wishing to make oral statements at the meeting must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Persons requesting to be heard at the public meeting or wishing to receive additional information about the study should contact Mr. Theron A. Gray, (AGC-10), Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, or telephone (202) 426-3362.

Issued in Washington on September 9, 1975.

GERARD J. TURNER,  
Chief Counsel.

[FR Doc.75-24299 Filed 9-10-75; 8:45 am]

## ACTION

### NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

#### Meeting

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

Name: National Voluntary Service Advisory Council.

Date: October 1 and 2, 1975.

Place: ACTION, 806 Connecticut Avenue, NW., Washington, D.C. Room 522.

Time: 9:00 a.m.

Purpose of the meeting: to discuss the work of each of the Council's committees and to continue preparations for the Annual Report of the Advisory Council.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing at least five days prior to the meeting, of their intention to attend the meeting.

Any member of the public may file a written statement with the Council before, during or after the meeting. To the extent that time permits, the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Ms. JoAnn Giordano, Advisory Council Executive Officer, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

JOANN GIORDANO,  
Staff Assistant,  
Office of the Director.

[FR Doc.75-24195 Filed 9-10-75; 8:45 am]

## BOARD ON GEOGRAPHIC NAMES FOREIGN AND DOMESTIC GEOGRAPHIC NAMES

### Notice of Availability of Information

The United States Board on Geographic Names (BGN) is a Federal body which, in conjunction with the Secretary of Interior, is authorized by law (61 Stat. 456, 43 U.S.C. 364) to standardize the spelling of names of foreign and domestic geographic features for official U.S. use. Comprised of representatives of nine departments and agencies, BGN operates through various standing and advisory committees to determine standard spellings and applications of geographic names. Information on BGN-approved names is maintained in BGN files and is disseminated to users in various ways.

In the process of standardizing geographic names, BGN works to establish the spelling of names of cities, rivers, mountains, and of other geographic features, and to determine latitude and longitude and other relevant locational data for these features. Its work on foreign names covers foreign countries and entities, Antarctica, undersea areas, and extraterrestrial bodies. Its responsibilities for domestic names includes the United States and its dependencies.

For information about BGN and its general programs, interested parties should call or write Dr. Richard R. Randall, Executive Secretary, US Board on Geographic Names, Defense Mapping Agency, Bldg. 56, US Naval Observatory, Washington, D.C. 20305, telephone (202) 254-4453.

### BGN FOREIGN NAMES PROGRAM

As a result of its foreign-names program, BGN has created a file of over four million standardized foreign geographic names, and has issued gazetteers of nearly 150 countries and areas. In addition, a telephone inquiry service is operated to furnish information about names. Staff support for names research and for the dissemination of names information is provided by the Defense Mapping Agency (DMA), an element of the Defense Department.

For general information about BGN foreign-names programs, persons should call or write Dr. Randall. BGN Gazetteers are available from the Geographic Names Division of the DMA Topographic Center at this telephone number: (202) 227-2076. (It should be noted that while Gazetteers are recommended as the primary source of BGN-approved foreign names, certain volumes may be in short supply.)

Information about specific foreign place names may be obtained from the DMA Geographic Names Division Inquiry Desk at: (202) 227-2362.

### BGN DOMESTIC NAMES PROGRAM

The BGN program to standardize domestic names includes the maintenance of a file now containing some 55,000 names, the publication of a quarterly list

of names (*Decisions on Geographic Names in the United States*), and the operation of an inquiry service. These activities are supported by the U.S. Geological Survey, an agency of the Department of the Interior.

For information about domestic names, persons should write or call Mr. Donald J. Orth, Executive Secretary for Domestic Names, US Board on Geographic Names, National Center (Stop 523), Reston, Virginia 22092, telephone (703) 860-6261. (Calls from the Washington, D.C. area do not require the Area Code.)

R. L. HULICK,  
Acting Chairman,  
Board on Geographic Names.

[FR Doc.75-24128 Filed 9-10-75; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 27982]

### ALOHA AIRLINES, INC.

#### Postponement of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on September 24, 1975, (40 FR 32862, August 5, 1975) is postponed until further notice.

Dated at Washington, D.C., September 5, 1975.

[SEAL] DEE C. BLYTHE,  
Administrative Law Judge.

[FR Doc.75-24194 Filed 9-10-75; 8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC 75-7]

### SPRAY TECH CORP. AND WAGNER SPRAY TECH CORP. ET AL.

#### Enforcement Proceeding Regarding Possible Substantial Product Hazard Involving Airless Paint Spray Guns; Prehearing Conference

In the matter of Spray Tech Corporation d/b/a Wagner/Spray Tech Corporation and Peter E. Bader, enforcement proceeding regarding possible substantial product hazard involving airless paint spray guns, [Docket No. CPSC 75-711], notice of prehearing conference.

The Commission, having on August 5, 1975, issued a Notice of Enforcement directed to the above named Respondents setting forth that in the opinion of its Staff an undetermined number of airless paint spray cup guns including but not limited to model W-280 which are manufactured and sold in commerce by Respondents to consumers either directly or through distributors and/or retailers under various brand names including but not limited to Spray Tech, Wagner, Ashland or Sears may present a substantial product hazard within the meaning of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064), which Notice of

Enforcement (copy attached) seeks relief under section 15 (c) and (d) of said Act in the form of an order directing Respondents to give notice to the public in general and all purchasers of its airless spray cup guns of the hazardous nature of said products and that, in addition, Respondents be ordered to elect to repair, replace, or to refund the purchase price of the affected paint sprayers; and

Respondents, having on September 2, 1975, filed an answer generally denying the charges contained in the Notice of Enforcement and alleging that said Notice fails to constitute a prima facie case of violation; that said Notice fails to contain a clear and concise factual statement sufficient to inform Respondents with reasonable definiteness of the acts or practices alleged to be violations of law; that said Respondents have been unfairly, arbitrarily and discriminately singled out for prosecution by the Commission in violation of the Fifth Amendment of the U.S. Constitution; and that Respondents' Fifth Amendment rights have also been violated by contradictory and inconsistent approaches by the Staff in seeking agreements to a voluntary corrective action plan and initiating the pending enforcement proceeding before the Commission or its Staff has ruled upon or evaluated such plan;

Therefore, issue having been joined, and a Presiding Officer, Administrative Law Judge Paul N. Pfeiffer, having been duly designated by the Commission to conduct the adjudicative hearing required under Section 15(f) of the Act;

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 10 a.m. (EDST) Tuesday, September 23, 1975, in the Commission's Seventh Floor Conference Room at 1750 K Street, N.W., Washington, D.C. 20207 for the purpose of further defining the issues to be heard, considering offers of settlement requests for discovery, disclosure of names of witnesses, estimating the length of each presentation and establishing dates for exchange of testimony and exhibits and the time and place for hearing.

Memoranda concerning the above matters should be exchanged by counsel by the close of business Friday, September 19, 1975 with two copies to the Office of the Administrative Law Judge.

Dated: September 5, 1975.

SHELDON D. BUTTS,  
Acting Secretary, Consumer  
Product Safety Commission.

[FR Doc. 75-24168 Filed 9-10-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 428-7]

### CALIFORNIA; BAY AREA AIR POLLUTION CONTROL DISTRICT

#### Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air

Act as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing the enforcing the NSPS and NESHAPS. On January 13, 1975, William Simmons, Executive Office of the State of California Air Resources Board, submitted a request on behalf of the Bay Area Air Pollution Control District for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Bay Area Air Pollution Control District. Also included were citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS AND NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator notified Mr. Simmons on April 4, 1975 that authority to implement and enforce the NSPS and NESHAPS was delegated to the State of California on behalf of the Bay Area Air Pollution Control District. By letter dated April 15, 1975, Mr. Simmons notified the Regional Administrator that the Air Resources Board was unwilling to agree to the wording of two of the conditions contained in the EPA letter of April 4, 1975. Accordingly, on May 23, 1975 the Regional Administrator sent the following official letter to Mr. Simmons:

MR. WILLIAM SIMMONS,  
Executive Officer  
California Air Resources Board  
1709 11th Street,  
Sacramento, CA 95814

DEAR MR. SIMMONS:

On January 13, 1975 you transmitted to EPA a letter in which you requested delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Bay Area Air Pollution Control District. By letter dated April 4, 1975, EPA delegated such authority to the State of California on behalf of the Bay Area Air Pollution Control District. That letter contained certain conditions relating to the delegation and further specified that unless EPA received from the State written notice of objections within 10 days of the date of receipt of the letter, the State and

Bay Area District would be deemed to have accepted all the terms of the delegation.

By letter dated April 15, 1975, the State of California Air Resources Board objected to the terms of two of the conditions (numbers 5 and 8) in the EPA letter of delegation. EPA has determined that clarification of conditions 5 and 8 is appropriate in light of the questions raised by the State and District concerning the interpretation of those paragraphs. EPA believes that clarification of the language of condition 4 of that letter is also appropriate in response to informal discussions between the State, Bay Area District, and EPA concerning the interpretation of that condition.

The State's objections to the conditions contained in EPA's letter of delegation of April 4, 1975 have caused that delegation to be without legal force or effect. This letter shall therefore be deemed to constitute the sole effective delegation of the NSPS and NESHAPS to the State of California on behalf of the Bay Area Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Bay Area Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Bay Area Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Bay Area Air Pollution Control District as follows:

A. Authority for all sources located in the Bay Area Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The 12 categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the Bay Area Air Pollution Control District subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The 3 hazardous air pollutants covered by the delegation are asbestos; beryllium and mercury.

This delegation is based upon the following conditions: 1. Semi-annual reports will be submitted to EPA by the Bay Area Air Pollution Control District through the Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Bay Area Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and State determine that such enforcement is not feasible and so notify EPA, or where the District or State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Bay Area District subject to the NSPS and NESHAPS.

3. The State of California and the Bay Area Air Pollution Control District are not requesting delegation of authority over federal facilities within the District which are subject to the NSPS and NESHAPS.

4. The Bay Area Air Pollution Control District will at no time grant a variance from compliance with either Regulation 7 or

Regulation 8 of the District, except as provided in this paragraph. Should the District grant such variance, EPA will consider the source receiving the variance to be in violation of the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Bay Area District in the future amends Regulation 7 or 8 so as to make the District regulation more stringent than the applicable federal regulation, the Bay Area District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable federal regulations.

5. The Bay Area Air Pollution Control District will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations. However, the District, through the Air Resources Board, has also submitted to EPA for its evaluation certain tests methods normally used by the District. EPA is proceeding with its evaluation of these District methods to determine whether they are acceptable for use as "alternative" test methods within the meaning of the federal NSPS regulations. When this evaluation is completed, EPA will promptly notify the State and District and provision will be made at that time for any modification of the terms of this delegation which may then be appropriate. Any use of test methods by the District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

6. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Bay Area District and regarding the interpretation of applicable regulations.

7. If at any time there is a conflict between a State or Bay Area Air Pollution Control District regulation and a federal regulation (40 CFR Part 60 or 61), the federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the Bay Area District determine that it is unwilling or unable to apply the more stringent federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the Bay Area District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

8. If the Regional Administrator determines that a State or Bay Area Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the Bay Area District should be submitted to the District Office at 939 Ellis Street, San Francisco, California 94109. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice

of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, Jr.,  
Regional Administrator.

cc: Bay Area Air Pollution Control District EPA received no notice from the Air Resources Board or the District of objections to the May 23, 1975 letter.

By letter dated June 16, 1975, the Regional Administrator amended the May 23, 1975 letter of delegation to add a new condition 10 as follows:

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within the Bay Area Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS directly to the Bay Area District. Such sources are no longer required to submit reports to Region IX, EPA.

By letter dated July 18, 1975, the Regional Administrator again amended the May 23, 1975 letter of delegation to add condition 3, which had inadvertently been omitted from the May 23 letter. Condition 3 reads as follows:

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Bay Area Air Pollution Control District to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of January 13, 1975.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation and amendments thereto are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.  
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.  
Division of Stationary Source Enforcement, Room 3202 Waterside Mall, 401 "M" Street, SW., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Bay Area Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 939 Ellis Street, San Francisco, CA 94109.

Dated: August 19, 1975.

PAUL DE FALCO, Jr.,  
Regional Administrator,  
Region IX, EPA.

[FR Doc. 75-24205 Filed 9-10-75; 8:45 am]

[FRL 428-6]

#### CALIFORNIA; HUMBOLDT COUNTY AND DEL NORTE COUNTY AIR POLLUTION CONTROL DISTRICTS

##### Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 es-

tablishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On March 27, 1975, William Simmons, Executive Officer of the State of California Air Resources Board, submitted a request on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Humboldt County and Del Norte County Air Pollution Control Districts and citations to State law and District regulations which provide the State and Districts with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Mr. Simmons, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (10) of that letter:

Mr. WILLIAM SIMMONS,  
Executive Officer,  
California Air Resources Board  
1709 11th Street  
Sacramento CA 95814

DEAR Mr. SIMMONS:

This is in response to your letter of March 27, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Humboldt County and Del Norte County Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Humboldt County and Del Norte County Air Pollution Control Districts, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control Districts and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts as follows:

A. Authority for twelve categories of new sources located in the Humboldt County and Del Norte County Air Pollution Control Districts subject to the standards of perform-

ance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the Humboldt County and Del Norte County Air Pollution Control Districts subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions: 1. Semi-annual reports will be submitted to EPA by the Humboldt County and Del Norte County Air Pollution Control Districts through the State of California Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Humboldt County and Del Norte County Air Pollution Control Districts will be the primary responsibility of the Districts and the State of California Air Resources Board. If either District and the State determine that such enforcement is not feasible and so notify EPA, or where either District or the State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the appropriate District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Humboldt County and Del Norte County Air Pollution Control Districts to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of March 27, 1975.

4. The State of California and the Humboldt County and Del Norte County Air Pollution Control Districts are not requesting delegation of authority over Federal facilities within the Districts which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and Humboldt County or Del Norte County District regulations.

5. The Humboldt County and Del Norte County Air Pollution Control Districts will at no time grant a variance from compliance with either Rule 65 or 66 of the Humboldt County District, or Rule 48 or 49 of the Del Norte County District, respectively, except as provided in this paragraph. Should either District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Humboldt County District or Del Norte County District in the future amend either Rule 65 or 66, or Rule 48 or 49, respectively, so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

6. The Humboldt County and Del Norte County Air Pollution Control District will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the NSPS and NESHAPS regulations. Any use of test methods by a District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Humboldt County and Del Norte County Air Pollution Control Districts and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a State or Humboldt County or Del Norte County Air Pollution Control District regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Humboldt County or Del Norte County Air Pollution Control District Procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within either the Humboldt County or Del Norte County Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS directly to the appropriate Air Pollution Control District. Such sources are no longer required to submit reports to Region IX, EPA.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Humboldt County Air Pollution Control District should be submitted to the Air Pollution Control District Office at 5600 S. Broadway, Eureka, CA 95501, and that all such reports by sources located in the Del Norte County Air Pollution Control District should be submitted to the Air Pollution Control District Office at Courthouse, Crescent City, CA 95531. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the appropriate District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and Districts will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, JR.,  
Regional Administrator.

cc: Humboldt County Air Pollution Control District, Del Norte County Air Pollution Control District.

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr.

Simmons on July 10, 1975 that authority to implement and enforce the NSPS and NESHAPS was delegated to the State of California on behalf of the Humboldt County and Del Norte County Air Pollution Control Districts.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.  
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.

Division of Stationary Source Enforcement, Room 3202 Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Humboldt County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 5600 S. Broadway, Eureka, CA 95501. Also, effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Del Norte County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at the Courthouse, Crescent City, CA 95531.

Dated: August 19, 1975.

PAUL DE FALCO, JR.,  
Regional Administrator,  
Region IX, EPA.

[FR Doc.75-24204 Filed 9-10-75;8:45 am]

[FRL 428-8]

#### CALIFORNIA; MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

##### Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On February 19, 1975, William Simmons, Executive Officer of the State of California Air Resources Board, submitted a request on

behalf of the Monterey Bay Unified Air Pollution Control District for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Monterey Bay Unified Air Pollution Control District and citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Mr. Simmons, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (9) of that letter:

Mr. WILLIAM SIMMONS,  
Executive Officer  
California Air Resources Board  
1709 11th Street  
Sacramento CA 95814

DEAR MR. SIMMONS:

This is in response to your letter of February 19, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Monterey Bay Unified Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District as follows:

A. Authority for six categories of new sources located in the Monterey Bay Unified Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The six categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; asphalt concrete plants; storage vessels for petroleum liquids; and sewage treatment plants.

B. Authority for all sources located in the Monterey Bay Unified Air Pollution Control District subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The three hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions: 1. Semi-annual reports will be submitted to EPA by the Monterey Bay Unified Air Pollution Control District through the Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Monterey Bay Unified Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and State determine that such enforcement is not feasible and so notify EPA, or where the District or State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement

authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Monterey Bay District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Monterey Bay Unified Air Pollution Control District to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of February 19, 1975.

4. The State of California and the Monterey Bay Unified Air Pollution Control District are not requesting delegation of authority over federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve federal facilities of the responsibility of complying with all applicable State laws and Monterey Bay District regulations.

5. The Monterey Bay Unified Air Pollution Control District will at no time grant a variance from compliance with either Rule 424 or 425 of the District, except as provided in this paragraph. Should the District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Monterey Bay District in the future amends Rule 424 or 425 so as to make the District regulation more stringent than the applicable federal regulation, the Monterey Bay District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable federal regulations.

6. The Monterey Bay Unified Air Pollution Control District will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations. Any use of test methods by the District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Monterey Bay Unified Air Pollution Control District and regarding interpretation or applicable regulations.

8. If at any time there is a conflict between a State or Monterey Bay Unified Air Pollution Control District regulation and a federal regulation (40 CFR Part 60 or 61), the federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the Monterey Bay District determine that it is unwilling or unable to apply the more stringent federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the Monterey Bay District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Monterey Bay Unified Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the

near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the Monterey Bay Unified District should be submitted to the District Office at 420 Church Street (P.O. Box 487), Salinas, CA 93901. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DeFALCO, Jr.,  
Regional Administrator.

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr. Simmons on May 23, 1975, that authority to implement and enforce the NSPS and NESHAPS was delegated to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District. EPA received no notice from the Air Resources Board or the Monterey Bay District of objections to the May 23 letter.

By letter dated June 16, 1975, the Regional Administrator amended the May 23, 1975, letter of delegation to add a new condition 10 as follows:

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within the Monterey Bay Unified Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS directly to the Monterey Bay District. Such sources are no longer required to submit reports to Region IX, EPA.

On June 20, 1975, the Air Resources Board notified EPA that the Monterey Bay District and State of California could not enforce the NESHAPS standard for beryllium in the District because the District had not in fact adopted the necessary regulations. Accordingly, by the following letter to Mr. Simmons, dated July 15, 1975, the Regional Administrator revoked the delegation of authority to implement and enforce the standard for beryllium on behalf of the Monterey Bay District:

Mr. WILLIAM SIMMONS,  
Executive Officer,  
California Air Resources Board,  
1709 11th Street,  
Sacramento CA 95814

DEAR MR. SIMMONS: On February 19, 1975, you requested that EPA delegate authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPS), including the standard for beryllium, to the State of California Air Resources Board, on behalf of the Monterey Bay Unified Air Pollution Control District. EPA delegated the requested authority by letter dated May 23, 1975.

In a letter dated June 20, 1975, Mr. Harmon Wong-Woo, Chief of the Division of Implementation and Enforcement, California Air Resources Board, informed Richard L. O'Connell, Director, Enforcement Division, EPA, Region IX, that the Monterey Bay District and State of California could not enforce the beryllium standard in the District because the District had not in fact adopted the necessary regulations.

Accordingly, EPA hereby revokes authority to implement and enforce the NESHAPS standard for beryllium which authority was delegated to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District on May 23, 1975. If in the future the Monterey Bay District adopts regulations incorporating the NESHAPS standard for beryllium, the State may again request that EPA delegate authority to implement and enforce such standard to the State on behalf of the Monterey Bay District. Until such time as EPA so delegates such authority, EPA, Region IX will continue to implement and enforce the NESHAPS regulations dealing with beryllium in the Monterey Bay District.

Sincerely,

PAUL DE FALCO, Jr.,  
Regional Administrator.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation and amendments thereto are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.  
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.  
Division of Stationary Source Enforcement, Room 3202 Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Monterey Bay Unified Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 420 Church St (P.O. Box 487), Salinas, CA 93901.

Dated: August 19, 1975.

PAUL DE FALCO, Jr.,  
Regional Administrator,  
Region IX, EPA.

[FR Doc.75-24206 Filed 9-10-75;8:45 am]

[FRL 424-7]

#### VERMONT

##### Marine Sanitation Device Standard

On June 30, 1975, notice was published that the State of Vermont had petitioned the Administrator to concur with the State's intent to prohibit the discharge from all vessels of any sewage, whether treated or not, into the waters of the State including those Vermont portions of Lake Champlain and Lake Memphremagog. The petition was filed pursuant to section 312 (f) (3) and (f) (4) of Pub. L. 92-500 (40 F.R. 27520, June 30, 1975).

No comments were received in opposition to the petition. A number of citizens responded in favor of approving the petition. Following an examination of the petition and supporting information, and a consideration of all comments received pursuant to the June 30 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of the State of Vermont including those Vermont portions of Lake Champlain and Lake Memphremagog. I find that the State of Vermont

has adequate regulations and enforcement capability to prohibit the overboard discharge of sewage, whether treated or not, into the State's waters. This determination is made pursuant to section 312 (f) (3) of Pub. L. 92-500.

Dated: September 4, 1975.

JOHN QUARLES,  
Acting Administrator.

[FR Doc.75-24071 Filed 9-10-75;8:45 am]

[FRL 424-8]

#### EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

##### Meeting Correction

In FR Doc. 75-23354, appearing on page 40574, in the issue for Wednesday, September 3, 1975, in the second column, the following line should be inserted between the second and third lines of the text: "tee is continuing its' efforts in the devel-".

#### FEDERAL ENERGY ADMINISTRATION

##### FOOD INDUSTRY ADVISORY COMMITTEE

###### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Food Industry Advisory Committee will meet Wednesday, October 1, 1975 at 9:00 a.m., Conference Room B, Departmental Auditorium, Old Labor Building, Constitution Avenue between 12th & 14th Streets, N.W., Washington, D.C.

The Committee was established to advise the Administrator, Federal Energy Administration, about food industry interests and problems as they relate to national energy conservation programs. The agenda for the meeting is as follows:

1. Chairman's Report
2. Transportation Report
3. Natural Gas Report
4. Discussion of FY '76 Conservation Program
5. Reports from the Subcommittees:
  - a. Discussion of Recommendations of Future Planning
  - b. Energy Conservation Efforts in the Retail Grocery Stores
  - c. Energy Audit Programs

Subcommittees may meet informally in Washington the preceding evening at the discretion of the Subcommittee chairmen. For further details, contact Lois Weeks, Advisory Committee Management Officer at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who

wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer at (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 5, 1975.

ROBERT E. MONTGOMERY, Jr.,  
General Counsel.

[FR Doc.75-24085 Filed 9-8-75;10:13 am]

#### FEDERAL MARITIME COMMISSION

##### MAHER TERMINALS, INC. ET AL.

###### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Maier Terminals, Inc. and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Yamashita-Shinnihon Steamship Co., Ltd.

Notice of Agreement Filed by:  
Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. T-3157, between Maier Terminals, Inc., (Maier) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, and Yamashita-Shinnihon Steamship Co., Ltd., (the Lines), provides for the 3-year operation (with renewal options) of a container chassis management service by Maier at its marine

terminal located in Port Elizabeth, New Jersey. The Lines are to furnish Maher a fleet of container chassis to be utilized by Maher in a common pool for each and all of the Lines. Maher will provide the necessary management services for the movement and control of the chassis as well as: (1) reporting services; (2) repair services; (3) per diem chassis rental billing and collection services; and (4) accounting procedures. As compensation, Maher is to receive: (1) a fee for the costs of operating the management services as agreed upon by the parties; (2) payment for the costs incurred by the actual operation of the chassis pool; and (3) monies for all per diem charges for chassis rentals.

By Order of the Federal Maritime Commission.

Dated: September 5, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-24072 Filed 9-10-75; 8:45 am]

**ROBIN LINE AND GREEN "L" LINE (PTY) LTD.**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of Agreement Filed by:**

J. D. Straton, Jr., Manager, Estes and Conferences, Moore-McCormack Lines Incorporated, 2 Broadway, New York, New York 10004.

Agreement No. 10179 is a transshipment agreement between Robin Line, a service of Moore-McCormack Lines Inc.

and Green "R" Line (PTY) Limited covering the transportation of general cargo moving under through bills of lading between United States Atlantic ports and ports in Mozambique, Tanzania, Kenya, Madagascar, the Seychelles and Comores Islands, Mauritius and Reunion via a South or East African port or a port in Madagascar.

By Order of the Federal Maritime Commission.

Dated: September 5, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-24073 Filed 9-10-75; 8:45 am]

**TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 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.

**Notice of Agreements Filed by:**

Robert D. Grey, Chairman, Trans-Pacific Freight Conference of Japan/Korea, Japan/Korea-Atlantic and Gulf Freight Conference, Sumitomo Seimei Yasu Bldg., 3, Yasu 4-Chome, Chuo-Ku, Tokyo 104 Japan.

The member lines of the Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic and Gulf Freight Conference have filed identical amendments to their Conference agreements. These amendments, Agreements Nos. 150-64 and 3103-61, re-

spectively, amend Article 26, FAITHFUL PERFORMANCE, of each of the respective agreements to provide for certain language additions and/or deletions to the text thereof and for an increase from \$25,000 to \$80,000 in the sum of United States currency or United States Government Bonds, or in lieu thereof one or more irrevocable letters of credit, agreed to by the member lines to be posted and maintained with the Conferences as a guarantee of faithful performance thereunder.

By Order of the Federal Maritime Commission.

Dated: September 5, 1975.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-24074 Filed 9-10-75; 8:45 am]

[No. 73-10]

**MASSACHUSETTS PORT AUTHORITY AND UNITED STATES LINES, INC.**

**Intent To Make Environmental Assessment**

The above referenced proceeding is an investigation to determine whether United States Lines, Inc. (U.S. Lines) has filed tariffs which discriminate against the Port of Boston in favor of the Port of New York, which charge unreasonably low rates, and which divert cargo from the port of Boston, and is thereby:

(1) In violation of section 18 of the Shipping Act, 1916 by setting rates so unreasonably low as to be detrimental to the commerce of the United States.

(2) In violation of sections 16 and 17 of the Shipping Act, 1916 and 46 U.S.C. sections 815 and 816 by giving certain shippers and the Port of New York an unreasonable preference and advantage over other shippers and the Port of Boston.

(3) In violation of section 17 of the Shipping Act, 1916 by charging rates different from the rates and charges specified for the same movements in tariffs filed with the Federal Maritime Commission by conferences to which U.S. Lines belongs.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this Order to the Secretary, Federal Maritime

Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc.75-24187 Filed 9-10-75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket Nos. RI76-23 and RI76-24]

### THE SUPERIOR OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund<sup>1</sup>

SEPTEMBER 4, 1975.

Respondents have filed proposed changes in rates and charges for jurisdic-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

ditional 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, 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.

#### 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 <sup>1</sup>		Rate in effect subject to refund in docket No.
								Rate in effect	Proposed increased rate			
RI76-23...	The Superior Oil Co.	8	19	El Paso Natural Gas Co. (Texas) (Permian Basin).	\$1,400	8-11-75		2-11-76	\$36.5	\$37.5		
do	do	10	17	do	2,708	8-11-75		2-11-76	\$36.84	\$37.90		
RI76-24...	Union Oil Co. of California.	48	12	Transwestern Pipeline Co. (New Mexico) (Permian).	0	8-11-75	9-11-75	Accepted	(C)	(C)		
do	do		13	do	61,274	8-11-75		9-11-76	\$24.2625	\$24.8963		
do	do	134	12	Transwestern Pipeline Co. (Texas) (Permian Basin).	0	8-8-75	9-8-75	Accepted				
do	do		13	do	47,315	8-8-75	9-8-75	Accepted	30.0875	\$25.068		
RI74-33...	Continental Oil Co. (Operator) et al.	180	2 to 24	Transwestern Pipeline Co. (New Mexico) (Permian).	312,379	8-8-75		2-8-76	\$25.068	\$7.950		
					(C)	8-11-75		8-12-75	24.3171	24.7199	RI74-33.	

<sup>1</sup> Unless otherwise stated, the pressure base is 14.65 lb/in<sup>2</sup>.

<sup>2</sup> Includes 1.5¢/M ft for gathering.

<sup>3</sup> Includes 1.76¢/M ft deduction for quality.

<sup>4</sup> Includes 0.30¢/M ft treating charge.

<sup>5</sup> Not stated.

<sup>6</sup> Corrected by filing of Aug. 21, 1975.

<sup>7</sup> The pressure base is 15.025 lb/in<sup>2</sup>.

The proposed rate increases of Superior Oil Company which represent sales under expired contracts to the "new" gas ceiling rate prescribed in Opinion No. 662 do not qualify for the "new" gas ceiling pursuant to Opinion No. 639 since agreements have not been entered into extending the term of the contracts involved herein, and are suspended for five months.

The proposed rate increase of Union Oil Company under its Supp. No. 13 to its FPC Gas Rate Schedule No. 48 exceeds the applicable area ceiling and is suspended for five months, and that portion of its proposed rate increase under its Supp. No. 13 to its FPC Gas Rate Schedule No. 124 insofar as it exceeds the applicable area ceiling is suspended for five months, and that portion not exceeding the applicable area ceiling together with the amendatory agreements of Union Oil Company are accepted thirty days after filing or the date set forth in the "Effective Date Unless Suspended" column.

Continental Oil's tax reimbursement represents a revised increase to reflect a correction in the amount of tax reimbursement contained in a prior increase

that is being collected subject to refund. The additional increase is the result of partial reimbursement for the New Mexico *ad valorem* tax, and it is suspended for one day subject to the existing suspension proceeding.

[FR Doc.75-24054 Filed 9-10-75;8:45 am]

## FEDERAL RESERVE SYSTEM

### PEOPLES BANCSHARES, INC.

#### Order Approving Acquisition of Bank

Peoples BancShares, Inc., Canton, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares (less directors' qualifying shares) of The Scio Bank Company, Scio, Ohio ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors

set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 25th largest banking organization in Ohio, controls 2 banks with aggregate deposits of approximately \$170 million, representing about 0.6 per cent of the total deposits in commercial banks in the State. Applicant's acquisition of Bank (\$10.6 million in deposits) would increase Applicant's share of total State deposits by less than 0.1 per cent and would have no appreciable effect on the concentration of banking resources in Ohio. Upon consummation herein, Applicant would become the 24th largest banking organization in Ohio.

Bank is the only bank in the village of Scio, a rural community (population of approximately 1,000 persons) located in the east-central portion of the State approximately 85 miles southeast of Cleveland. Bank is also the only banking institution in its relevant banking market (approximated by the northwest portion of Harrison County, which includes

<sup>1</sup> All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved by the Board through July 31, 1975.



the townships of Monroe, North, Franklin and Stock). Applicant's banking subsidiary closest to Bank is located 27 miles away in Jefferson County. No meaningful competition presently exists between either of Applicant's banking subsidiaries and Bank, nor does it appear likely that any significant competition would develop between them in the future in view of the distances involved and Ohio's branching laws. Furthermore, it appears unlikely that Applicant would enter the market *de novo* in view of the fact that the market's deposits and population per banking office are below the Statewide averages. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory, particularly in view of Applicant's commitment to inject \$300,000 in additional equity capital into Bank. Accordingly, considerations relating to the banking factors are consistent with approval of the application. Affiliation with Applicant would enable Bank to draw upon Applicant's resources and expertise and thereby offer expanding banking services to its customers. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup> effective September 4, 1975.

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

[FR Doc.75-24083 Filed 9-10-75; 8:45 am]

#### SPRINGVIEW BANCORPORATION

##### Formation of Bank Holding Company

Springview Bancorporation, Springview, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares of First

<sup>3</sup> Voting for this action: Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governors Mitchell and Wallich.

National Bank, Springview, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 3, 1975.

Board of Governors of the Federal Reserve System, September 3, 1975.

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

[FR Doc.75-24084 Filed 9-10-75; 8:45 am]

#### FEDERAL TRADE COMMISSION

##### LINE-OF-BUSINESS REPORTING PROGRAM

Resolution Requiring Annual Line of Business Reports From Corporations and Confidentiality Rules and Procedures for the 1974 Reporting Year

Notice is hereby given that the Federal Trade Commission has approved, adopted and entered of record the following resolution requiring annual line of business reports from corporations:

Whereas, it is necessary for the proper functioning of the government that there be available to the President, the Congress, government agencies, and the business community, continuing and current financial data and statistics from corporations within the various industries and lines of commerce of the United States; and

Whereas, the Federal Trade Commission, acting pursuant to the authority vested in it by Section 6 of the Federal Trade Commission Act, is engaged in the collection of annual and special reports from corporations engaged in commerce and compilation and publication of the results thereof in combined statistical form for the purposes of said Act;

Now, therefore, it is hereby resolved that the Federal Trade Commission, in the exercise of the powers vested in it by Section 6 of the Federal Trade Commission Act (38 Stat. 721; 15 U.S.C.A., Section 46), and with the aid of any and all powers conferred upon it by law and all compulsory processes available to it, does forthwith proceed to collect information, for the purposes herein stated, in the form of reports or otherwise, regarding the financial position and financial results of business operations, including, but not limited to the information called for by the attached Federal Trade Commission Form LB,<sup>1</sup> which is incorporated herein by reference together with such other facts as may be neces-

<sup>1</sup> Copies of Glossary of Terms Used, Instructions, Industry Category List for FTC Form LB (1974), and Federal Trade Commission's Form LB filed as part of original document.

sary for the classification and interpretation thereof, from such corporations as may be designated by the Commission pursuant to general or special order;

It is further resolved that the reports of and data relating to an individual company contained therein obtained as a result of this resolution shall be received in and afforded confidential status in accordance with and as spelled out in the Confidentiality Rules and Procedures for the 1974 Reporting Year adopted by the Commission, attached hereto and incorporated herein by reference (set forth below), and shall not be available for use in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings.

#### CONFIDENTIALITY RULES AND PROCEDURES FOR THE 1974 REPORTING YEAR

Notice is hereby given that the Federal Trade Commission has approved and adopted certain rules and procedures hereinafter set forth prescribing the confidential handling and use of reports to be filed by companies pursuant to an Order to File Special Report under the Line of Business Program. The rules and procedures shall apply to reports relating to the 1974 reporting year. They do not apply to reports relating to the 1973 reporting year, the confidentiality of which are governed by the Rules and Procedures for the Use of Confidential Individual Company Data Collected Under the FTC's Line of Business Report Program issued in connection with the Commission's Resolution Requiring Annual Line of Business Reports from Corporations, dated August 2, 1974, and published in the FEDERAL REGISTER on August 27, 1974 (39 FR 30970).

**Definitions:** For purposes of these Rules and Procedures, the following definitions apply:

"LB Report" means a report filed by a company pursuant to an Order to File Special Report under the Line of Business (LB) Program.

"Reporting Company" means a company ordered to file an LB Report.

**Confidentiality of LB Reports With Respect to Persons Outside the Commission:** Pub. L. 93-563, which provides Federal Trade Commission appropriations for the fiscal year 1975, states in part that:

No part of these funds may be used to pay the salary of any employee including Commissioners, of the Federal Trade Commission who—

(3) permits anyone other than sworn officers and employees of the Federal Trade Commission to examine the line-of-business reports from individual firms.

The Commission interprets this provision as prohibiting disclosure of LB Reports to any person outside the Commission including Congress, parties in court proceedings, governmental agencies and members of the public so long as the provision remains in effect. Accordingly, during the period this provision or a

substantially similar provision in subsequent appropriations acts for the Federal Trade Commission remains in effect, LB Reports will not be disclosed to any person outside the Commission except pursuant to a superseding act of Congress; or pursuant to an order of a court but only after a motion by the Commission to quash and for a protective order have been disposed of by the court. In the event that the Commission receives a subpoena for an LB Report, it will promptly notify the Reporting Company.

Under Section 10 of the Federal Trade Commission Act, any officer or employee of the Commission who shall make public any information obtained by the Commission, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor and upon conviction thereof, may be punished by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

**Confidentiality of LB Reports Within the Commission:** Access to and use of LB Reports within the Commission shall be restricted as hereinafter set forth, and persons authorized to have access thereto and use thereof shall not release any LB Report, or in any way provide access thereto, to anyone not authorized to have access. LB Reports shall be used to compile statistical and other economic reports authorized by the Commission. The latter reports may be utilized in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, they shall not be compiled in a way that LB data furnished by a particular Reporting Company can be identified. LB Reports shall not be made available to any person within the Commission for use in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, this restriction shall not limit the authority of the Commission to require by subpoena or other compulsory process the production of any information or data from any source outside the Commission for use in connection with an investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission.

Except as hereinafter provided, access to and use of LB Reports within the Commission shall be restricted to the Division of Financial Statistics, Bureau of Economics; the Statistical Reports Unit of the Economic Research and Services Section, Bureau of Economics; and the Division of Management as hereinafter set forth.

The Division of Financial Statistics plans, develops and prepares for publication statistical and other economic reports such as the Quarterly Financial Report and the Annual Line of Business Report. The Division shall have access to and use of LB Reports for planning, developing and preparing such statistical and economic reports. Procedures suffi-

cient to assure that LB data furnished by a particular Reporting Company can not be identified shall be developed and implemented by that Division in connection with each statistical or other economic report to be published which is derived from LB data. With respect to each such report, the Assistant Director for Financial Statistics shall certify to the Director, Bureau of Economics, that he has reviewed and approved the procedures applied thereto.

The Statistical Reports Unit of the Economic Research and Services Section, Bureau of Economics, plans, develops and prepares for publication reports such as merger statistical reports, annual statistics on aggregate concentration and other statistical and economic reports authorized by the Commission. The Unit shall have access to and use of LB Reports for planning, developing or preparing such statistical and economic reports. Publication of any report which is derived from LB data shall be conditioned upon a determination by the Assistant Director for Financial Statistics that the procedures applied therein are sufficient to assure that LB data furnished by a particular Reporting Company cannot be identified, and certification of his determination to the Director, Bureau of Economics.

The Division of Management shall have access to LB Reports but only during and for the purpose of electronic processing of information and data contained in LB Reports. The Division may employ the services of an outside computer facility for purposes of computer processing of LB data subject to the restriction that no one other than authorized employees of the Federal Trade Commission may examine the LB Reports from individual Reporting Companies.

Employees of the Division of Financial Statistics and the Statistical Reports Unit of the Economic Research and Services Section, while assigned to either of these units, shall not participate in any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. Any employee who transfers into or out of either of these units shall be formally notified in writing that he is subject to these Rules and Procedures and to Section 10 of the Federal Trade Commission Act.

The Director, Bureau of Economics, shall not have access to LB Reports. He shall, however, have supervisory responsibility and authority with respect to the Division of Financial Statistics and the Statistical Reports Unit of the Economic Research and Services Section. Such responsibility and authority shall include approving any reports prepared by them, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to LB Reports.

Upon notification to the General Counsel by the Assistant Director for Financial Statistics that a Reporting Company has failed adequately to comply with an Order to File Special Report un-

der the LB Program, the following additional Commission officers and employees shall have access to such parts of that company's LB Report required to evaluate the noncompliance and to advise and represent the Commission with respect to any proceeding initiated because of a refusal or failure of the Reporting Company to file an adequate LB Report: the General Counsel and his staff and the Commissioners and their assistants.

**Security of LB Reports:** All Commission members and employees authorized to have access to and use of LB Reports as hereinbefore provided shall, while in possession of any such material, be personally responsible for ensuring that unauthorized personnel do not obtain access to such material and for observing the following procedures:

1. All LB Reports and reproductions of LB data from individual Reporting Companies (such as tabulations, punch cards, tapes or printouts, etc.) shall be conspicuously marked "Confidential".

2. All rooms containing LB Reports and reproductions of LB data from individual Reporting Companies shall be locked except when occupied.

3. All LB Reports and reproductions of LB data from individual Reporting Companies shall be stored in locked drawers, files or cabinets except when being used.

4. All LB Reports and reproductions of LB data from individual Reporting Companies shall be returned to the Division of Financial Statistics immediately after any authorized use of such material is no longer required.

**Limitations:** The Rules and Procedures set forth above shall not apply to:

(1) disclosure to a court of an LB Report of a Reporting Company in connection with a proceeding initiated because of a refusal or failure of that company to file an adequate LB Report;

(2) the identity of a Reporting Company;

(3) information or data furnished by a Reporting Company in a context other than an LB Report (e.g., a motion to quash or other motion challenging an Order to File Special Report under the LB program); such information or data shall be treated as confidential pursuant to §§ 4.10-4.11 of the Commission's procedures and rules of practice only upon request with a showing of justification therefor, and a determination by the Commission, with due regard to statutory restrictions, the Commission's procedures and rules of practice and the public interest, that such information or data should not be made public;

(4) information or data which (a) are in the public domain, (b) enter the public domain from a source other than the Commission or its employees, (c) were in the Commission's possession prior to transmission to the Commission in an LB Report, or (d) are supplied to the Commission or its employees by a third party lawfully in possession thereof; or

(5) information or data which are supplied to the Commission in response to a compulsory process order other than an

Order to File Special Report under the LB Program.

By direction of the Commission.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-24136 Filed 9-10-75; 8:45 am]

## GENERAL SERVICES ADMINISTRATION

[FPMR TEMP. REG. E-40]

### MOTOR VEHICLE

#### Requests for Procurement

1. *Purpose.* This regulation provides revised policy for submitting requests to GSA for the procurement of motor vehicles.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation expires June 30, 1976, unless sooner revised or superseded.

4. *Applicability.* The requirements of this regulation apply to all executive agencies except the Department of Defense. Other Federal agencies are encouraged to comply with these requirements.

5. *Background.* The method used by GSA for processing agency requests for the procurement of motor vehicles was recently converted to a computerized system. The system is dependent upon the input of FEDSTRIP codes rather than the written information presently submitted to GSA. To obtain full benefit from the system, it is necessary that agency requests for motor vehicles contain the appropriate FEDSTRIP data. This data would eliminate the present need for GSA to convert written information to FEDSTRIP data or to contact agencies for information not contained in the requests which now delays procurement. Accordingly, a motor vehicle requisition form is being developed which will provide for entry of the additional data. In the interim, it is appropriate that agencies be required to submit the additional data with requests for motor vehicle procurement.

6. *Submission of requests for motor vehicle procurement.*

a. Requests for motor vehicle procurement (including the submission of GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice) shall be accompanied by the alpha/numeric data specified in paragraph 6b, below. The data may be submitted on a Standard Form 344, Multiuse Standard Requisitioning/Issue System Document, or by other means as determined by the ordering agency.

b. Alpha/numeric data for the following blocks, as numbered on the Standard Form 344, shall be provided with requests for motor vehicle procurement action:

- (1) Block 1, Document Identifier;
- (2) Block 3, Media and Status;
- (3) Block 7, Unit of Issue;
- (4) Block 8, Quantity;
- (5) Blocks 9-11, Document Number;
- (6) Block 12, Serial;

(7) Blocks 14-15, Supplementary Address (when required);

(8) Block 16, Signal;

(9) Block 17, Fund; and

(10) Block 20, Priority.

7. *Availability of forms.* Supplies of Standard Form 344, Multiuse Standard Requisitioning/Issue System Document, may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

8. *Agency comments.* Comments concerning the effect or the impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than September 30, 1975, for possible inclusion in a permanent regulation.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.

[FR Doc.75-24101 Filed 9-10-75; 8:45 am]

## FEDERAL PROCUREMENT DATA SYSTEM Proposed Establishment

The purpose of this notice is to make known an interagency committee proposal concerning the establishment of a Federal Procurement Data System (FPDS). This data system is being designed for collecting, developing, and disseminating procurement data which takes into account the needs of the Congress, the executive branch, and the private sector. The proposed FPDS would establish uniform data elements to be reported to a central data bank by Federal agencies on contracts of more than \$10,000. The data would provide information on what was purchased, when, from whom, by whom, dollar value of the transaction, the principal place of performance, method of procurement, extent of competition, negotiation authority, type of contract, type of business, foreign trade data, and other information. In addition, the system would collect summary statistical data on contractual transactions of \$10,000 and under. From this information, the central data bank would publish reports on Federal procurements and answer inquiries from information contained in the data bank.

Background: This proposal is an outgrowth of Commission on Government Procurement (COGP) Recommendations A-1 and D-1, and the reports of the interagency task groups established to develop the executive branch positions on these recommendations. In addition, Section 6.(d)(5) of the Office of Federal Procurement Policy Act (Public Law 93-400, August 31, 1974) specifies that the functions of the Administrator for Federal Procurement Policy shall include "establishing a system for collecting, developing and disseminating procurement data which takes into account the needs of the Congress, the executive agencies, and the private sector." As yet, no decision has been made by the Administrator for Federal Procurement Policy as to the

means to be employed to satisfy the above referenced section of P.L. 93-400.

Views of interested parties are solicited on the proposed FPDS. A copy of the FPDS Committee Report covering the proposed system can be obtained by calling Area Code 202 343-7794 or by writing the Office of Federal Management Policy (AMC), Washington, DC 20405. To be given consideration, written comments should be submitted to the above address by October 31, 1975.

Dated at Washington, D.C. on September 5, 1975.

GORDON T. YAMADA,  
Acting Associate Administrator.

[FR Doc.75-24102 Filed 9-10-75; 8:45 am]

[FPMR Temp. Reg. D-51]

## SECRETARY OF TRANSPORTATION

### Delegation of Authority

1. *Purpose.* This regulation continues in effect the authority delegated to the Secretary of Transportation to perform all functions in connection with the leasing of certain space at East Liberty, Ohio, for use by the National Highway Traffic Safety Administration.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation shall expire 8 years from the effective date of the lease of the rented premises, upon termination of the lease, or upon failure of the Administrator of General Services to concur in the exercising of any renewal option, whichever is earlier.

4. *Background.* This regulation reflects the delegation of authority which was granted by letter of May 28, 1975, to the Secretary of Transportation by the Administrator of General Services.

#### 5. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Transportation to perform all functions in connection with the leasing of approximately 32,500 square feet of space at East Liberty, Ohio, for a firm term of 3 years with five 1-year renewal options, provided the Administrator of General Services concurs in the exercising of any renewal options. This delegation includes authority to lease the required property and to assign, reassign, operate, maintain, control and protect the demised property.

b. This delegation shall extend to leasing space under authority in section 210 (h) (1) of the above-cited act (40 U.S.C. 490 (h) (1)).

c. The Secretary of Transportation may redelegate this authority to any official or employee of the Department of Transportation.

d. This authority shall be exercised in accordance with the applicable limitations and requirements of the above-cited act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, other applicable statutes and regulations, and the policies, procedures, and controls pre-

scribed by the General Services Administration.

6. *Effect on other issuances.* This temporary regulation cancels the letter dated May 28, 1975, from the Administrator of General Services to the Secretary of Transportation, related to the above delegation.

Dated: September 2, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc.75-24103 Filed 9-10-75;8:45 am]

[FPMR Temp. Reg. F-354]

## SECRETARY OF DEFENSE

### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate telephone rate proceedings.

2. *Effective date.* This regulation is effective immediately.

#### 3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Washington Utilities and Transportation Commission involving the application of the Pacific Northwest Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
[FR Doc.75-24104 Filed 9-10-75;8:45 am]

## NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ATMOSPHERIC SCIENCES

### Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Atmospheric Sciences

Date: September 30 and October 1, 1975

Time: 9 a.m. each day

Place: Room 338, National Science Foundation, 1800 G St., NW., Washington, D.C.

Type of meeting: Open  
Contact person: Dr. Fred D. White, Head, Atmospheric Research Section, Room 312 National Science Foundation, Washington, D.C. 20550 telephone (202) 632-4198

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory panel: To advise the Foundation of the impact of its research support program on the scientific community in atmospheric sciences.

Agenda: Topics will include:

#### SEPTEMBER 30, MORNING

- 9:00 Introductory Remarks—Dr. White, Panel Chairman, and Head, Atmospheric Research Section
- 9:15 Remarks—Dr. Hughes, Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences (AAEO)
- 9:45 Peer Review—Dr. Todd, Deputy Director, AAEO
- 10:30 Record of Actions, March 25-26, 1975, meeting—Dr. Hanson, Vice Chairman
- 10:40 Highlights of Federal, Atmospheric Sciences program—Captain Albers, Executive Secretary, Interdepartmental Committee for Atmospheric Sciences
- 10:50 Plans for National Climatic Center Research User's Workshop—Dr. Eden, Program Director for Meteorology
- 11:00 Climate Dynamics—progress and problems—Dr. Bierly, Head, Climate Dynamics Research Section
- 11:30 Global Atmospheric Research Program (GARP) highlights and problems—Dr. Greenfield, Program Director for GARP
- 12:00 Recess for Lunch

#### AFTERNOON

- 1:00 Highlights of Weather Modification Program—Mr. Downie, Program Manager for Weather Modification
- 1:15 Report of July and September meetings of the Advisory Panel for Weather Modification—Dr. Simpson, Panel Member
- 1:45 National Center for Atmospheric Research (NCAR)—status report—Dr. Wilkniess, NCAR Project Officer
- 2:10 Stratospheric Chemistry—Dr. McGill, Program Director for Aeronomy and Dr. Eden, Program Director for Meteorology
- 2:30 Report of the Solar Astronomy Task Force and Status of Sacramento Peak Observatory—Dr. Oertel, Head, Astronomy Research Section
- 3:00 Solar Constant Workshop—Dr. Zirin—Panel Member
- 3:30 International Magnetospheric Study (IMS)—progress and problems—Dr. Manka, Federal IMS Coordinator

4:00 General discussion—Panel Members

#### OCTOBER 1, MORNING

- 9:00-12:00 Program discussions
  1. Lower Atmosphere, Panel Members and Staff (Rm. 338)
  2. Upper Atmosphere, Panel Members and Staff (Rm. 421)
- 12:00 Recess for Lunch

#### AFTERNOON

- 1:00 Reassembly of full Panel (Rm. 338)—Panel discussion and recommendations
- 3:30 Adjourn

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 4, 1975.

[FR Doc.75-24078 Filed 9-10-75;8:45 am]

## WORKSHOP ON ELECTRIC UTILITY FINANCIAL PROBLEMS AND POTENTIAL SOLUTIONS

### Meeting

The National Science Foundation is convening a Workshop on Electric Utility Financial Problems and Potential Solutions on September 25 and 26, 1975, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Both sessions will begin at 9:00 a.m. and the Workshop will adjourn at 4:00 p.m. on September 26. The purpose of the Workshop is to provide a forum for discussion of the electric utility financial problems and potential solutions.

While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92-463), this Workshop is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation. The agenda for the meeting is as follows:

#### SEPTEMBER 25

- The Effects of Inflation and Recession on the Electric Utility Industry's Financial Condition
- Regulating the Price of Electricity—Experiences and Alternatives
- The Need for Rate Relief and Rate Design
- Panel Discussion, chaired by Ed Mampe (OMB), on Short and Intermediate Term Federal Policy

#### SEPTEMBER 26

- Financing Electric Utility Capital Needs, Problems and Prospects
- European Experiences with Load Management
- Panel Discussion, chaired by Don Craven (FEA), on Federal Proposals Concerning Finance, Rates, and Load Management

The Workshop will be chaired by Mr. Edward G. Lilly, Executive Vice-President for Finance, Carolina Power and

Light Company, and is open to the public. Individuals who wish to attend should inform Dr. James L. Plummer, Energy Policy Analyst, Office of Energy R&D Policy, Rm. 537, National Science Foundation, Washington, D.C. 20550 telephone 202/632-7804, prior to the Workshop. Dr. Plummer should be contacted for further information concerning the Workshop or for summary proceedings.

JAMES L. PLUMMER,  
Energy Policy Analyst,  
Office of Energy R&D Policy.

SEPTEMBER 8, 1975.

[FR Doc.75-24075 Filed 9-10-75; 8:45 am]

**AD HOC TASK GROUP 13 OF THE  
ADVISORY COMMITTEE FOR RESEARCH  
Addendum to Notice of Meeting**

In FR Doc. 75-23595 appearing on page 41196 of the issue for Friday, September 5, 1975 (Vol. 40 No. 173) make the following addition:

Agenda: To work on draft material for the Task Group's reports to the full committee. One report will consider the possible implications to the grantee community of making more large umbrella awards and fewer small individual grants. The other report will consider how limited funds for scientific equipment might be more effectively used.

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 8, 1975.

[FR Doc.75-24158 Filed 9-10-75; 8:45 am]

**ADVISORY PANEL FOR ASTRONOMY  
Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Astronomy.  
Date: October 2 and 3, 1975.  
Time: 9:00 a.m. each day.  
Place: Room 543, National Science Foundation, 1800 G St., NW., Washington, D.C.

Type of meeting: Open.

Contact person: Dr. G. K. Oertel, Head, Astronomy Research Section, Room 305, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4196. Anyone who plans to attend should contact Ms. Mary Saffell at the above address.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory panel: To provide advice and recommendations concerning research proposals and projects in astronomy and to advise the Foundation of the impact of its research support programs on the scientific community in astronomy.

Agenda—Topics will include:

OCTOBER 2, MORNING 9 AM-12 NOON

Introduction  
Review of Stellar Systems and Motions Program

OCTOBER 2, AFTERNOON 1-5 PM

Status Report on Very Large Array and Upgrading of the Arecibo Observatory at the National Astronomy and Ionosphere Center  
Status Report of the Ad Hoc Task Group on Procedures  
Trends and Objectives of Astronomy Section in FY 76

Radio Astronomy Review  
Long-Range Plans in Astronomy  
Alternatives for NSF Actions in Response to Astronomy Manpower Report  
OCTOBER 3, MORNING 9 AM-12 NOON

OCTOBER 3, MORNING 9 AM-12 NOON

Report of Major Initiatives in FY 75  
Report of FY 76 Astronomy Budget  
Level of Support for Groundbased Astronomy

OCTOBER 3, AFTERNOON 1-3 PM

Roles of International, National, Regional, and Instructional "Centers" in Astronomy  
Further Discussion of Agenda Items and Summarization of Meeting

FRED K. MURAKAMI,  
Committee Management Officer.

SEPTEMBER 8, 1975.

[FR Doc.75-24157 Filed 9-10-75; 8:45 am]

**NATIONAL TRANSPORTATION  
SAFETY BOARD**

[N-AR 75-23]

**ACCIDENT REPORT; SAFETY  
RECOMMENDATIONS AND RESPONSES  
Availability and Receipt**

*Railroad highway accident report.* The National Transportation Safety Board has released its report on the collision of a Southern Railway work train with a Polk District schoolbus at Aragon, Georgia, October 23, 1974. The report, No. NTSB RHR-75-1, was released September 2, 1975. The Safety Board determined that the probable cause was "the failure of the schoolbus driver to stop his vehicle short of the track and wait until it was safe to proceed, and the failure of the flagman of the train to guard the unprotected crossing." Contained in the report are two recommendations (R-75-31 and 32) to the Federal Railroad Administration, and one recommendation (H-75-17) directed to the Polk School District, Georgia. The Board recommended that FRA promulgate regulations (1) governing railroad operating rules for use of radio and for flagging when trains are pushed across grade crossings, and (2) requiring that if radios are used to direct rearward

train movements, they must be installed so that they may be used by an employee from the leading platform. To the Polk School District, the Board recommended establishment of a formal procedure for frequent field checks of schoolbus driver compliance with the District's safety policies and the State operating rules.

*Safety recommendation letters.* Also issued last week were six recommendations to the Federal Aviation Administration.

On September 2, the Board recommended that the FAA (1) issue Airworthiness Directives to require installation of both visual and audible engine-out visual warning systems on all turbine-powered helicopters, and (2) amend 14 CFR Parts 27 and 29 to require that all turbine-powered helicopters be equipped with a prominent engine-out visual warning system and an audible warning system which can be heard with or without the use of a headset. (Recommendations A-75-72 and 73.) The recommendation letter concerns an Aerospatiale Model SA-315B Lama helicopter which crashed on takeoff from Springerville, Arizona, November 7, 1974. A list of 18 turbo-shaft-powered helicopter engine failure accidents, 1970-1974, is attached.

Four additional recommendations resulting from the Board's investigation of the Trans World Airlines Flight 514 crash at Berryville, Virginia, December 1, 1974, were released in the Board's September 4 letter to FAA. The Board recommended that FAA (1) in concert with the Departments of Commerce and Defense (members of the Interagency Air Cartographic Committee (IACC)) and the Jeppesen Company, conduct a study of cartographic techniques and specifications used throughout the aviation industry for approach charts to identify those techniques and specifications that best lend themselves to uniformity and standardization; (2) based on such study, to revise the IACC manual to include those techniques and specifications which are unanimously agreed upon by the parties to the study; (3) require that the IACC manual be used as the minimum standards for cartographic presentation of specified data on all instrument approach charts used in U.S. civil and military aviation; and (4) require that the revised IACC manual be used as mandatory reference by FAA personnel whenever a new instrument approach procedure is developed or whenever an existing procedure is modified.

*Responses to safety recommendations.* During the past week, the following letters were received in response to earlier Safety Board recommendations:

From FAA, letter of August 18 re recommendations A-75-58 and 59 (see 40 FR 32177, July 31, 1975). FAA concurs with the recommendations, and notes that prior to receipt of the recommendations, they had established a task

force to review and study the definitions, terms, and phrases used in the ATC system to determine what terms and phrases should be defined, and what definitions should be made available to the pilot community. FAA expects to complete the study by December 1.

From the FAA, letter of August 20 in further response to recommendation A-75-23 (see 40 FR 22323, May 22, 1975). In rejecting the recommendation, FAA states, "The service record for both the CF 6-6 and -50 installations fails to disclose any positive incidents of in-flight engine damage due to icing." FAA concludes, "Consequently, we are withdrawing any plans for expanding current operating instructions under icing conditions or issuing an operations alert on the subject."

From the Coast Guard, letter of 25 August re recommendations 72-M-7a and 7b, issued in the Board's 1972 special study "Collisions Within the Navigable Waters of the United States" (NTSB-MSS-72-1). The Coast Guard considers that these recommendations are identical with recommendations 69-M-23 and 69-M-25, issued in the Board's 1969 study of "Collisions of Radar-Equipped Merchant Ships," to which the Coast Guard responded in a memorandum dated 7 June 1974. The Coast Guard provides a copy of that memorandum, which states in pertinent part, "Basic marine radar performance specifications are being developed by the Radio Technical Commission for Marine Services (RTCM) in order to fulfill the requirements of SOLAS. Within its various working groups RTCM is examining equipment relating to transponder identification systems between radar equipped vessels, an electronic stabilization device which will compensate for roll, true motion trail persistence, a speed over the ground measuring device and other collision avoidance associated equipment. The Coast Guard is keeping abreast of the development of these basic standards by the RTCM."

From Illinois Central Gulf Railroad (ICG), letter of August 26 re recommendations R-73-28 and 29, issued in Board report NTSB-RAR-73-5, "Collision of Illinois Central Gulf Railroad Commuter Trains, Chicago, Illinois, October 30, 1972." Actions taken by ICG, according to their response, include the rewriting of "Book of Operating Rules," effective July 1, 1974, and the conducting of classes on interpretation of the rules. Also, efficiency tests have been revised, and ICG rule examiners are preparing "explanation of operating rules, including questions and answers," targeted for January 1, 1976. ICG states, "We have revised our operating practices in regard to Rule 99(a), so that a trainman is required to provide flag protection against following trains at any time the first train stops on the main track, except in yard limits." Finally, the letter notes, 70 of 129 Highliner cars have been modified to provide a brake valve for crewmembers in either the A or B end of the car, in addition to the center vestibule.

In a letter forwarded September 3, the Safety Board urges the Federal Aviation Administration to reconsider action as proposed originally in recommendations A-74-67 and 68. The Board's request is in reply to FAA's response of January 13, 1975. Recommendation A-74-67 requested that 14 CFR Part 141 be amended to increase the required minimum of 35 hours of classroom instruction given to private pilot trainees, and to specify the number of hours of meteorological instruction. FAA responded, in part, "What appears to be more appropriate is emphasis on the quality of meteorological instruction received \* \* \* While quality should be emphasized, the Board continues to believe that additional instruction should be given, in view of the number of subjects to be covered in a mere 35 hours and particularly in view of the continuing large numbers of fatal, weather-involved, general aviation accidents. The Board further states, with reference to recommendation A-74-68 concerning written meteorology examinations, " \* \* \* a pilot should not be able to obtain his certificate unless he has received a passing grade of at least 70 percent on the weather questions in the examination." The recommendations were issued in the Board's special study, "Fatal, Weather-Involved, General Aviation Accidents" (NTSB-AAS-74-2).

The accident report and the recommendations letters are available to the general public; single copies may be obtained without charge. A \$4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,  
Federal Register Liaison Officer.

SEPTEMBER 8, 1975.

[FR Doc.75-24189 Filed 9-10-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-261, 50-261,  
(O.L. Modification)]

CAROLINA POWER & LIGHT CO.  
(H. B. ROBINSON, UNIT #2)

### Order Reconvening Evidentiary Hearing

It is ordered that the evidentiary hearing which was convened on Tuesday August 12, 1975 at 10:00 a.m. local time at the Coker College Music Hall, Hartsville, South Carolina 29550, and which ran in daily sessions through Friday August 15, 1975, shall be reconvened at 9:00 a.m. local time, Tuesday, September 23, 1975, at Coker College Music Hall, Hartsville, South Carolina, 29550.

Sessions will also be held in the hearing room described above on Wednesday,

September 24, 1975 on Thursday, September 25, 1975 and on Friday, September 26, 1975, if required to complete the record. If hearing sessions in addition to the four ordered herein, are required, the Board, in cooperation with the parties, will arrange the time for additional sessions at the close of the hearing on September 26, 1975.

The Public is invited to attend each of the evidentiary hearing sessions ordered herein.

The agenda set out below will be followed at the hearing sessions:

1. Introduction of the balance of the licensee-applicant's case and questions by the parties and members of the Board.
2. Introduction of the Staff's case and questions by the parties and Board.
3. Introduction of the Intervenor's case and questions by the parties and Board.
4. Closing matters.

It is so ordered.

Dated at Bethesda, Maryland this 2nd day of September, 1975.

For the Atomic Safety and Licensing Board.

JOHN F. WOLF,  
Chairman.

[FR Doc.75-24144 Filed 9-10-75;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO.  
ET AL.

### Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit 2) (licensees). This amendment is effective as of the date of issuance.

The amendment corrects certain proofreading errors and grants a special test exception to permit the performance of tests during hot functional testing to verify the adequacy of the feedwater sparger modifications that were installed to prevent the occurrence of water hammer in the feedwater system piping.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 21, 1975 and supplement thereto dated August 25,

1975, (2) Amendment No. 1 to License No. DPR-65, with any attachments, 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, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. 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 3rd day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Project Branch 1-3 Division  
of Reactor Licensing.

[FR Doc.75-24145 Filed 9-10-75;8:45 am]

[Docket No. 50-336]

**CONNECTICUT LIGHT AND POWER CO.  
ET AL.**

**Issuance of Amendment to Facility  
Operating License**

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit 2) (licensees). This amendment is effective as of the date of issuance.

The amendment corrects an error which was made during the development of the original technical specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 26, 1975, (2) Amendment No. 2 to License No. DPR-65, with any attachments, 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, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. 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 3rd day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Project Branch 1-3, Division  
of Reactor Licensing.

[FR Doc.75-24146 Filed 9-10-75;8:45 am]

[Dockets Nos. 50-250 and 50-251]

**FLORIDA POWER AND LIGHT CO.**

**Issuance of Amendment to Facility  
Operating Licenses**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 10 and No. 9 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operations of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments incorporate into the Turkey Point Nuclear Generating Units 3 and 4, Technical Specifications re-formatted Administrative Controls consistent with presently issued licenses. They relate to licensee staffing qualifications and management procedures involved with operating the facilities. The revisions to the reporting requirements proposed by the licensee as part of the Administrative Controls have not been incorporated into the Technical Specifications since they are still under review.

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 the 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 September 19, 1974, as supplemented January 9, 1975, (2) Amendment No. 10 to License No. DPR-31 and Amendment No. 9 to License No. DPR-41 with Change No. 22, 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, N.W., Washington, D.C., and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida.

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 3rd day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Re-  
actor Licensing.

[FR Doc.75-24147 Filed 9-10-75;8:45 am]

[Docket No. STN 50-482]

**KANSAS GAS AND ELECTRIC CO. ET AL.**

**Availability of Safety Evaluation Report for  
Wolf Creek Generating Station, Unit No. 1**

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas. Notice of receipt of the application filed by Kansas Gas and Electric Company and Kansas City Power and Light Company to construct and operate the Wolf Creek Nuclear Generating Station, Unit No. 1 was published in the FEDERAL REGISTER on August 30, 1974 (39 F.R. 31683).

The Kansas Gas and Electric Company and Kansas City Power and Light Company, together with a group of three other utilities, consisting of the Union Electric Company, the Rochester Gas Northern States Power Company (the and Electric Corporation and the SNUPPS utilities), under the acronym SNUPPS (Standardized Nuclear Unit Power Plant System) submitted a standard plant design for review under the Nuclear Regulatory Commission's standardization policy statement of March 5, 1973. The five SNUPPS utilities have filed four separate applications with the Commission for licenses to construct and operate four proposed standardized plants or SNUPPS plants (consisting of a total of units) under the duplicate plant option of the Commission's policy. This policy allows, under one of the options, for a simultaneous review of the safety-related parameters of a limited number of duplicate plants which are to be constructed within a limited time span.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Office of the County Clerk, Coffey County Courthouse, Burlington, Kansas for inspection and copying. The report (Document No. NUREG 75/080) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Separate safety evaluation reports will be issued for each application. On August 7, 1975 the Office of Nuclear Reactor Regulation issued its Safety Evaluation Report (Document No. NUREG 75/076) for the Union Electric Company's Callaway Plant. It is also available from the National Technical Information Service at a cost of \$7.25 per paper copy and \$2.25 for microfiche.

Dated at Bethesda, Maryland this 4th day of September, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,  
Chief, Light Water Reactors  
Project Branch 1-1 Division of  
Reactor Licensing.

[FR Doc.75-24148 Filed 9-10-75;8:45 am]

[Docket Nos. 50-346 A, 50-500 A, 50-501 A,  
50-440 A, 50-441 A]

#### THE TOLEDO EDISON CO. ET AL.

##### Reconstitution of Board

In the matter of The Toledo Edison Company and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2 and 3). The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2).

John H. Brebbia, Esq., was a member of the Atomic Safety and Licensing Board established for the above proceeding. Because of other commitments, Mr. Brebbia is unable to continue his service on this Board.

Accordingly, Ivan W. Smith, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 (b) of the Rules of Practice.

Dated at Bethesda, Md. this 5th day of September 1975.

ATOMIC SAFETY AND LICENSING  
BOARD PANEL  
JAMES R. YORK,  
Acting Chairman.

[FR Doc.75-24149 Filed 9-10-75;8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

##### CLEARANCE OF REPORTS

###### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 8, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from

the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

##### NEW FORMS

###### U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement for Correctional Officer, CSC 1256, on occasion; applicants for Federal employment, Caywood, D. P.; 395-3443.

###### DEPARTMENT OF DEFENSE

Departmental and other assessment of current and future defense research development test and evaluation community needs for scientific and technical information services, single-time; Dept. of Defense contractors, National Security Division, Harry B. Sheftel; 395-4734.

###### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Policy Development and Research: Request for medicare claim No. SSA-L-4200, single-time, medicare beneficiaries, Caywood, D. P.; 395-3443.

###### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, region 111, scattered site public housing resident questionnaire and interior inspection; single-time, scattered site public housing tenants, Community & Veterans Affairs Division, Sunderhauf, M.B.; 395-3532.

###### REVISIONS

###### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Enrollment and Degree Information in nuclear fields, ERDA 616A and ERDA 617-A, annually, Education Institutions, Caywood, D.P.; 395-3443.

###### EXTENSIONS

###### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Patient Progress Study Questionnaire for Chronically ill hospitalized patients, HRABHRD 1107; on occasion, chronically ill patients in County home, Dick Eisinger; 395-6140.

PHILLIP D. LARSEN,  
Budget and Management  
Officer.

[FR Doc.75-24308 Filed 9-10-75;8:45 am]

#### CLEARANCE OF REPORTS

##### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 5, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be

approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

##### NEW FORMS

###### NATIONAL SCIENCE FOUNDATION

Study and Analysis of the Official Readership of Mosaic Magazine, single-time, Recipients of Mosaic Magazine, Lowry, R. L.; 395-3772.

###### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Cultural Facilities Questionnaire, single-time, non-profit Arts Organizations; Caywood, D. P.; 395-3443.

###### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mailing List Circularization, single-time, addresses on NASA Tech brief mailing list, Harry B. Sheftel.

###### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage, request for fund reservation, PHA 3128-EH, on occasion, nonprofit organizations, Community & Veterans Affairs Division; 395-3532.

###### REVISIONS

###### VETERANS ADMINISTRATION

Offer to rent on month-to-month basis and credit statement for rental of acquired properties and pending acquisitions) 26-6725, on occasion, prospective tenants (Veterans), Caywood, D.P.; 395-3443.

Report of Automatic Mobile Home Loan-Unit only, 26-8149, on occasion, Lenders, Caywood, D.P.; 395-3443.

PHILLIP D. LARSEN,  
Budget and Management  
Officer.

[FR Doc.75-24309 Filed 9-10-75;8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[811-2060]

##### NO-LOAD SELECTED FUNDS, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

NOTICE IS HEREBY GIVEN THAT No-Load Selected Funds, Inc., ("Applicant"), 3300 Whitehaven Street, N.W., Washington, D.C. 20007, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on April 18, 1975, and an amendment thereto on August 19, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Maryland corporation, and that it registered under the Act by filing a Notice of Registration on Form N-8A on April 23, 1970. Thereafter, Applicant filed



[812-3816]

**PINESTOCK ASSOCIATES, INC. AND  
FIDUCIARY EQUITY ASSOCIATES, INC.**

**Notice of Filing of Application for an Order  
Exempting Proposed Transaction for  
Order Permitting Participation in Said  
Transaction**

NOTICE IS HEREBY GIVEN that Pinestock Associates, Inc. ("Pinestock"), and Fiduciary Equity Associates, Inc. ("FEA"), 140 Broadway, New York, New York 10005, both open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act") (collectively, the "Applicants"), filed an application on June 5, 1975, and amendments thereto on July 28, August 13, and August 29, 1975, for orders (1) pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed merger of FEA with and into Pinestock and (2) pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order permitting Alliance Capital Management Corporation ("Alliance"), the investment adviser of each of the Applicants, to participate in the proposed merger. 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 Agreement and Plan of Merger (the "Agreement") between the Applicants provides for the merger of FEA with and into Pinestock (which will be the surviving company). The corporate existence of FEA will cease on the effective date of the merger. The Agreement is subject to approval by the affirmative vote of the holders of two-thirds of the outstanding common stock of Pinestock, and approval by the affirmative vote of the holders of a majority of the outstanding common stock of FEA. The Agreement provides that the consummation of the merger is subject, among other things, to receipt by the Applicants of opinions of counsel to the effect that (1) the merger will constitute a "reorganization" within the meaning of Section 368(a)(1)(A) of the Internal Revenue Code of 1954, as amended (the "Code"); (2) no gain or loss for federal income tax purposes will be recognized to FEA, to Pinestock or to the Pinestock stockholders as a result of the merger; and (3) in accordance with Section 362(b) of the Code, the basis of the assets received by Pinestock will be the same as the basis of such assets in the hands of FEA immediately prior to the merger. The shareholders of FEA are organizations exempted from taxation by Section 501 of the Code.

The Agreement provides that on the effective date of the merger, each outstanding share of FEA common stock will be converted into shares of Pinestock common stock having the same aggregate net asset value as a share of FEA common stock as of the close of business on the last business day preceding the effective date of the merger. No frac-

a Registration Statement under the Act on Form N-8B-1 on October 28, 1970 and a Registration Statement under the Securities Act of 1933 on Form S-5 which it states became effective on August 26, 1971.

Applicant further represents that its Board of Directors, at a meeting held on February 24, 1975, recommended the adoption of a proposed Plan of Dissolution, Complete Liquidation and Termination of Existence of the Fund ("Plan"). At a meeting held on April 16, 1975, shareholders owning more than two-thirds of the outstanding shares of Applicant approved and adopted the Plan in accordance with the laws of the State of Maryland. Applicant further represents that all of its assets were converted to cash and distributed to its shareholders on a pro rata basis and that Applicant has ceased to act as an investment company as defined in the Act. Applicant states that it filed Articles of Dissolution with the State of Maryland, on April 17, 1975, said Articles being approved on May 5, 1975.

Section 8(f) provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 30, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24162 Filed 9-10-75; 8:45 am]

tional shares of Pinestock common stock will be issued on conversion of the FEA common stock, but cash will be paid in lieu thereof. Applicants state that the effective date of the merger shall be not later than December 31, 1975, and that it is anticipated that the effective date of the merger will be a date shortly after the meetings of the shareholders of the Applicants held for the purpose of voting on the merger.

Applicants state that FEA was a "personal holding company" for federal tax purposes for its taxable year ending December 31, 1974 and that it will likely remain a personal holding company until the effective date of the merger. It is also represented that FEA intends, shortly before the effective date of the merger, to declare and pay to its shareholders a dividend substantially equal to the amount of its then undistributed net investment income, if any.

Applicants state that as of April 30, 1975, FEA and Pinestock had net assets of approximately \$5,259,529 and \$7,679,550, respectively. Under these circumstances, Applicants state that FEA and Pinestock each had accrued \$6,000 in anticipation of expenses to be incurred in connection with the proposed merger. According to the Applicants, however, the net asset value of FEA has decreased substantially since April 30, 1975, due to several large redemptions by certain of its major stockholders; Applicants state that as of July 31, 1975, FEA's net assets were approximately \$2,216,054. For this reason, Applicants submit that Alliance has agreed to assume all of the expenses of Pinestock incurred in connection with the merger, and that the said \$6,000 accrual by Pinestock has accordingly been reversed.

Applicants state that the Agreement does not provide for any adjustment of the net assets of either FEA or Pinestock for realized or unrealized capital gains and losses. In support of this proposal, Applicants submit that as of June 30, 1975, FEA and Pinestock had net unrealized gains of approximately \$565,580 and \$564,165, respectively, representing approximately 16.43% and 6.91% of the net assets of FEA and Pinestock, respectively, on that same date; that as of June 30, 1975, FEA had net realized capital losses of approximately \$497,725, representing approximately 14.46% of the net assets of FEA on the same date; that as of June 30, 1975, Pinestock had net realized capital gains of approximately \$22,888, representing approximately 28% of the net assets of Pinestock on that same date; that as of December 31, 1974, Pinestock had a net capital loss carry-forward of \$2,658,279 of which \$1,811,088 expires in 1975, \$384,271 expires in 1978 and \$462,920 expires in 1979; and that as of December 31, 1974, FEA had a net capital loss carry-forward of \$3,284,722 of which \$2,062,836 expires in 1975 and \$1,221,886 expires in 1979.

Alliance is a wholly-owned subsidiary of Donaldson, Lufkin & Jenrette, Inc.

("DLJ"). The Applicants state that all of the officers of each Applicant are officers or employees of Alliance, and that the same officers and employees of Alliance hold the offices of Treasurer, Assistant Treasurer, Secretary and Assistant Secretary of each Applicant. Two of the Pinestock directors are officers and directors of Alliance. One FEA director is a director of, but is not employed by, Alliance, and another is a stockholder of DLJ but is not an affiliated person of DLJ or its subsidiaries. Both of the Pinestock directors who are officers and directors of Alliance are officers of FEA and one of such directors is a director of FEA. The Applicants state that they have no other common directors or officers.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or an affiliated person of such affiliated person, knowingly to sell any security or other property to such registered investment company (except securities of which the buyer is the issuer) or knowingly to purchase any security or other property from such registered investment company (except securities of which the seller is the issuer). Section 17(b) of the Act provides that any person may file with the Commission an application for an order exempting a proposed transaction from one or more of the provisions of Section 17(a) of the Act, and that the Commission shall grant such application and issue such order of exemption if evidence establishes that the terms of the proposed transaction are fair and reasonable and do not involve any over-reaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned; and that the proposed transaction is consistent with the general purposes of the Act.

The Applicants state that in view of the relationships described above, they might be deemed to be affiliated persons or that each Applicant might be deemed to be affiliated persons of such a person, within the meaning of Section 2(a)(3) of the Act. The Applicants therefore request an exemption pursuant to Section 17(b) of the Act exempting the merger from the provisions of Section 17(a) of the Act.

Section 17(d) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered company is a joint or a joint and several participant with such person, in contravention of such rules and regulations as the Commission may prescribe. Rule 17d-1 under the Act provides, in part, that no such person shall so effect or participate in any such joint arrangement unless an application regarding such arrangement has been filed with the Commission and has been granted by order; and that in passing upon such applications, the Commission will consider whether the participation of such registered company in such arrangement on

the basis proposed 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.

Applicants submit that, to the extent that the assumption by Alliance of the expenses incurred by Pinestock in connection with the merger of the Applicants might be considered a participation by Alliance in a joint enterprise in which a registered investment company is a participant, an application regarding such joint enterprise and an order granting such application would be required in connection with the proposed merger.

The investment objective of Pinestock is said to be capital appreciation, and that of FEA growth of capital. The Applicants submit that the proposed transaction is consistent with their respective policies since the stockholders of FEA will receive shares of an open-end management company with similar investment objectives and substantially identical fundamental policies and investment restrictions. The Applicants believe that the portfolio securities of FEA are compatible with the objectives and policies of Pinestock and that the merger will not entail the sale of a substantial portion of any such securities by reason of any differences in the investment objectives or policies of the Applicants.

The Applicants assert that the terms of the proposed transaction are fair and reasonable in that Pinestock will be issuing its shares in exchange for property at a price not less than the net asset value thereof and that the shareholders of FEA will receive shares of common stock of Pinestock equal in value to the aggregate net asset value of their FEA common stock.

Applicants state that in view of the magnitude of Pinestock's capital loss carry-forward, the value to Pinestock of FEA's net realized losses and capital loss carry-forward is uncertain. For this reason and because the shareholders of FEA will be acquiring through the merger shares of a diversified open-end management company which, unlike FEA, is not a "personal holding company" for federal tax purposes, Applicants submit that their managements are of the opinion that the terms of the Agreement, in not providing for any adjustments with respect to these items, are equitable.

Applicants also submit that, under the circumstances of the decreased amount of the net assets of FEA to be acquired by Pinestock pursuant to the merger, Alliance deemed it appropriate to assume the expenses of Pinestock incurred in connection with the merger. The stockholders of FEA, who will be receiving pursuant to the merger shares of a more viable fund which, unlike FEA, is not a "personal holding company" for federal tax purposes, derive no less a benefit from the proposed merger as a result of the decrease in FEA's net assets.

The Applicants, therefore, submit and represent that the assumption by Alliance of the expenses incurred by Pine-

stock and not by FEA in connection with the merger is fair and reasonable and is consistent with the provisions, policies and purposes of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than September 30, 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 O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-24163 Filed 9-10-75; 8:45 am]

[Securities Exchange Act Release No. 11629]

#### UNFIXED COMMISSIONS

##### Confirmation of Transactions

The Commission today drew attention to practices recently being urged on brokers in connection with confirming transactions. It has been suggested that institutions, particularly foreign institutions, have requested that brokers (i) provide to such institutions confirmations of transactions which reflect a commission calculated according to the old minimum rate schedules of exchanges, (ii) collect the commission so reflected and (iii) agree to return to the institutions, at monthly intervals, some percentage of the commission collected.<sup>1</sup>

Since May 1, 1975, the Commission has,

<sup>1</sup> Broker-dealers are required by Section 11(d)(2) of the Act to disclose in writing at or prior to completion of a transaction with a customer whether it is acting as a dealer for its own account, as a broker for such customer or as broker for some other person. In addition, in the case of over-the-counter transactions, Securities Exchange Act Rule 15c1-4 requires disclosures with respect to the source and amount of any commission or other remuneration.

pursuant to Rule 19b-3, prohibited national securities exchanges from fixing commission rates on exchange transactions.<sup>2</sup> A fundamental part of the Commission's reasoning in adopting Rule 19b-3 was that "the free play of competition" could "provide a level and structure of commission rates" which "would better serve the interests of the investing public, the securities markets, the securities industry, the national economy and the public interest than any system of price fixing. . . ." During the initial transition to competitively determined commission rates, there may have been reasons, such as the need to adjust rapidly to changing methods of doing business, for using arrangements such as those described above. Clearly, however, where the parties are prepared to determine the commission at the time an order is placed, there would not be any reason for continuing to prepare confirmations along the lines referred to above. The following applies to all transactions by brokers, whether effected on or off an exchange or for a foreign or domestic institution.

Institutions which have been suggesting the arrangements referred to above are, in most cases, acting as agents for investors when they place orders with brokers. Under general principles of agency law in the United States, an institution which acts as an agent for an investor and receives a return of commissions paid by the investor to a broker is under a duty to turn them over to the investor.<sup>3</sup> An institution's violation of that duty would, in the opinion of the Commission, constitute a fraudulent or deceptive act or practice in connection with the purchase or sale of securities. Furthermore, where acts (or culpable failures to act) within the United States, such as directing the preparation of misleading confirmations, directly cause losses to foreigners outside the United States, the anti-fraud provisions of the federal securities acts are applicable.<sup>4</sup>

A broker which causes or assists an institution to violate a duty to the investor may be aiding and abetting a fraudulent or deceptive act or practice.<sup>5</sup> Further-

more, a broker would have a duty of inquiry with respect to his participation in a course of conduct which, to a reasonable person, would raise a question of fraudulent or deceptive acts or practices.<sup>6</sup>

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 3, 1975.

[PR Doc.75-24164 Filed 9-10-75; 8:45 am]

### SMALL BUSINESS ADMINISTRATION

[License Application No. 03/03-5122]

#### COTTMAN CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Cottman Capital Corporation (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1975).

The officers, directors and stockholder of the applicant are as follows:

Richard O. Silva, President, Director, Woodford, Bryn Athyn, Penna. 19009.

Stephan B. Narin, Secretary, Treasurer, Director, 331 Mallwyd Road, Merion, Penna. 19066.

Cottman Franchises Internationale, Inc., 100% Stockholder, 575 Virginia Drive, Fort Washington, Penna. 19034.

The applicant, a Pennsylvania corporation, with its principal place of business located at 575 Virginia Drive, Fort Washington, Pennsylvania 19034, will begin operations with \$300,000 of paid-in capital and paid-in surplus derived from the sale of 300,000 shares of common stock. The applicant's parent, Cottman Franchises International Inc., was established in 1964 and has extensive experience in franchising transmission systems centers.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

to state a material fact in order to make the statements made therein not misleading. See, e.g., Securities Exchange Act Rule 10b-5, 17 CFR 240.10b-5, and Securities Exchange Act Rule 15c1-2, 17 CFR 240.15c1-2.

<sup>2</sup> See Securities and Exchange Commission v. Spectrum, Ltd., 489 F. 2d 535, 541-2 (2d Cir. 1973); Buttrey v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 410 F. 2d 135, 143-4 (7th Cir. 1969), cert. denied, 396 U.S. 838 (1969). See also Brennan v. Midwestern Life Ins. Co., 417 F. 2d 147, 154 (7th Cir. 1969), cert. denied, 397 U.S. 989 (1970).

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, on or before September 26, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Fort Washington, Pennsylvania.

Dated: September 3, 1975.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[PR Doc.75-24179 Filed 9-10-75; 8:45 am]

[License No. 02/02-0265]

### CREDITO INVESTMENT COMPANY, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Credito Investment Company, Inc. (Credito), Recinto Sur and San Justo Streets, San Juan, Puerto Rico 00936, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004(b) of the SBA rules and regulations governing small business investment companies (13 CFR 107.1004 (1975)), for an exemption from the provisions of the conflict of interest regulations.

The exemption, if granted, will permit Credito to purchase 5 percent of the common stock of Carbotek, Inc. (Carbotek) for \$180,000. Carbotek, which is located in Carolina, Puerto Rico, is a manufacturer of a toner used in photocopying machines. Mr. Jorge L. P. Valdivieso, Chairman of the Board of Carbotek is a director of Banco Credito y Ahorro Poncena, (Banco). Banco owns 46.6 percent of Credito's stock. Carbotek is considered to be an "Associate" of the Licensee, as defined by § 107.3 of the regulations. This transaction, therefore, will require an exemption pursuant to § 107.1004(b)(1) of the regulations.

Notice is hereby given that any person may, on or before September 26, 1975, submit written comments on the proposed transaction to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Juan, Puerto Rico.

Dated: September 4, 1975.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[PR Doc.75-24180 Filed 9-10-75; 8:45 am]

<sup>2</sup> Securities Exchange Act Rule 19b-3, 17 CFR 240.19b-3.

<sup>3</sup> Securities Exchange Act Release No. 11203 (Jan. 23, 1975) at 23.

<sup>4</sup> See Restatement (Second) of Agency, Sections 388 and 404A. In the absence of fraud that duty may, presumably, be modified with the investor's informed consent.

<sup>5</sup> *Bersch v. Drezel Firestone, Inc.*, No. 75-7031 (2d Cir. April 28, 1975), [1974-1975 Transfer Binder] CCH Fed. Sec. L. Rep. ¶ 95,080. See also *Roth v. Fund of Funds*, 405 F. 2d 421 (2d Cir. 1968), cert. denied, 394 U.S. 975 (1969); *Schoenbaum v. Firstbrook*, 405 F. 2d 200 (2d Cir. 1968), *rev'd en banc* on other grounds, 405 F. 2d 215 (2d Cir. 1968), cert. denied *sub nom. Manley v. Schoenbaum*, 395 U.S. 908 (1969); *Finch v. Marathon Securities*, 316 F. Supp. 1345 (S.D.N.Y. 1970).

<sup>6</sup> See, e.g., *Kerbs v. Fall River Industries, Inc.*, 302 F. 2d 731 (10th Cir. 1974). See also Restatement (Second) of Agency, Section 312. Confirmations or other similar documentation may not, when taken alone, omit

**INTERSTATE COMMERCE  
COMMISSION**

[Notice No. 851]

**ASSIGNMENT OF HEARINGS**

SEPTEMBER 8, 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 119789 Sub 252, Caravan Refrigerated Cargo, Inc., now being assigned October 20, 1975 (1 day), at Atlanta, Georgia, in a hearing room to be later designated.

MC 61592 sub 342, Jenkins Truck Line, Inc., now assigned October 20, 1975, at Atlanta, Georgia, is canceled and the application is dismissed.

MC 97068 Sub 15, H. S. Anderson Trucking Company, now being assigned September 18, 1975 (2 days), at Birmingham, Alabama, in Room 345, U.S. Courthouse, 1800 Fifth Avenue North.

MC-P-12368, O.N.C. Freight Systems—Control & Merger—Riteway Transport, Inc., now assigned November 10, 1975, at Phoenix, Ariz., is canceled and application dismissed.

MC 113855 Sub 314, International Transports, Inc., now assigned September 9, 1975, at Billings, Montana, is canceled and application dismissed.

No. MC 51146 (Sub-No. 409), Schneider Transport, Inc., now assigned October 14, 1975, at Washington, D.C., is canceled and application dismissed.

MC 134401 Sub 10, Sherwood W. Hume d.b.a. Hume Equipment Company, now assigned October 15, 1975, at Buffalo, New York, will be held in Room 714, U.S. Courthouse, 68 Court Street.

MC 134401 Sub 11, Sherwood W. Hume d.b.a. Hume Equipment Company, now assigned October 20, 1975, at Buffalo, New York, will be held in Room 714, U.S. Courthouse, 68 Court Street.

MC 116619 Sub 27, Frederick Transport Limited, now assigned October 22, 1975, at Buffalo, New York, will be held in Room 714, U.S. Courthouse, 68 Court Street.

MC-F-12519 and MC 108067 Sub 16, Al Zeffiro Transfer & Storage Inc.—Purchase (Portion)—Daily Express now assigned October 6, 1975, at Philadelphia, Pa., will be held in Room 3240, William J. Green, Jr., Fed. Bldg., 600 Arch Street.

MC-P-12458, Frontier Delivery, Inc.—Purchase (Port.)—Petroleum Tank Lines, Inc., now being assigned October 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 52587 Sub 12, O.K. Motor Service, Inc., application dismissed.

MC 95350 Sub 6, R. W. Jones Trucking Company, now assigned October 21, 1975, at Salt Lake City, Utah, will be held in Room 206, Administrative Bldg., 1745 West 1700 South.

MC 117883 Sub 196, Subler Transfer, Inc., now assigned October 29, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market Street.

MC 139193 Sub 21, Roberts & Oake, Inc., now assigned November 3, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market Street.

No. 36139, The Board of Trade of Kansas City, Missouri, Inc. vs. Burlington Northern, Inc., et al., now assigned November 5, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market St.

MC 115331 Sub 391, Truck Transport Incorporated, a Corporation, now assigned November 4, 1975, at St. Louis, Missouri, will be held in Courtroom 3, 1114 Market Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24211 Filed 9-10-75; 8:45 am]

[Ex Parte No. 241; Revised Exemption No. 90]

**AKRON, CANTON & YOUNGSTOWN  
RAILROAD CO., ET AL.**

**Mandatory Car Service Rules; Exemption**

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Co., reporting marks: ACY.

Atlanta & Saint Andrews Bay Railway Co., reporting marks: ASAB.

Elgin, Joliet and Eastern Railway Co., reporting marks: EJE.

Missouri-Kansas-Texas Railroad Co., reporting marks: BKTU, MKT, MKTT.

Missouri Pacific Railroad Co., reporting marks: MP.

Norfolk and Western Railway Co., reporting marks: N&W, NKP, P&WV, VGN, WAB.

The Pittsburgh and Lake Erie Railroad Co., reporting marks: P&LE.

Raritan River Rail Road Co., reporting marks: RR.

Sacramento Northern Railway, reporting marks: SN.

SOO Line Railroad Co., reporting marks: SOO.

Tidewater Southern Railway Co., reporting marks: TS.

WCTU Railway Co., reporting marks: WCTR.

The Western Pacific Railroad Co., reporting marks: WP.

Effective August 22, 1975.

Expires November 15, 1975.

Issued at Washington, D.C., August 20, 1975.

INTERSTATE COMMERCE  
COMMISSION,

[SEAL] LEWIS R. TEEPLE,  
Agent.

[FR Doc.75-24216 Filed 9-10-75; 8:45 am]

[Exparte No. 241; Revised Exemption No. 90]

**AKRON, CANTON & YOUNGSTOWN  
RAILROAD CO., ET AL.**

**Mandatory Car Service Rules; Exemption**

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Co., reporting marks: ACY.

Atlanta & Saint Andrews Bay Railway Co., reporting marks: ASAB.

<sup>1</sup> The Baltimore and Ohio Railroad Co., reporting marks: BO.

<sup>1</sup> The Chesapeake and Ohio Railway Co., reporting marks: CO, PM.

<sup>1</sup> Chicago & Eastern Illinois Railroad Co., reporting marks: C&EI, CEI.

Elgin, Joliet and Eastern Railway Co., reporting marks: EJE.

<sup>1</sup> Illinois Terminal Railroad Co., reporting marks: ITC.

<sup>1</sup> Missouri-Illinois Railroad Co., reporting marks: MI.

Missouri-Kansas-Texas Railroad Co., reporting marks: BKTU, MKT, MKTT.

Missouri Pacific Railroad Co., reporting marks: MP.

Norfolk and Western Railway Co., reporting marks: N&W, NKP, P&WV, VGN, WAB.

The Pittsburgh and Lake Erie Railroad Co., reporting marks: P&LE.

Raritan River Rail Road Co., reporting marks: RR.

Sacramento Northern Railway, Reporting Marks: SN.

SOO Line Railroad Co., reporting marks: SOO.

<sup>1</sup> The Texas and Pacific Railway Co., reporting marks: T&P.

Tidewater Southern Railway Co., reporting marks: TS.

WCTU Railway Co., reporting marks: WCTR.

<sup>1</sup> Western Maryland Railway Co., reporting marks: WM.

The Western Pacific Railroad Co., reporting marks: WP.

Effective August 27, 1975.

Expires November 15, 1975.

Issued at Washington, D.C., August 25, 1975.

INTERSTATE COMMERCE  
COMMISSION,

[SEAL] LEWIS R. TEEPLE,  
Agent.

[FR Doc.75-24215 Filed 9-10-75; 8:45 am]

<sup>1</sup> Addition

[Exparte No. 241; Revised Exemption No. 10]

**ATLANTA AND SAINT ANDREWS BAY RAILWAY CO., ET AL.****Mandatory Car Service Rules; Exemption**

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less and equipped with doors less than 9 ft. wide and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta and Saint Andrews Bay Railway Co., reporting marks: ASAB.

The Central Railroad Co. of New Jersey, Robert D. Timpany, Trustee, reporting marks: CNS.

Chicago, West Pullman & Southern Railroad Co., reporting marks: CWP.

The Denver & Rio Grande Western Railroad Co., reporting marks: DRGW.

\* \* \* Deleted Louisiana Midland Railway Co.

Effective August 28, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 28, 1975.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] LEWIS R. TEEPLE,  
Agent.

[FR Doc. 75-24218 Filed 9-10-75; 8:45 am]

[Exparte No. 341; Revised Exemption No. 12]

**ATLANTIC AND WESTERN RAILWAY, ET AL.****Mandatory Car Service Rules; Exemption**

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Reporting Marks: ATW

Chicago & Illinois Midland Railway Company Reporting Marks: CIM

Fonda, Johnston and Gloversville Railroad Company Reporting Marks: FJG

Hartford and Slocumb Railroad Company Reporting Marks: HS

<sup>1</sup> Louisiana Midland Railway Company Reporting Marks: LOAM

Manufactures Railway Company Reporting Marks: MRS

<sup>2</sup> Maryland and Pennsylvania Railroad Company Reporting Marks: MPA

Minneapolis, Northfield and Southern Railway Reporting Marks: MNS

Pickens Railroad Company Reporting Marks: PICK

Roscoe, Snyder and Pacific Railway Company Reporting Marks: RSP

Wellsville, Addison & Galetton Railroad Corporation Reporting Marks: WAG

Effective August 28, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 28, 1975.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] LEWIS R. TEEPLE,  
Agent.

[FR Doc. 75-24217 Filed 9-10-75; 8:45 am]

[Ex parte No. 241; Exemption No. 14-A]  
**MANDATORY CAR SERVICE RULES;  
EXEMPTION**

Upon further consideration of Exemption No. 14, and good cause appearing therefor:

It is ordered, That:  
Exemption No. 14 be, and it is hereby, vacated and set aside.

Effective August 28, 1975.

Issued at Washington, D.C., August 28, 1975.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] LEWIS R. TEEPLE,  
Agent.

[FR Doc. 75-24214 Filed 9-10-75; 8:45 am]

[Ex Parte No. 241; Revised Exemption No. 99]

**FLORIDA EAST COAST RAILWAY CO., ET AL.****Mandatory Car Service Rules; Exemption**

It appearing, that the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that

<sup>1</sup> Addition.

return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carrier for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

Florida East Coast Railway Company Reporting Marks: FEC

The Kansas City Southern Railway Company Reporting Marks: KCS

Louisiana & Arkansas Railway Company Reporting Marks: LA

Maine Central Railroad Company Reporting Marks: MEC

<sup>2</sup> Penn Central Transportation Company (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees) Reporting Marks: PC

Richmond, Fredericksburg and Potomac Railroad Company Reporting Marks: RFP

Union Pacific Railroad Company Reporting Marks: UP

Effective September 4, 1975.

Expires September 30, 1975.

Issued at Washington, D.C., August 27, 1975.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] LEWIS R. TEEPLE,  
Agent.

[FR Doc. 75-24218 Filed 9-10-75; 8:45 am]

[Notice No. 72]

**MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS**

SEPTEMBER 5, 1975.

The following applications are governed by Special Rule 1100 247<sup>1</sup> of the

<sup>1</sup> Addition.

<sup>2</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before October 14, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with

respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 5227 (Sub-No. 18), filed August 13, 1975. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gallyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Air handling units, makeup air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems*, from Hastings, Nebr., to points in Alaska, Delaware, Maine, Massachusetts, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, and the District of Columbia; and (2) *equipment, materials and supplies*, used in the manufacture and production of the above-described commodities, from points in Alaska, Delaware, Florida, Idaho, Maine, Massachusetts, Montana, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Vermont, Utah, Washington, West Virginia, Wyoming, and the District of Columbia, to Hastings, Nebr., restricted to traffic originating at the named origins and destined to the named destinations. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 8744 (Sub-No. 10), filed August 11, 1975. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant Street, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk), between points in Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise Counties, Va., and points in Fayette, Greenbrier, Logan, McDowell, Mercer, Monroe, Mingo, Nicholas, Raleigh, Summers, and Wyoming Counties, W. Va., on the one hand, and, on the other, points in Boone County, W. Va. and those points in Floyd, Harlan, Letcher, Pike, and Martin Counties, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va. or Roanoke, Va.

No. MC 30884 (Sub-No. 22), filed August 12, 1975. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway service, from the plantsites of General Motors Corporation at Norwood, Ohio, to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic moving through Kansas City, Mo., from the plantsites of General Motors Corporation at Norwood, Ohio, to Kansas City, Mo., with no transportation for compensation on return except as otherwise authorized, under a continuing contract or contracts with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 51146 (Sub-No. 441), filed July 24, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and/or waste paper* (except commodities in bulk), between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 61231 (Sub-No. 85), filed August 11, 1975. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming and (2) *materials, equipment, and supplies* used in the manufacture, processing and distribution of iron and steel articles, from the destination states named in (1) above, to the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating

at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 69492 (Sub-No. 48), filed August 11, 1975. Applicant: HENRY EDWARDS, doing business as, HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Detroit, Mich., to Blytheville, Helena, and West Memphis, Ark.; and (2) *feed, feed ingredients and insecticides*, from Memphis, Tenn., to Benton, Fancy Farm, and Folsomdale, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 85811 (Sub-No. 8), filed August 15, 1975. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, P.O. Box 33280, Houston, Tex. 77033. Applicant's representative: Alfred M. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of National Pipe and Tube Corporation located at Liberty County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 95920 (Sub-No. 41), filed August 14, 1975. Applicant: SANTRY TRUCKING COMPANY, a Corporation, 11552 Southwest Pacific Highway, Portland, Ore. 97223. Applicant's representative: George LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Paul, Minn., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *supplies, materials and equipment*, used in the manufacture of Malt beverages, from the destination points named in (1) above, to St. Paul, Minn.; limited to a transportation service to be performed under a continuing contract with Olympia Brewing Company, at Olympia, Wash.

NOTE.—Applicant holds common carrier authority in MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 98327 (Sub-No. 17) (Amendment), filed July 24, 1975, published in the FEDERAL REGISTER issue of August 14, 1975 and republished as amended, this issue. Applicant: SYSTEM 99, a Corpo-

ration, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Redding, Calif. and Medford, Ore.: From Redding over Interstate Highway 5 to Medford, and return over the same route, serving no intermediate points; and (2) Between Reno, Nev. and Alturas, Calif.: From Reno over U.S. Highway 395 to Alturas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—The purposes of this republication are to indicate the broadened commodity description and the elimination of the terminus service limitation in route (1) above. If a hearing is deemed necessary, applicant requests it be held at Medford or Portland, Ore. and San Francisco, Calif.

No. MC 105566 (Sub-No. 113), filed August 7, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass articles*, from Toledo, Ohio and Shreveport, La., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 105566 (Sub-No. 114), filed August 7, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware and glass articles*, from Jeannette, Pa., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; (2) *earthenware, chinaware, porcelainware, and stoneware*, from Sebring, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and (3) *plastic articles and plastic materials*, from Lake City, Pa., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 105813 (Sub-No. 204), filed August 7, 1975. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Ave., Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 180

North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and wines*, from Lawrenceburg, Ind.; Frankfort and Louisville, Ky.; Schenley, Pa.; and Tullahoma, Tenn., to points in Florida, Georgia, North Carolina and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 105813 (Sub-No. 206), filed August 8, 1975. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Ave., Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 180 North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising premiums*, from North East, Pa. and Westfield, N.Y., to points in Alabama, Georgia, and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106278 (Sub-No. 40), filed August 14, 1975. Applicant: E. B. LAW AND SON, INC., P.O. Box 1360, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and zinc concentrates*, in bulk, from ASARCO Mill, N. Mex. (near Deming, N. Mex.), to El Paso, Tex.

NOTE.—Applicant holds contract carrier authority in MC 136078, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 106674 (Sub-No. 168), filed August 18, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc dust*, in drums, from Spelter, W. Va., to points in Illinois, Michigan, Missouri, Ohio, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 108460 (Sub-No. 53), filed August 14, 1975. Applicant: PETROLEUM CARRIERS COMPANY, a Corporation, 5104 West 14th Street, P.O. Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solution*, in bulk, in tank vehicles, from the storage facilities of C. F. Industries, Inc. located at or near Grand Forks, N. Dak., to points in Minnesota, South Dakota, and North Dakota and (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of

C. F. Industries, Inc., located at or near Glenwood, Minn., to points in North Dakota, South Dakota, Iowa, Wisconsin, and Minnesota.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or St. Paul, Minn.

No. MC 111656 (Sub-No. 8), filed August 13, 1975. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, N.Y. 10018. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, loose and crated, from the terminal of Frank Lambie, Inc., at New York, N.Y., to points in Nassau, Suffolk and Westchester Counties, N.Y.; and (2) *returned shipment of paper and paper products*, loose and crated, from points in Nassau, Suffolk, and Westchester Counties, N.Y., to the terminal of Frank Lambie, Inc., at New York, N.Y., under contract with Duplex Products, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 113690 (Sub-No. 5), filed June 16, 1975. Applicant: SIDNEY T. SMITH, 29 Crawford Street, Roxbury, Mass. 02121. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and equipment*, Between Bronx, N.Y., on the one hand, and on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia, under contract with Art Steel Company, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116763 (Sub-No. 319), filed August 13, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk in tank vehicles), from Lowell, Fla., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 116858 (Sub-No. 14), filed August 14, 1975. Applicant: J & M CARRIERS CORP., a Corporation, 43 -06 54th Road, Masspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract*

*carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is distributed by a premium stamp redemption center in redemption of premium stamps, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between the site of the warehouse of Sperry & Hutchinson Co., in Metuchen, N.J., on the one hand, and, on the other, points in New London, Tolland, and Windham Counties, Conn.; and (2) *premium stamp books* with stamps attached, from points in New London, Tolland, and Windham Counties, Conn., to the site of the warehouse of Sperry & Hutchinson Co., in Metuchen, N.J., under a continuing contract or contracts with Sperry & Hutchinson Co.

**NOTE.**—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117883 (Sub-No. 202), filed August 15, 1975. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, 791 East Main St., Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, advertising material and specialties, and related equipment and supplies* when moving with foodstuffs (except commodities in bulk), from the plantsite and storage facilities of the Oscar Mayer & Company at Madison, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 118318 (Sub-No. 28), filed August 15, 1975. Applicant: IDA-CAL FREIGHTLINES, INC., P.O. Drawer M, Nampa, Idaho 83651. Applicant's representative: Kenneth G. Bergquist, 307 Sonna Building, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, meat meal, blood meal, bone meal and feather meal), from points in Canyon County, Idaho, to points in Nevada.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 118535 (Sub-No. 68), filed August 11, 1975. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 Nat'l Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, (a) from Hutchinson, Kans., to points in Illinois, Missouri, and Wisconsin; and (b) from La Junta, Colo., to points in Arizona, New Mexico, and Texas, (2) *dry potash, potash products, and potash by-products*, from points in Lea and Eddy Counties, N. Mex., to points in Louisiana and Wisconsin, and (3) *dry feed ingredients*, from Van Buren, Ark., to points in Tennessee.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119991 (Sub-No. 11), filed July 25, 1975. Applicant: YOUNG TRANSPORT, INC., 1915 East Broadway, Logansport, Ind. 46947. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins and pelts, and pieces thereof*, from points in Florida to Chicago, Ill., and its Commercial Zone, New Orleans, La., North Pownal, Vt., and points in Michigan, New Hampshire, Texas, and Wisconsin.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 121060 (Sub-No. 37), filed August 14, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except in bulk), from the facilities of The Celotex Corporation, at or near Lagro, Ind., and from Wabash, Ind., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 123255 (Sub-No. 54), filed August 14, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glass glazing units, and automobiles glass*, from Selma, Ala., to points in the United States (except Alaska and Hawaii).

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 55), filed August 14, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Lancaster,



Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 124523 (Sub-No. 3), filed June 26, 1975. Applicant: BUTTERWORTH & SONS, INC., 1320 West Board Street, Stratford, Conn. 06497. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut on, east, northeast, and north of a line beginning at the New York-Connecticut State Boundary line and extending along Interstate Highway 84 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Connecticut Highway 58, thence along Connecticut Highway 58 to Bridgeport, Conn., restricted to the transportation of traffic having an immediately prior or immediately subsequent movement by air.

NOTE.—Applicant states that it intends to tack the requested authority at Bridgeport, Hamden, Norwalk, Waterbury, New Haven, East Haven, and West Haven, Conn., with its base Certificate to provide service on general commodities with the usual exceptions between JFK Airport, New York, N.Y., La Guardia Airport, New York, N.Y., and Newark Airport, N.J., on the one hand, and, on the other, those points in Connecticut described above. Applicant has filed an application for gateway elimination docketed in No. MC-124523 (Sub-No. 4) and noticed in the FEDERAL REGISTER issue of August 13, 1975. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 128343 (Sub-No. 29), filed August 18, 1975. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Corbert, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bolts, nuts, washers, and fasteners*, (a) from Pawtucket, R.I., to points in Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin; and (b) from West Haven, Conn., and Brookfield, Mass., to Pawtucket, R.I.; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of

bolts, nuts, washers, and fasteners, (a) from points in New York, Ohio, Pennsylvania, Connecticut, Massachusetts, California, and Texas, to Pawtucket, R.I.; and (b) from Pawtucket, R.I., to West Haven, Conn., and Brookfield, Mass., under contract with Pawtucket Fasteners, Inc.

NOTE.—Applicant holds common carrier authority in MC 138861, and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128375 (Sub-No. 134), filed August 14, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, equipment, and accessories*, (1) from Atlanta, Ga., to points in Virginia, (2) from Seattle, Wash., to points in Oregon, (3) from Loudon and Pulaski, Tenn., to Nashville, Tenn., and (4) from Columbus, Ohio, to points in New York, Pennsylvania, and West Virginia, under contract with the Marent Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC 128841 (Sub-No. 8), filed August 8, 1975. Applicant: MUR-GAIL, INC., 301 North 5th St., Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by premium trading stamp companies, in shipper owned or leased equipment (trailers), having had immediate prior out of state transportation by rail; and (2) (a) *returned shipments* of such commodities, from Minneapolis, Minn., to Hutchinson and New Ulm, Minn., and (b) *returned merchandise* from the above-named destination point to the above named origin point, under a continuing contract or contracts with The Sperry and Hutchinson Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129486 (Sub-No. 9), filed August 11, 1975. Applicant: PAGE TRUCKING COMPANY, INC., P.O. Box 14, Hines, Minn. 55647. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated soups and stuffing mix*, from the plant site and storage facilities of Apro-Pak located at or near Seville, Ohio and in Howell Township, at or near Freehold, N.J., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the production of dehydrated soups and stuffing

mixes, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Apro-Pak located at or near Seville, Ohio, and in Howell Township at or near Freehold, N.J., restricted to transportation services to be performed under a continuing contract or contracts with Apro Pak, located at Pikesville, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 136786 (Sub-No. 79), filed August 11, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Northwest, New Brighton, Minn. 55112. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and carpet padding*, from Trenton, N.J., Philadelphia, Pa., and Columbus, Miss., to points in Kansas, Iowa, Nebraska, Minnesota, Missouri, North Dakota, South Dakota, Colorado, Wisconsin, Oklahoma, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139858 (Sub-No. 5), filed August 8, 1975. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Ave., Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fireplaces, chimneys, and chimney assemblies, and related equipment and supplies* from Huntington, Ind., and North Manchester, Ind., to points in the United States (except Indiana, Alaska, and Hawaii); and (2) *materials, equipment, supplies and accessories* used in the manufacture and distribution of the above-mentioned commodities (except commodities in bulk and those which because of size or weight require the use of special equipment) from points in Oregon, Illinois, and Ohio, to Huntington, Ind., and North Manchester, Ind., under a continuing contract or contracts with Majestic Company (an American Standard Company).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C.; Cincinnati, Ohio; or Indianapolis, Ind.

No. MC 139989 (Sub-No. 1), filed August 12, 1975. Applicant: LLOYD BUNDLE, doing business as L & S TRUCKING, 5110 Lillian St., Torrance, Calif. 90503. Applicant's representative: Lloyd Bundle (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, not exceeding 80 feet in length, from the Los Angeles Harbor Commercial Zone and Anaheim, Calif., to points in Nye and Clark Counties, Nev.; Reno, Nev.; and points in Arizona, and (2) return

of returned shipments, under a continuing contract or contracts with Wesseln Construction Company, King Timber Company, and J. H. Baxter Company.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140407 (Sub-No. 1), filed August 14, 1975. Applicant: DONALD R. PENICK AND HARVEY KEENAN, a Partnership, doing business as DOUBLE EAGLE TRUCKING, Route 1, Box 80, Onalaska, Wash. 98570. Applicant's representative: David C. White, 2400 SW Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, dry wall joint compound, paint sundries, and materials used in the manufacture of paint and dry wall joint compound* (except in bulk), (1) between San Carlos, Calif., and Kirkland, Wash.; and (2) from San Carlos, Calif., to Portland, Oreg., and Vancouver, Olympia, Kent, and Tacoma, Wash., restricted in (1) and (2) above to shipments moving between the facilities of Kelly-Moore Paint Company, Inc., under a continuing contract or contracts with Kelly-Moore Paint Company, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 140810 (Sub-No. 2), filed August 7, 1975. Applicant: VALLEY MOVING & STORAGE COMPANY, a Corporation, 422 W. Adams Street, P.O. Box 1206, Harlingen, Tex. 78550. Applicant's representative: V. C. Johnston, Sr., 2619 Clifford Street, Harlingen, Tex. 78550. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, between Harlingen, Tex., on the one hand, and, on the other, points in Willacy, Cameron, Hidalgo, and Starr Counties, Tex.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Brownsville, Corpus Christi, or San Antonio, Tex.

No. MC 140848 (Sub-No. 1), filed August 14, 1975. Applicant: ELMER E. FRIESEN AND VIRGINIA M. FRIESEN, a Partnership, doing business as ELMER E. FRIESEN, Box 354, Mountain Lake, Minn. 56159. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete and mortar mixing machines, hydraulic cylinders, pumps, and parts for and components of such commodities*, between Mountain Lake and Burnsville, Minn., on the one hand, and, on the other, ports of entry on the International Boundary line between the

United States and Canada, at Noyes, Minn., and Pembina, N. Dak., and thence to or from Winnipeg, Manitoba, Canada; and (2) *foundry core compounds, foundry molding sand treating compounds, foundry cupola patching compounds, and silicon briquettes* (except in bulk in tank vehicles), from Minneapolis, Minn., to ports of entry on the International Boundary line between the United States and Canada at Noyes, Minn., and Pembina, N. Dak., and thence to Winnipeg, Manitoba, Canada.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 141062 (Sub-No. 2), filed August 18, 1975. Applicant: ANTONA TRUCKING CO., INC., Route 208, P.O. Box 315, Washingtonville, N.Y. 10992. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in dump vehicles, from Bloomingburg, N.Y., to Mahwah and Hillsdale, N.J.

**NOTE.**—Applicant holds contract carrier authority in MC 119367 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141186 (Sub-No. 1), filed August 11, 1975. Applicant: CLEVELAND SHELLEY, doing business as SHELLEY TRUCK LINE, Route 2, Headland, Ala. 36345. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and trailers, salvage and scrap vehicles, junk and compacted and crushed motor vehicles, bodies*, between points in Louisiana, Mississippi, Tennessee, Alabama, Georgia, and Florida.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either Montgomery or Birmingham, Ala.

No. MC 141234 (Sub-No. 1), filed August 11, 1975. Applicant: BARWEIN INDUSTRIAL SUPPLY CO., INC., 55 Randolph Avenue, Avenel, N.J. 07001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Middlesex County, N.J.; and (2) between Avenel, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone as defined by the Commission, Port Newark and Port Elizabeth, N.J., and points in Essex, Middlesex, Monmouth, Passaic, and Union Counties, N.J., restricted to pick-up and delivery service by applicant, to or from a movement by rail, air or water, prior to or subsequent to crating or packaging by applicant.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 141237, filed August 8, 1975. Applicant: LOREN J. SLAGHT, 990 La-Pointe St., Prairie du Chien, Wis. 53821. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Prairie du Chien, Wis., to points in Iowa and Minnesota, restricted to service under a continuing contract or contracts with Dometar Chemicals, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 141258 (Sub-No. 1), filed August 15, 1975. Applicant: ANSON A. DEARING, doing business as, HEREFORD IRON AND METAL, North Progressive Road, P.O. Box 455, Hereford, Tex. 79045. Applicant's representative: John D. Aikin, 140 E 3, Hereford, Tex. 79045. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed lot equipment and grain handling equipment*, from Hereford, Tex., to points in Oklahoma, New Mexico, and Kansas, under a continuing contract or contracts with McCullar Machine & Welding, Poarch Bros. Inc., B.R. Welding and Manufacturing, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Amarillo, Tex. or Oklahoma City, Okla.

#### PASSENGER APPLICATIONS

No. MC 141115 (Sub-No. 1), filed July 7, 1975. Applicant: PILCHER BUS SERVICE, INC., R.D. 3, Freehold, N.J. 07728. Applicant's representative: Bruce E. Edington, 2 Broad St., Freehold, N.J. 07728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in charter and round trip tours, beginning and ending in that portion of Monmouth County, N.J., west of New Jersey Highway 34 and including points in Jackson and Lakewood Townships, (Ocean County), N.J., and extending to Washington, D.C., and that portion of Pennsylvania lying east of a line beginning at the New York-Pennsylvania State Boundary line at Lawrenceville, Pa., thence along U.S. Highway 15 to Williamsport, Pa., thence along the Susquehanna River over unnumbered State Roads to Peachbottom, Pa., at or near the Maryland-Pennsylvania State Boundary line, and points in New York, Connecticut, Rhode Island and Vermont.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 141226, filed August 7, 1975. Applicant: CONGREGATION ZEMACH DAVID OF NEW SQUARE, 15 Roosevelt Avenue, New Square, N.Y. 10977. Applicant's representative: Donald E. Cross, 918 16th St. NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special op-

erations, between points in Rockland County, N.Y., on the one hand, and, on the other, points in New York County (Manhattan), and Kings County (Brooklyn), N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

By the Commission,

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24055 Filed 9-10-75;8:45 am]

## OPERATING AUTHORITY

### Applications

SEPTEMBER 8, 1975.

The Commission wishes to call to the attention of all applicants for operating authority whose applications were filed after January 20, 1975, that they are subject to the amended Rule 247 set forth in Ex Parte No. 55 (Sub-No. 10) and published in 120 M.C.C. 870. In particular, applicants should be aware of the requirement that the application when filed must be accompanied by certifications of support for each supporting shipper known to the applicant at that time. This is particularly important since the rule now limits the total number of witnesses whose testimony may be offered to no more than twice the number for whom certifications were filed with the application. Thus, for example, if 10 certifications are filed with the application, testimony at a hearing or under the modified procedure may be presented by no more than 20 such witnesses.

The Commission recognizes that frequently supporting shippers are unable to appear at a hearing and that certifications may be filed on behalf of more supporting shippers than will be permitted to testify under this rule. Thus, the rule does not limit the total number of additional supporting shipper witnesses for whom certifications may be filed after filing the application provided all such certifications are filed not later than 30 days before the date assigned for commencement of oral hearing. Nonetheless, the total number of witnesses presented is limited as set forth above.

Applicants are warned that the deadline for filing subsequently obtained certifications (30 days prior to hearing) is not subject to waiver and the Commission will not entertain petitions therefor. The rule specifically provides that no testimony will be received from witnesses for whom such certifications have not been timely received.

Applicants should also be aware of the new provision that, upon request by any party, the applicant shall furnish to such party copies of all certifications filed with the application and shall serve copies of all subsequently obtained certifications upon all parties of record.

The attention of all applicants is also called to the revised deadline for submitting proposed amendments to applications. This deadline is now 30 days from the service date of the notice that

the case has been designated for processing under oral hearing procedures or the date of a prehearing conference assigned to consider amendments.

Attention is also called to the amendment to Rule 247(f), appearing in Ex Parte No. 55 (Sub-No. 13) and printed in 350 I.C.C. 475. Effective September 15, 1975, this revised rule provides, in part, that submission of a request for dismissal of an application later than 15 calendar days after the service date of a notice setting it for oral hearing, or failure of applicant to appear and prosecute such application at such hearing, will result in dismissal thereof and will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of one year after the date of the dismissal order.

The above revisions in the General Rules of Practice were the subject of rulemaking proceedings in which all interested persons were invited to participate and are intended to improve the Commission's procedures and contribute to more expeditious decisions. They are particularly designed to insure that applicants for operating authority take prompt action to have their case as fully prepared as possible prior to filing the application and to promptly dismiss any application which they do not intend to prosecute.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24212 Filed 9-10-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Applications

SEPTEMBER 8, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 14702 (Sub-No. 64G), filed June 4, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad St., Colum-

bus, Ohio 43215. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Aluminum and aluminum articles (except that which because of size and weight require the use of special equipment), between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, West Virginia, Virginia, Rhode Island, and the District of Columbia, on the one hand and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois (except points in the Chicago, Ill. Commercial Zone as defined by the Commission, and those in Cook County, Ill.), Indiana (except points in the Indianapolis Commercial Zone as defined by the Commission, and those in that part in Indiana within the Chicago, Ill. Commercial Zone as defined by the Commission), Iowa, Kansas, Kentucky, Louisiana, Michigan (except points in the Detroit Commercial Zone as defined by the Commission), Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin (except those points in the West Bend, Wis. Commercial Zone as defined by the Commission and those in Milwaukee County, Wis.), and Wyoming. The purpose of this filing is to eliminate the gateways of Oswego, N.Y., Fairmont, W. Va. and Warren, Ohio.

No. MC 114552 (Sub-No. 99G), filed June 4, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, Post Office Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Lumber (except plywood and veneer), (1) between points in Alabama, on the one hand and, on the other, points in New Jersey, Ohio, Mississippi, Pennsylvania, Rhode Island, Virginia, West Virginia, New York, Kentucky, Florida, Connecticut, District of Columbia, Delaware, Illinois, Indiana, Maryland, Massachusetts, and Michigan. The purpose of this filing is to eliminate the gateways of points in Tennessee, Georgia, north-west Georgia, and East Tennessee. (2) from points in Alabama, to points in New Hampshire, Vermont and Maine. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (3) from points in Alabama south of U.S. Highway 80 (except Russell County), to points in Tennessee and Georgia. The purpose of this filing is to eliminate the gateways of East Tennessee, Clay County, N.C. (4) from points in Connecticut, to points in Arkansas, Florida, Oklahoma, Texas, Virginia, and Louisiana. The purpose of this filing is to eliminate the gateways of points in Georgia and McDuffie County, Ga., Greenwood County, S.C., and points in North Carolina.

(5) Between points in Connecticut, on the one hand and, on the other, points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways

of points in Georgia. (6) between points in Delaware, on the one hand and, on the other, points in Tennessee, Kentucky, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of points in Georgia, North Georgia, and Buncombe County, N.C., and points in Tennessee. (7) from points in Delaware, to points in Alabama, Florida, Virginia, Arkansas, Oklahoma, Kansas, and Texas. The purpose of this filing is to eliminate the gateways of points in North Carolina, Greenwood County, S.C., and points in Georgia. (8) from points in Florida, to points in Delaware, Maine, Maryland, New Hampshire, Vermont, North Dakota, Connecticut, New York, Pennsylvania, Virginia, Wisconsin, Oklahoma, Kansas, Missouri, Rhode Island, Iowa, Nebraska, South Dakota, Minnesota, Massachusetts, District of Columbia, Louisiana, Texas, Arkansas, and New Jersey. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., McDuffie County, Ga., Western North Carolina and points in Georgia. (9) between points in Florida, on the one hand and, on the other, points in Michigan, Illinois, Indiana, Kentucky, Ohio, West Virginia, Tennessee, and Mississippi. The purpose of this filing is to eliminate the gateways of points in Georgia and Tennessee. (10) between points in Georgia on the one hand and, on the other, points in Illinois, Indiana, Michigan, Ohio, and Louisiana. The purpose of this filing is to eliminate the gateways of points in Tennessee and North Carolina.

(11) From points in Georgia, to points in Maine, Minnesota, Nebraska, New Hampshire, North Dakota, Wisconsin, Vermont, Kansas, Iowa, Texas, Oklahoma, Missouri, Arkansas, and South Dakota. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (12) between points in Kentucky, on the one hand and, on the other, points in the District of Columbia, Louisiana, Maryland, Mississippi, and New Jersey. The purpose of this filing is to eliminate the gateways of points in Tennessee and Western North Carolina and points in Georgia. (13) from points in Kentucky, to points in Virginia, Rhode Island, Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of points in Tennessee, Greenwood County, S.C., and points in Georgia. (14) between points in Louisiana, on the one hand and, on the other, points in West Virginia, Virginia, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Massachusetts, Kentucky, Tennessee, South Carolina, Michigan, and District of Columbia. The purpose of this filing is to eliminate the gateways of Western North Carolina, points in North Carolina, Georgia, and Tennessee. (15) from points in Louisiana, to points in Connecticut, Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of points in North Carolina and Western North Carolina, Greenwood County, S.C.

(16) From points in Maryland, to points in Tennessee, Arkansas, Florida,

Oklahoma, Texas, Kansas, Alabama, and Virginia. The purpose of this filing is to eliminate the gateways of Ashe County, N.C., points in Georgia, Greenwood County, S.C., Robeson County, N.C., and points in North Carolina. (17) from points in Massachusetts, to points in Texas, Oklahoma, Arkansas, Tennessee, Kentucky, Illinois, Indiana, Florida, West Virginia, and Virginia. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., Ashe County, N.C., points in South Carolina, Rockingham County, N.C., Franklin County, N.C. and points in Tennessee. (18) between points in Mississippi, on the one hand and, on the other, points in Maryland, Massachusetts, New Jersey, New York, Connecticut, Ohio, Pennsylvania, Rhode Island, West Virginia, Michigan, Tennessee, Delaware, Virginia, District of Columbia, Illinois, and Indiana. The purpose of this filing is to eliminate the gateways of points in Georgia and Tennessee. (19) from points in Mississippi, to points in Maine, Vermont, New Hampshire, and North Carolina. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C. and points in Georgia. (20) from points in New Jersey, to points in Arkansas, Florida, Oklahoma, Texas, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., Ashe County, N.C. and points in North Carolina and Georgia. (21) from Camden County, N.J., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in West Virginia.

(22) From points in New York, to points in Oklahoma, Arkansas, Texas, and Florida. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., points in North Carolina and points in Georgia. (23) from points in North Carolina, to points in New Jersey, New Hampshire, Connecticut, West Virginia, Vermont, Pennsylvania, Illinois, Michigan, Texas, Oklahoma, South Dakota, North Dakota, Wisconsin, Missouri, Minnesota, Iowa, Arkansas, Indiana, Kentucky, Maine, Virginia, New York, Maryland, Delaware, Nebraska, Kansas, Massachusetts, Rhode Island, Ohio, Tennessee, Mississippi, and District of Columbia. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., points in Georgia, East Tennessee, points in Tennessee and McDuffie County, Ga. (24) from points in Pennsylvania, to points in Florida, Texas, Arkansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (25) from points in Rhode Island, to points in Arkansas, Florida, Oklahoma, Texas, Tennessee, Kentucky, Illinois, West Virginia, Virginia, and Indiana. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C., points in South Carolina, Ashe County, N.C., Rockingham County, N.C. and points in Tennessee. (26) from points in South Carolina, to points in Rhode Island, Massachusetts, Vermont, Indiana, and Illinois. The purpose of this filing is to eliminate the gateways of points in Georgia and Tennessee, Camden County, N.J.

(27) From points in Tennessee, to points in Maryland, New Hampshire, Massachusetts, Maine, Rhode Island, Vermont, District of Columbia, Delaware, and Connecticut. The purpose of this filing is to eliminate the gateways of points in Georgia and Greenwood County, S.C. (28) between points in Tennessee, on the one hand and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Georgia. (29) from points in Virginia, to points in Texas, Wisconsin, Oklahoma, Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Arkansas, and Florida. The purpose of this filing is to eliminate the gateways of Greenwood County, S.C. and points in North Carolina. (30) from points in that part of Virginia on and south of a line extending from the West Virginia-Virginia State line along U.S. Highway 60 to junction Virginia Highway 249 at Sandston, thence along Virginia Highway 249 to junction Virginia Highway 33, and thence along Virginia Highway 33 to the Chesapeake Bay, to points in Tennessee, Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and New York. The purpose of this filing is to eliminate the gateways of Scurry County, N.C. and points in Tennessee. (31) from points in West Virginia, to points in Texas, Arkansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C.

(32) From the District of Columbia, to points in Virginia, Tennessee and Florida. The purpose of this filing is to eliminate the gateways of points in North Carolina and Georgia, Ashe County, N.C. (33) from points in Connecticut, to points in Kentucky, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Ashe County, N.C., Rockingham County, N.C. and Franklin County, N.C. (34) from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, Tennessee, and West Virginia, to points in that part of Virginia on and south of a line extending from the West Virginia-Virginia State line along U.S. Highway 60 to junction Virginia Highway 249 near Sandston, thence along Virginia Highway 249 to junction Virginia Highway 33, and thence along Virginia Highway 33 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateways of Rockingham or Buncombe, N.C., Rockingham County, N.C., and points in Indiana, Georgia, and North Carolina. (B) *fertilizer and fertilizer materials*, in bags, from Wilmington, N.C., to points in Georgia. The purpose of this filing is to eliminate the gateways of Charleston, S.C. or Roebuck, S.C. (C) *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Screven County, Ga., to points in North Carolina. The purpose of this filing is to eliminate the gateways of Roebuck, S.C. or Charleston, S.C.

(D) *Composition board*, from the plant and warehouse sites of Weyerhaeuser Company at Adel, Ga., to points in Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Maryland, Dela-

ware, Pennsylvania, New Jersey, Vermont, New Hampshire, Maine, and that part of New York on and north of New York Highway 7, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the plant and warehouses sites of Weyerhaeuser Company, at Adel, Ga. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (E) *composition board, and accessories and supplies* used in the installation thereof, from the plant site of the Masonite Corporation located at or near Spring Hope, N.C., to points in Michigan, Wisconsin, Illinois, Indiana, Texas, and Oklahoma, restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateways of Roaring River, N.C. and Greenwood County, S.C. (F) *composition board and plywood*, from Camden, N.J., to points in Kentucky, Tennessee, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma. The purpose of this filing is to eliminate the gateways of Roaring River, N.C., and Greenwood County, S.C. (G) *ventilator systems*, from Keyser, W. Va., to points in South Carolina, Georgia, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, and Oklahoma. The purpose of this filing is to eliminate the gateway of Tabor City, N.C. (H) *plywood*, (1) from points in Louisiana, to points in New Jersey, Maryland, New York, Pennsylvania, Ohio, Virginia, West Virginia, Delaware, Georgia, Kentucky, District of Columbia, and South Carolina. The purpose of this filing is to eliminate the gateways of Charlotte, N.C. and Goldsboro, N.C.

(2) From points in Manatee County, Fla., to points in Kentucky, Tennessee, North Carolina, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Ohio, Indiana, Illinois, Maine, Wisconsin, New Hampshire, Vermont, Texas, Michigan, Virginia, District of Columbia, and Maryland. The purpose of this filing is to eliminate the gateways of Livingston, Ala., Greenwood County, S.C., Walterboro, S.C., and Charlotte, N.C. (3) from the plantsite of Ply-Gem Corporation in Queens County, N.Y., to points in Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (I) *plywood and composition board*, from the facilities of the Plywood Panels, Inc., at or near New Orleans, La., to points in Maine, New Hampshire, Vermont, New Jersey, Delaware, Maryland, West Virginia, Ohio, Pennsylvania, and those in New York on and north of New York Highway 7, restricted to the transportation of traffic either (a) having a prior movement by water or (b) originating at the above-described origin point. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C. (J) *plywood*, (1) from the plantsite of Holly Hill Lumber Company at or near Walterboro and Holly Hill, S.C., to points in Delaware, New York, New Jersey, Mississippi, Illinois, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of

Charlotte, N.C. (2) from the plantsite of Sumter Plywood Corporation near Livingston, Ala., to points in Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Maine, New Hampshire, Vermont, West Virginia, Ohio, Indiana, Wisconsin, and Michigan. The purpose of this filing is to eliminate the gateways of Charlotte, N.C. and Greenwood County, S.C.

No. MC 115841 (Sub-No. 475G), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats*, from Wilmington, Del., to points in California, Oregon, Washington, Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Nashville, Tenn., and Memphis, Tenn. (2) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, unfrozen, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods*, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk) as encompassed in foodstuffs, from Chattanooga, Tenn., to points in California, Oregon and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(3) *Fresh and frozen meats*, from the plantsite of Briggs & Company within the Washington, D.C. Commercial Zone, as defined by the Commission (except commodities in bulk, liquid commodities, in tank vehicles), to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, Texas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Montgomery, Alabama. (4) *meats, except canned meats and dairy products*, restricted to the transportation of said commodities when frozen, from points in that part of New York, N.Y. Commercial Zone, as defined in Fifth Supplemental Report on Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemptions provided in sections 203(b) (8) of the Interstate Commerce Act, to points in Iowa, Kansas, Minnesota, Missouri, (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, and Texas, restricted against the transportation of shipments which originate at or are destined to points in Florida. The purpose of this filing is to eliminate the gateways of Springfield,

N.J. and Birmingham, Ala. (5) *fresh meats and dairy products*, as defined by the Commission, as encompassed in foodstuffs, from the Lower Peninsula of Michigan, to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(6) *Fresh or frozen meats, and cooked or cured meats*, in vehicles, equipped with mechanical refrigeration (except in bulk or in tank vehicles), as encompassed in foodstuffs, from Brundidge, Ala. and points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.) to points in Maine, New Hampshire, Vermont, Arkansas, Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Birmingham, Ala. and Nashville, Tennessee. (7) *bakery goods*, as encompassed in prepared foods and foodstuffs, in vehicles equipped with mechanical refrigeration, from Elizabeth, N.J., to points in Tennessee, Alabama, Louisiana, Mississippi, Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis), Missouri, Nebraska, Oklahoma, South Dakota, Texas, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, California, Arkansas, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Union City, N.J. and Chattanooga, Tenn.; Birmingham, Ala.; Memphis, Tenn. (8) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as encompassed in foodstuffs, in vehicles equipped with mechanical refrigeration, (except commodities in bulk and except liquid commodities in bulk), from points in that part of New York, N.Y. Commercial Zone, as defined by the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b) (8) of the Interstate Commerce Act, to points in Kentucky, Alabama, Mississippi, Louisiana, Virginia, North Carolina, South Carolina, Tennessee, West Virginia, Georgia, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Springfield, N.J. and Birmingham, Ala. and Chattanooga, Tenn.

(9) *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except commodities in bulk, hides, and liquid commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc. located at or near Phelps City, Mo., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas,

Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Delaware, Maryland, and the District of Columbia, restricted to traffic originating at the plantsite of Missouri Beef Packers, Inc., at or near Phelps City, Mo. The purpose of this filing is to eliminate the gateways of Chattanooga, Nashville, and Knoxville, Tenn. (10) *meats* (except canned meats), and *dairy products* (except when frozen), in vehicles equipped with mechanical refrigeration, (except in bulk or in tank vehicles) as encompassed in foodstuffs, from Brundidge, Ala. and points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.), to points in Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (11) *meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except in bulk or in tank vehicles, as encompassed in foodstuffs, from Brundidge, Ala. and points on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.), to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(12) *Meats, meat products, and meat by-products*, from West Richfield, Ohio, to points in Alabama, Georgia, Louisiana, Mississippi, Tennessee, Boston, Mass., the Lower Peninsula of Michigan, Allentown, Pa., Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Lexington, Ky.; Montgomery, Ala.; and Nashville, Tenn. (13) *meats, meat products, and meat by-products*, from Bellefontaine, Ohio, to points in Alabama, Georgia, Louisiana, Mississippi, Tennessee, Boston, Mass., the Lower Peninsula of Michigan, and Allentown, Pa., California, Oregon, Washington, Arkansas, South Carolina, Tennessee, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Lexington, Ky.; Birmingham, Ala.; Nashville, Tenn.; and Chattanooga, Tenn. (14) *meats, meat products, and meat by-products*, from New Orleans, La. and points within 10 miles thereof, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Delaware, District of Columbia, Maryland, Virginia, West Virginia, Wisconsin, Minnesota, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Arkansas, Louisiana, and Memphis, Tennessee. The purpose of this filing is to eliminate the gateways of Nashville, Tenn.; Jackson, Tenn.; Knoxville, Tenn.; and Chattanooga, Tenn.

(15) *Meats* (except canned meats) and *dairy products*, restricted against the transportation of said commodities when frozen in vehicles, equipped with mechanical refrigeration, from Springfield, N.J., to points in Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, and Texas, restricted against the transportation of any shipments which originate at or are destined to points in Florida. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (16) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing-houses*, from Springfield, N.J., to points in Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, Texas, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, and Arkansas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; and Nashville, Tenn. (17) *meats, meat products, and meat by-products*, from Memphis, Tenn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and District of Columbia, California, Oregon, Washington, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of Booneville, Miss. and Birmingham, Ala. (18) *meats, meat products, and meat by-products and dairy products*, from the plantsite of Swift & Company at Rochelle, Ill., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, and Arkansas, restricted to the transportation of shipments originating at, or destined to the plantsite of Swift & Company at Rochelle, Ill. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

(19) *Meats, meat products and meat by-products and dairy products, and articles distributed by meat packing-houses* (except commodities in bulk), from Garden City, Kans., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, Tennessee, Virginia, West Virginia, Alabama, and Mississippi, restricted to traffic originating at the plantsite of Producers Packing near Garden City, Kans. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (20) *frozen meats*, from Decatur, Ala., to points in Arkansas, Georgia, Mississippi, South Carolina, Tennessee, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Alabama, Louisiana, California, Oregon, Washington, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Wisconsin, Delaware, Maryland, District of Colum-

bia, Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; Nashville, Tenn.; Knoxville, Tenn.; Jackson, Tenn.; and Memphis, Tenn. (21) *fresh and cured meats*, from Boston, Mass., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, Washington, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; Nashville, Tenn.; and Montgomery, Ala.

(22) *Meats, meat products and meat by-products and cheese products*, from Evansville, Indianapolis, and Washington, Ind. and Louisville, Ky., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, Virginia, West Virginia, Kansas, Missouri, Nebraska, Oklahoma, Texas, California, Oregon, and Washington, restricted to the transportation of shipments originating at the plantsites of Armour & Co. at Washington, Indiana, and Klarer of Kentucky, Inc. at Louisville, Ky. and the warehouses utilized by Armour & Co., and Klarer of Kentucky, Inc., at Evansville, and Indianapolis, Ind. and Louisville, Ky. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Nashville, Tenn.; Chattanooga, Tenn.; and Montgomery, Ala. (23) *meats, meat products and meat by-products*, from Hernando, West Point, and Booneville, Miss., to points in California, Oregon, Washington, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, North Carolina, South Carolina, Tennessee, West Virginia, Georgia, Alabama, Mississippi, Louisiana, and Arkansas (except from Hernando, Miss., to Alabama, Georgia, Florida, North Carolina, and South Carolina and New Orleans, La.). The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; and Nashville, Tenn. (24) *meats, meat products, and meat by-products*, from the plantsite of George A. Hormel & Company at or near Bureau, Ill., to points in Delaware, Maryland, Virginia, West Virginia, and District of Columbia, restricted to the transportation of traffic originating at the plantsite of George A. Hormel & Company at or near Bureau, Ill. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

(25) *Bakery materials*, in vehicles equipped with mechanical refrigeration, from Belleville, N.J., to points in Kansas, Iowa, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, Washington, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Florida, Tennessee, Alabama, North Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Knoxville, Tenn. and Birmingham, Ala. (26) *bakery materials*, in vehicles equipped with mechanical refrigeration, from Knoxville, Tenn., to points in Ar-

kansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Iowa, Kansas, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Tenn. (27) *bakery products and dessert topping and bakery goods topping*, in vehicles equipped with mechanical refrigeration, from Chadds Ford, Marysville, Morgantown, and Pottstown, Pa., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (28) *foodstuffs*, in vehicles equipped with mechanical refrigeration; from points in North Carolina, to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (29) *beef, lamb, and veal cuts*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, Washington, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Wisconsin. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Tenn.; and Nashville, Tenn.

(30) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, in vehicles equipped with mechanical refrigeration, from Lexington, Ky., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, Virginia, West Virginia, and Alabama. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (31) *meat, meat products and meat by-products, and articles distributed by meat packinghouses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plants of Armour & Company near Sterling, Ill., to points in Georgia, Louisiana, South Carolina, Mississippi, and Tennessee, restricted to traffic originating at the plants of Armour & Company at or near Sterling, Ill. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (32) *prepared foods*, in vehicles equipped with mechanical refrigeration, from Union City, N.J. and New York, N.Y.; and Philadelphia, Pa., to points in Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (33) *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Columbia, Dutchess, and Ulster Counties, N.Y., to points in Oregon, Washington, and California. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (34) *foodstuffs* (except Bananas and liquid commodities in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in that part of Rock-

land County, N.Y. east of the Garden State Parkway and South of Interstate Highway 287, that part of Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Washington, and Oregon. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Birmingham, Ala.

(35) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from North East, Pa., to points in Arkansas, California, and Georgia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(36) *Foodstuffs*, (except in bulk or in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in Alabama on and north of U.S. Highway 80 (except Birmingham, Ala.), to points in Louisiana, Mississippi, Tennessee, Oregon, and Washington, restricted against the transportation of traffic originating at Cullman, Ala. Said operations are restricted against the transportation of traffic destined to points in Florida, Georgia, North Carolina, and South Carolina.

The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (37) *Foods and foodstuffs*, not included in foods, (except in both instances liquid commodities, in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., to points in Oregon, Washington, California, and Little Rock, Little Rock Air Force Base, and Blytheville, Ark. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(38) *Foods and foodstuffs*, not included in foods (except bananas in both instances liquid commodities in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant-site facilities of DAK Foods, Inc., at East Brunswick, N.J. and of Henry Heide, Inc., and the Quaker Oats Company at New Brunswick, N.J., to points in Georgia, South Carolina, Alabama, Arkansas, California, Mississippi, Tennessee, and Louisiana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and Birmingham, Ala.

(39) *Foodstuffs* (except liquid commodities in bulk, candies, confectionery products, and canned goods, other than canned meat and canned seafoods), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (40) *Foods and foodstuffs*, not included in foods, (except in both instances liquid commodities in bulk and in tank vehicles and bananas), in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in that part of Rockland County, N.Y., east of the Garden State Parkway and South of Interstate Highway 287, that part of Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Florida, California,

Oregon, Washington, Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. or Birmingham, Ala. (41) *Foodstuffs* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in California, Oregon, Washington, restricted to the transportation of shipments which originate at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(42) *Foodstuffs* (except in bulk or in tank vehicles), in vehicles equipped with mechanical refrigeration, from Brundage, Ala. and points in Alabama on and north of U.S. Highway 80 (except Birmingham, Ala.), to points in Arkansas, Florida, South Carolina, California, Oregon, and Washington, restricted against the transportation of traffic originating at Cullman, Ala., restricted against the transportation of traffic destined to points in Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (43) *foodstuffs*, in containers, in vehicles equipped with mechanical refrigeration, from points in the Lower Peninsula of Michigan (except Mattawan), to points in South Carolina, Arkansas, Florida, Georgia, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (44) *foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from Derry Township (Dauphin County), Pa. and Lebanon, Pa., to points in Arkansas, Florida, Georgia, South Carolina, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (45) *foodstuffs*, in vehicles equipped with mechanical refrigeration, from Erie and Chautauque Counties, N.Y., to points in South Carolina, Georgia, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(46) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in that part of New York on and west of U.S. Highway 11 and from North East, Pa., to points in Arkansas, California, Georgia, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (47) *meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Missouri. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (48) *foods and foodstuffs*, not included in foods (except in both instances liquid commodities, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., to points in North Carolina, South Carolina, Ten-

nessee, Virginia, West Virginia, Florida, Alabama, Mississippi, Louisiana, Georgia, and Arkansas. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (49) (a) *bakery products, meats, except canned meats, and dairy products, restricted against the transportation of said commodities when frozen, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Iowa, Minnesota, Missouri (except bakery products to Kansas City and St. Louis, Mo.), Oklahoma, South Dakota, Texas, restricted to the transportation of shipments originating at points in North Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.*

(49) (b) *meat, meat products, and meat by-products, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Montgomery, Ala. (50) meats, meat products and meat by-products (except in bulk, in tank vehicles), as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Wisconsin and Minnesota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (51) bakery products, meats, canned meats, and dairy products restricted against the transportation of said commodities when frozen, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Kansas, Minnesota, Missouri (except bakery products to St. Louis and Kansas City, Mo.), Nebraska, Oklahoma, South Dakota, Iowa, and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.*

(52) *Prepared foods, in vehicles equipped with mechanical refrigeration, from New York, N.Y., Union City and Jersey City, N.J., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Florida (limited to traffic originating at Chattanooga, Tenn.) Alabama, Mississippi, Louisiana, Arkansas, and Georgia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (53) frozen foods, from points in the Lower Peninsula of Michigan, to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (54) frozen foods, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (55) frozen foods (except*

*meat, meat products, meat by-products, and articles distributed by meat packing-houses), from Kansas City, Mo., Kansas, to points in Connecticut, Florida, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Illinois, Indiana, Michigan, Ohio, Maine, Maryland, Tennessee, Wisconsin, District of Columbia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Nashville, Tenn. and Birmingham, Ala.*

(56) *Grape juice, jams, jellies, preserves, fruit beverages, fruit sauces, and frozen juices and frozen concentrates, in vehicles equipped with mechanical refrigeration (except commodities in bulk) in mixed loads with frozen foods, from Springdale, Ark., to points in Alabama, Arkansas, Georgia, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (57) frozen foods, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Delaware, Maryland, Virginia (except Bristol, Va.), points in West Virginia north of U.S. Highway 60, District of Columbia, California, Oregon, Washington, Missouri, Iowa, Kansas, and Nebraska. Restriction: Shipments to Iowa, Kansas and Nebraska are restricted to shipments of frozen foods, except frozen fruits, vegetables, and berries. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (58) frozen foods, in vehicles equipped with mechanical refrigeration, from Prattville, N.Y., to points in West Virginia on and south of U.S. Highway 60, Arkansas, California, Missouri, Oklahoma, Oregon, Texas, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Exmore, Va.; Norfolk, Va.; and Nashville, Tenn. (59) meats, meat products and meat by-products, as described, in vehicles equipped with mechanical refrigeration, (except liquid commodities in bulk) from Chattanooga, Tenn., to points in Delaware, Maryland, and Washington, D.C. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.*

(60) *Frozen foods, except frozen fruits, berries, and vegetables, and frozen fruits, berries, and vegetables, when moving in mixed loads with frozen foods (already authorized), from New Orleans and Violet, La., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Mississippi, Missouri, Oklahoma, Texas, and points in both Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (61) frozen foods except frozen fruits, berries, and vegetables, and frozen fruits, berries, and vegetables, when moving in mixed loads with frozen foods (already authorized), in vehicles equipped with mechanical refrigeration, from Chambersburg, Pa. and points within 15 miles thereof, to points in Alabama, Arkansas, Georgia, Missouri, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, Washington, and West Virginia on and south*

*of U.S. Highway 60. The purpose of this filing is to eliminate the gateways of Nashville and Memphis, Tenn. and Birmingham, Ala. (62) frozen foods in vehicles equipped with mechanical refrigeration, from points in Alabama (on and north of U.S. Highway 80), except traffic originating at Cullman, Ala., to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, District of Columbia, and Missouri, Alabama, Delaware, Iowa, Louisiana, Mississippi, Oklahoma, Texas, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Memphis and Nashville, Tenn.; Vineland, N.J. (63) meats, meat products and meat by-products, from Bristol, Va., to points in Massachusetts, New Jersey, New York, Pennsylvania, Connecticut, Illinois, Indiana, Kentucky, Michigan, Oklahoma, Ohio, and Rhode Island. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.*

(64) *Frozen foods, from the plantsite of Town Square Foods, Inc., at Lake City, Pa., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and points in Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (65) frozen foods, except fruits, berries, and vegetables, and frozen fruits, berries and vegetables, when moving in mixed loads with frozen foods (already authorized) (except in each instance above, meats, meat products, meat by-products and articles distributed by meat packinghouses, from Kansas City, Mo., Kansas, to points in Arkansas, Delaware, Florida, Iowa, Louisiana, Mississippi, Oklahoma, Texas, Delaware, District of Columbia. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn. (66) frozen foods, from Seabrook, N.J., to points in Delaware, Iowa, Maryland, Missouri, North Carolina, South Carolina, Virginia, West Virginia, District of Columbia, those points in Kansas and Nebraska east of U.S. Highway 81 and Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Oregon, Texas, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Chattanooga, Memphis, and Nashville, Tenn.; Atlanta, Ga. (67) frozen foods, from points in the Lower Peninsula of Michigan, to points in Arkansas, Louisiana, Oklahoma, Texas, Delaware, Iowa, Maryland, Missouri, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.*

(68) *Frozen foods, from La Porte, Ind., to points in Florida and Texas, Delaware, Georgia, Iowa, Maryland, Missouri, North Carolina, Oklahoma, South Caro-*



lina, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (69) *frozen juices, frozen concentrates*, from Springdale, Ark., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Massachusetts, Michigan, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Virginia, South Carolina and Rhode Island, and District of Columbia. The purpose of this filing is to eliminate the gateways of Dyersburg, Chattanooga, Jackson and Nashville, Tenn. (70) *frozen foods* (except frozen fruits, berries, and vegetables) and frozen fruits, berries, and vegetables, when moving in mixed loads with frozen foods (already authorized), from points in that part of Tennessee west of that portion of the Tennessee River extending from a point on the Tennessee-Kentucky state line (south of Paducah, Ky.), to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (71) *frozen foods*, from Port Chester, N.Y., to points in Delaware, Florida, Georgia, Iowa, Maryland, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Chattanooga, Memphis and Nashville, Tenn., and Birmingham, Ala. (72) *frozen foods*, other than frozen fruits, berries, and vegetables, except when such frozen fruits, berries, and vegetables move in mixed shipments with other frozen foods, from Lynchburg, Va., to points in Oregon, Washington, California, Delaware, Florida, Iowa, Maryland, North Carolina, Virginia, West Virginia, and Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(73) *Frozen foods* in mechanically refrigerated vehicles, from Allentown and Chambersburg, Pa., to points in Arkansas, Delaware, Iowa, Maryland, Missouri, North Carolina, South Carolina, Virginia, West Virginia, and those points in Kansas and Nebraska on and east of U.S. Highway 81 and District of Columbia, restricted to traffic originating at said plantsites or warehouses of Pet Milk Co. No transportation of shipments destined to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (74) *Frozen foods*, except frozen fruits, berries, and vegetables, and frozen fruits, berries, and vegetables, when moving in mixed loads with frozen foods (already authorized), from Golden Meadow, Hammond, Independence, Morgan City, New Orleans, Ponchatoula and Violet, La., to points in Iowa, Missouri, Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Mississippi, Oklahoma, Texas, and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (75) *Frozen foods*, from Birmingham,

Foley, Mobile, Montgomery, and Brundidge, Ala., to points in Maryland, Virginia, West Virginia, Arkansas, North Carolina, Texas, Delaware, Iowa, Missouri, and Oklahoma and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Nashville and Memphis, Tenn.

(76) *Frozen foods*, from Cleveland, Ohio (to points in Arkansas, Mississippi, Oklahoma, Texas, California, Oregon, Washington, Missouri, District of Columbia, Delaware, Florida, Iowa, Maryland, West Virginia, Virginia, and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Memphis and Nashville, Tenn. (77) *frozen foods*, from Boston, Mass., Fairport, Ontario and Webster, N.Y., Memphis, Tenn., Nashville, Tenn., and other Tennessee points, Birmingham, Ala., to points in Arkansas, California, Kansas, (on and east of U.S. Highway 81) Texas, Missouri, Oklahoma, Oregon, Washington, Georgia, Little Rock, Ark., Atlanta, Ga., Chicago, Ill., Elkhart, Ind., New Orleans and Shreveport, La., Detroit, Mich., Jersey City and Seabrook, N.J., Raleigh, Charlotte, and Butner, N.C., Canton, Cleveland, and Cincinnati, Ohio, Philadelphia and Pittsburgh, Pa., Houston, Texas, Exmore, Norfolk, and Richmond, Va., and Huntington, W. Va. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Nashville, Tenn., Memphis, and Chattanooga, Tenn. (78) *frozen fruits and frozen vegetables*, from Fairport, Ontario and Webster, N.Y., to points in Alabama, Arkansas, California, Georgia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Chattanooga, Tenn., Nashville, Tenn., Jackson, Tenn., and Memphis, Tenn.

(79) *Frozen fruits, frozen berries and frozen vegetables*, from points in that part of Maryland on and east of U.S. Highway 1, to points in Arkansas, California, Florida, Louisiana, Mississippi, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Atlanta, Ga. (80) *frozen foods*, in containers, in vehicles equipped in mechanical refrigeration, from King of Prussia, Pa., to points in Alabama, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. (81) *frozen foods*, from the plantsite of the Frozen Food Division of the Pet Milk Company at Chickasha, Okla., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise stated. The purpose of this filing is to eliminate the gateway of Swedesboro, N.J. (82) *frozen foods*, from points in Tennessee, to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the

gateway of Swedesboro, N.J. (83) *frozen foods*, from Atlanta, Ga., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and Swedesboro, N.J. (84) *frozen foods*, from Golden Meadow, Hammond, Independence, Morgan City, New Orleans, Ponchatoula, and Violet, La., Biloxi, Gulfport, Ocean Springs, and Bay St. Louis, Miss., and Birmingham, Foley, Mobile, and Montgomery, Ala., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Swedesboro, N.J.

(85) *Frozen foods, dairy products*, as defined by the Commission, *meats, meat products, and meat by-products*, as defined by the Commission, and *fresh fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Bristol, Tenn. (86) *frozen foods*, except frozen fruits, frozen berries, and frozen vegetables within the meaning of Section 7(c) of the Transportation Act of 1958, and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods, from points in North Carolina, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, those points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia and Alabama. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (87) *frozen foods*, except frozen fruits, vegetables and berries, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Delaware, Iowa, Maryland, Virginia (except Bristol, Va.), points in West Virginia north of U.S. Highway 60, points in Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

(88) *Frozen foods* (except frozen fruits, frozen berries, and frozen vegetables, within the meaning of Section 7(c) of the Transportation Act of 1958), and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods (presently authorized), in containers in vehicles equipped with mechanical refrigeration, from King of Prussia, Pa., to points in Alabama, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, Arkansas, Delaware, Florida, Iowa, Tennessee, Missouri, North Carolina, Oklahoma, Texas, those portions of Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia, restricted to the transportation of shipments originating at the

facilities of Stouffer Foods, Division of Litton Industries, at King of Prussia, Pa. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio and Memphis, Tenn. (89) *frozen foods, meats, meat products, and meat by-products, and dairy products*, as defined by the Commission, and fresh fruit and vegetables, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Bristol, Tenn. (90) *frozen foods*, from the plantsite of Town Square Foods, Inc., at Lake City, Pa., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, that part of Alabama, on and east of U.S. Highway 31 except Montgomery, Florida, North Carolina, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Nashville, Tenn., Atlanta, Ga., and Birmingham, Ala.

(91) *Frozen foods, except frozen fruits, vegetables, and berries*, from Atlanta, Ga., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Delaware, Iowa, Maryland, and points in Kansas and Nebraska on and east of U.S. Highway 81, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Chattanooga and Nashville, Tenn. (92) *frozen foods*, from Elmira, N.Y., to points in Virginia, Alabama, Arkansas, Georgia, Missouri, West Virginia, Delaware, Iowa, Maryland, points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia, Florida, Iowa, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, and Texas, restricted to the transportation of frozen foods and frozen fruit, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Nashville and Memphis, Tenn., and Atlanta, Ga. (93) *frozen foods, and fresh fruits and vegetables*, and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods, from Atlanta, Ga., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, those points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia and Tennessee. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and Memphis, Tenn.

(94) *Frozen foods and fresh fruits and fresh vegetables*, in vehicles equipped with mechanical refrigeration (except commodities in bulk and liquid commodities in tank vehicles), from Atlanta, Ga., to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Rhode Island, Delaware, Iowa, Maryland, Vir-

ginia (except Bristol), points in West Virginia, north of U.S. Highway 60, points in Kansas and Nebraska on and east of U.S. Highway 81, the District of Columbia, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (95) *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, unfrozen, as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration (except liquid commodities, in bulk), from Nashville, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tennessee-Birmingham, Alabama and Chattanooga, Tenn.

(96) *Meat, meat products and meat by-products, dairy products and articles distributed by meat packinghouses*, unfrozen, as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Knox County, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Chattanooga, Tennessee-Birmingham, Alabama. (97) *Meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Knox County, Tenn., to points in Minnesota, Missouri, and Wisconsin, restriction to traffic destined to points in Missouri must be other than frozen. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

(98) *Meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Delaware, Maryland, Virginia, West Virginia, and Washington, D.C. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn. (99) *meats, except canned meats, and dairy products*, restricted against transportation of said commodities when frozen, in vehicles equipped with mechanical refrigeration, from Knox County, Tenn., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, North Carolina, South Carolina, Tennessee, Virginia, West Virginia,

Georgia, Alabama, Mississippi, Louisiana, and Arkansas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (100) *meats, meat products, meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles, and hides), from Plainview, Tex., to New York, N.Y., Akron, Ohio, Detroit, Mich., Pittsburgh and Philadelphia, Pa., points in Alabama, South Carolina, Georgia, Florida, North Carolina, Tennessee, Virginia, and District of Columbia. The purpose of this filing is to eliminate the gateway of West Point, Miss.

(101) *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses*, unfrozen (except liquid commodities in bulk), as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (102) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration (except liquid commodities, in bulk, in tank vehicles), from Chattanooga, Tenn., to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Montgomery, Ala. (103) *fresh or frozen meats and cooked or cured meats, meat, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Chattanooga, Tenn., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (104) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Missouri. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

(105) *Meats, meat products, and meat by-products*, as described in Sections A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, (except in bulk in tank vehicles), from Chattanooga, Tenn., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (106) *nonfrozen meats, except canned meats, nonfrozen bakery products, and nonfrozen dairy products (except liquid commodities, in bulk)*, as de-

scribed in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala. (107) (a) *cheese products*, and (b) *meats, meat products, and meat by-products* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the warehouses utilized by Armour & Company, and Klarer of Kentucky, Inc., located at Indianapolis, Ind., to points in California, Oregon and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(108) (a) *Cheese products*, and (b) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Evansville and Washington, Ind., to points in Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn.

(109) (a) *cheese products*, and (b) *meats, meat products, and meat by-products*, as described by the Commission, except canned meats, from Indianapolis, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Nashville, Tenn. (110) *meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, and liquid commodities in bulk, in tank vehicles), from Bristol, Va., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., Birmingham, Ala., Nashville, Tenn., and Montgomery, Ala.

(111) *Meats, meat products, and meat by-products*, (except in bulk, in tank vehicles), as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Brundidge, Ala. and points in Alabama on and north of U.S. Highway 80 and south of U.S. Highway 78 from the Mississippi-Alabama State line to Hamilton, thence U.S. Highway 278 to the Georgia-Alabama State line, to points in Tennessee, Virginia, West Virginia, Alabama, Mississippi, California, Arkansas, Wisconsin, Minnesota, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey,

New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways of Birmingham, Ala.; Nashville, Tenn., and Chattanooga, Tenn. (112) *confectionery products*, except when frozen, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (113) *confectionery products*, except when frozen, in vehicles equipped with mechanical refrigeration, from points in that part of New York on and west of U.S. Highway 11, and New York, N.Y., Union City and Jersey City, N.J., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

(114) *Confectionery products* (except when frozen or in liquid commodities, in bulk and in tank vehicles), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota and Texas. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. (115) *candy*, in vehicles equipped with mechanical refrigeration, from Birmingham and Brundidge, Ala., to points in Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Mississippi and Arkansas. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and Nashville, Tenn. (116) *candy and confectionery products*, in vehicles equipped with mechanical refrigeration, from Hackettstown, N.J., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Florida, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Chattanooga, Tenn., and Nashville, Tenn. (117) *candy, confectionery and confectionery products* (except commodities in bulk and liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouses of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Florida, Mississippi, California, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, California, Oregon and Washington, restricted to traffic originating at those locations. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

(118) *Candy, confectionery products and snack foods* (other than frozen), when moving in mixed loads with candy and/or confectionery products, in vehicles equipped with mechanical refrigeration (except commodities in bulk),

from the plantsites and warehouse facilities of Elmer's Candy Corp., at New Orleans, and Ponchatula, La., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, California, Oregon and Washington, restricted to traffic originating at those named points. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. (119) *confectionery products* (except when frozen), in vehicles equipped with mechanical refrigeration (except commodities in bulk or in tank vehicles), from points in Alabama, on and north of U.S. Highway 80, to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Alabama and Louisiana. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (120) *chocolate, chocolate confectionery and the ingredients thereof*, in vehicles equipped with mechanical refrigeration, (except liquid commodities, in bulk, and except when frozen), from Philadelphia, Pa., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Louisiana, Arkansas and Florida, California, Oregon and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala. (121) *confectionery and confectionery products*, in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

(122) *Frozen fruits and frozen berries*, from Ranson, W. Va., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, those points in Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Chattanooga, Tenn. (123) *frozen foods*, except frozen berries, fruits, and vegetables, and frozen fruits, berries and vegetables when moving in mixed loads with frozen foods (already authorized), from Albion, Avon, Fulton, Geneseo, Holley, Leroy, Medina, Mt. Morris, Oswego, Watertown, and Wayland, N.Y., to points in North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, California, Oregon, Washington, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn.; Memphis, Tenn.; Nashville, Tenn. and Birmingham, Ala. (124) *frozen foods*, except frozen fruits, berries, and vege-

tables, and frozen fruits, berries and vegetables when moving in mixed loads, from points in New York on and west of U.S. Highway 11; to points in Oklahoma, Texas, Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Virginia, South Carolina, West Virginia, those points in both Kansas and Nebraska on and east of U.S. Highway 81 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (125) frozen fruits and frozen berries, from Glassboro and Hammonton, N.J., to points in Alabama, Arkansas, California, Georgia, Louisiana, Mississippi, Oregon, Washington, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Birmingham, Ala.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

Notice

SEPTEMBER 8, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1323 (Sub-No. E1), filed May 31, 1974. Applicant: CHIEF TRANSFER & STORAGE, INC., Ogallala, Nebr. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

(1) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Colorado, on the one hand, and, on the other, points in South Dakota east of the Missouri River (except points in Campbell, McPherson, Walworth, and Edmonds Counties) (Arthur, Nebr., and points within 25 miles thereof)\*.

(2) *Household goods*, as defined by the Commission, and *emigrant movables*, be-

tween Rapid City, S. Dak., on the one hand, and, on the other, points in Los Animas, Baca, Prowers, Kiowa, Bent, Otero, Crowley, Pueblo, El Paso, Lincoln, and Kit Carson Counties, Colo. (Arthur, Nebr., and points within 25 miles thereof)\*.

(3) *Household goods*, as defined by the Commission, and *emigrant movables*, between Lawrence, Kans., and points in Johnson, Doniphan, Brown, Atchison, Leavenworth, and Wyandotte Counties, Kans., on the one hand, and, on the other, points in Colorado on and north of U.S. Highway 6 (Arthur, Nebr., and points within 25 miles thereof)\*.

(4) *Household goods*, as defined by the Commission, and *emigrant movables*, between Ft. Collins, Colo., on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 183 (Arthur, Nebr., and points within 25 miles thereof)\*.

(5) *Household goods*, as defined by the Commission, and *emigrant movables*, between Denver, Colo., on the one hand, and, on the other, points in Gregory, Tripp, Lyman, Walworth, Campbell, McPherson, and Edmonds Counties, S. Dak. (Arthur, Nebr., and points within 25 miles thereof)\*.

(6) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Sheridan, Campbell, Crook, Weston, Niobrara, Goshen, Converse, Johnson, and Natrona Counties, Wyo., on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line (points in Cheyenne County, Wyo., within 75 miles of Arthur, Nebr.)\*.

(7) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Laramie, Platte, and Goshen Counties, Wyo., on the one hand, and, on the other, points in Logan, Sedgwick, Phillips, Yuma, and Kit Carson Counties, Colo. (points in Cheyenne County, Wyo., within 75 miles of Arthur, Nebr.)\*.

(8) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Park County, Wyo., on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line (Arthur, Nebr., and points within 75 miles thereof)\*.

(9) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Crook and Weston Counties, Wyo., on the one hand, and, on the other, points in Pueblo and El Paso Counties, Colo. (Arthur, Nebr., and points within 75 miles thereof)\*.

(10) *Household goods*, as defined by the Commission, and *emigrant movables*,

between points in Cheyenne and Kimball Counties, Nebr., on the one hand, and, on the other, points in Gregory, Tripp, and Lyman Counties, S. Dak., and points in South Dakota east of the Missouri River (points in Colorado and Arthur, Nebr., and points within 25 miles thereof)\*.

(11) *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Banner, Cheyenne, and Kimball Counties, Nebr., on the one hand, and, on the other, points in Kansas on, east, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line (points in Colorado, and Arthur, Nebr., and points within 25 miles thereof)\*.

(12) *Used household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Lincoln, Frontier, Red Willow, Hitchcock, Hayes, Perkins, Chase, Dundy, Keith, and Deuel Counties, Nebr., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic (Cheyenne County, Nebr.)\*.

(13) *Used household goods*, as defined by the Commission, between points in Deuel, Scottsbluff, Morrill, Garden, Keith, Lincoln, Arthur, McPherson, and Logan Counties, Nebr., on the one hand, and, on the other, points in Colorado (except points in Sedgwick, Phillips, Yuma, Kit Carson, Washington, and Logan Counties), restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic (points in Cheyenne or Kimball Counties, Nebr.)\*.

(14) *Used household goods*, between Red Willow, Frontier, Lincoln, Hitchcock, Hayes, Perkins, Chase, Dundy, and Keith Counties, Nebr., on the one hand, and, on the other, points in Pennington, Lawrence, Custer, and Fall River Counties, S. Dak., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic (points in Arthur County, Nebr.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 2253 (Sub-No. E1), filed May 12, 1974. Applicant: CAROLINA FREIGHT CARRIER CORP., General Offices, Cherryville, N.C. Applicant's rep-

representative: J. S. McCallie (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, livestock, and automobiles); (a) from points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 616, thence along Pennsylvania Highway 616 to junction Pennsylvania Highway 214, thence along Pennsylvania Highway 214 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction Pennsylvania Highway 373, thence along Pennsylvania Highway 373 to junction Pennsylvania Highway 472, thence along Pennsylvania Highway 472 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to the Pennsylvania-New Jersey State line, to points in Anson, Davie, Rowan, Stanley, and Union Counties, N.C., and that portion of Yadkin County, N.C., east of U.S. Highway 21; (b) from points in that part of Pennsylvania bounded by a line beginning at junction U.S. Highway 30 and U.S. Highway 11 at Chambersburg, Pa., thence along U.S. Highway 11 to Harrisburg, Pa., thence along Pennsylvania Highway 283 to Lancaster, Pa., thence along U.S. Highway 30 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to Philadelphia, Pa., city limit, thence along the Philadelphia, Pa., city limit to junction Philadelphia, Pa., city limit and U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 472, thence along Pennsylvania Highway 472 to junction Pennsylvania Highway 373, thence along Pennsylvania Highway 373 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction Pennsylvania Highway 214, thence along Pennsylvania Highway 214 to junction Pennsylvania Highway 616, thence along Pennsylvania Highway 616 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 11, to that part of North Carolina bounded on the west by that portion of Yadkin County, N.C., east of U.S. Highway 21, the western most county lines of Union, Stanley, Rowan, and Davie Counties, N.C., and bounded on the east by a line beginning at junction Yadkin County line and North Carolina Highway 67, thence along North Carolina Highway 67 to Winston-Salem, N.C., thence along U.S. Highway 52 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 109, thence along North Carolina

Highway 109 to Troy, N.C., thence along unnumbered North Carolina Highway to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line; (c) from points in that part of New Jersey on and south of New Jersey Highway 24 and east of U.S. Highway 202, and points in that part of Pennsylvania bounded on the south by a line beginning at Harrisburg, Pa., and extending along Pennsylvania Highway 283 to Lancaster, Pa., thence along U.S. Highway 30 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to (and including) Philadelphia, Pa., and bounded on the north by U.S. Highway 22 extending from Harrisburg, Pa., to the Pennsylvania-New Jersey State line to points in that part of North Carolina bounded on the west by that portion of Yadkin County, N.C., east of U.S. Highway 21, the western most county lines of Union, Stanley, Rowan, and Davie Counties, N.C., and bounded on the east by a line beginning at junction Yadkin County, N.C., line and North Carolina Highway 67, thence along North Carolina Highway 67 to Winston-Salem, N.C., thence along U.S. Highway 311 to High Point, N.C., thence along unnumbered North Carolina Highway to junction U.S. Highway 64, thence along U.S. Highway 64 to Asheboro, N.C., thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line; and (d) from points in that part of New Jersey on and north of New Jersey Highway 24, east of U.S. Highway 202, and bounded by the New Jersey-New York State line on the north and east to points in that part of North Carolina bounded on the west by that portion of Yadkin County, N.C., which is east of U.S. Highway 21, the western most county lines of Union, Stanley, Rowan, and Davie Counties, N.C., and bounded on the east by a line beginning at the junction of Yadkin County, N.C., line and North Carolina Highway 67, thence along U.S. Highway 67 to Winston-Salem, N.C., thence along Interstate Highway 40 to Greensboro, N.C., thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of that part of Iredell County, N.C., on and east of U.S. Highway 21 on Cabarrus County, N.C.

No. MC 2253 (Sub-No. E2), filed May 12, 1974. Applicant: CAROLINA FREIGHT CARRIER CORP., General Office, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (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, livestock, household goods as defined by the Commission,

commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Scranton, Pa., on the one hand, and, on the other, points in South Carolina, and points in that part of North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 41 to Lumberton, N.C., thence along North Carolina Highway 211 to junction North Carolina Highway 5, thence along North Carolina Highway 5 to junction North Carolina Highway 2, thence along North Carolina Highway 2 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 421, thence along U.S. Highway 421 to Wilkesboro, N.C., thence along North Carolina Highway 16 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 411, thence along U.S. Highway 411 to the North Carolina-Tennessee State line. Restriction: Service is not authorized to or from Aberdeen, Albermarle, Belmont, Biscoe, Charlotte, China Grove, Concord, Fayetteville, Gastonia, Greensboro, Hockory, High Point, Kannapolis, Kings Mountain, Lexington, Lincolnton, Maiden, Mount Holly, New Bern, Newton, Salisbury, Statesville, Thomasville, Troy, and Winston-Salem, N.C. The purpose of this filing is to eliminate the gateway of Charlotte, N.C., and points in North Carolina within 30 miles of Charlotte.

No. MC 2633 (Sub-No. E18), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles. . . . The purpose of this filing is to eliminate the gateway of McKean County, Pa. The purpose of this correction is to correct the "E" number, previously published as E5.

No. MC 8973 (Sub E43), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic Articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from New York, N.Y., to points in New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut,

Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E45), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia; (2) from points in Morris County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; (3) from points in Somerset County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; (4) from those points in Morris County, N.J., on and west of a line beginning at the Morris-Passaic County line and extending along unnumbered highway to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction unnumbered highway near Wharton, thence along unnumbered highway to junction New Jersey Highway 10, thence along New Jersey Highway 10 to junction unnumbered highway, thence along unnumbered highway to junction New Jersey Highway 24, thence along New Jersey Highway 24 to the Raritan River, thence along the Raritan River to the Morris-Somerset County line to points in West Virginia; (5) from points in Morris County, N.J., to that portion of West Virginia on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 19, thence along U.S. Highway 19 to Fairmont, thence along unnumbered highway to Grafton, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line; (6) from points in Somerset County, N.J., to that portion of West Virginia on, south, and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction West Virginia Highway 7, thence along West Virginia Highway 7 to the West Virginia-Maryland State line, thence along the West Virginia-Mary-

land State line to junction unnumbered highway near Blaine, thence along unnumbered highway to junction West Virginia Highway 42, thence along West Virginia Highway 42 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 46, thence along West Virginia Highway 46 to junction West Virginia Highway 29, thence along West Virginia Highway 29 to junction West Virginia Highway 45, thence along West Virginia Highway 45 to the Cacapon River, thence along the Cacapon River to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line; and (7) from those points in Somerset County, N.J., on, east, and north of a line beginning at the Morris-Somerset County line and extending along New Jersey Spur Highway 527 to junction King George Road, thence along King George Road to junction Washington Valley Road, thence along Washington Valley Road to junction New Jersey Highway 525, thence along New Jersey Highway 525 to junction Chimney Rock Road, thence along Chimney Rock Road to junction New Jersey Highway 533, thence along New Jersey Highway 533 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction South Middlebush Road, thence along South Middlebush Road to junction Claremont Road, thence along Claremont Road to the Somerset-Middlesex County line to points in West Virginia. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 20582 (Sub-No. E1), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48586. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*; (a) between points in Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia; (b) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties and points in Marquette, Delta, Schoolcraft, Alger, Luce, Mackinac, and Chippewa Counties, Mich., on the one hand, and, on the other, points in Alabama; (c) between points in the Lower Peninsula of Michigan in and north of Alcona, Oscoda, and Crawford Counties which are on and east of Interstate Highway 75, and points in the Upper Peninsula of Michigan on and east of a line beginning at Lake Superior and extending along Michigan Highway 123 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction Michigan Highway 117, thence along Michigan Highway 117 to junction

U.S. Highway 2, thence along U.S. Highway 2 to Lake Michigan, on the one hand, and, on the other, points in Indiana; (d) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on and east of a line beginning at Lake Superior and extending along Michigan Highway 123 to junction Michigan Highway 40, thence along Michigan Highway 40 to junction Michigan Highway 721, thence along Michigan Highway 721 to Lake Michigan, on the one hand, and, on the other, points in Kansas;

(e) Between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in Luce, Schoolcraft, Mackinac, and Chippewa Counties, Mich., on the one hand, and, on the other, points in Kentucky; (f) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on, east, and north of a line beginning at Lake Superior and extending along Michigan Highway 28 to junction Michigan Highway 94, thence along Michigan Highway 94 to Lake Michigan, on the one hand, and, on the other, points in Mississippi; (g) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on and east of Interstate Highway 75, on the one hand, and, on the other, points in Nebraska; and (h) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in the Upper Peninsula of Michigan on and east of Michigan Highway 94, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Flint, Mich., or points within 25 miles thereof.

No. MC-20582 (Sub E20), filed June 3, 1974. Applicant: HENRY H. STERVEN, INC., 1273 Broadway, Flint, Michigan 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *household goods*, as defined by the Commission, (A) between points in Texas on and west of a line extending along U.S. Highway 259 to junction Texas Highway 94, to junction Texas Highway 19, to junction Texas Highway 30, to junction Texas Highway 90, to junction Texas Highway 36 to the Gulf of Mexico, on the one hand, and, on the other, points in New York. (B) between points 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 19, to junction Texas Highway 31, to junction U.S. Highway 77, to junction Texas

Highway 185 to the Gulf of Mexico, on the one hand, and on the other, points in Pennsylvania (except Fayette, Greene and Washington Counties), and points in New Jersey on and north of the Atlantic City Expressway and New Jersey Highway 42. The purpose of this filing is to eliminate the gateway of Flint, Michigan or points within 25 miles thereof.

No. MC 29079 (Sub-No. E40) (Correction), filed January 23, 1975, published in the FEDERAL REGISTER July 31, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 S. Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg. 15th and H NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*; (2) between points in Barry and Calhoun Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Mason, Logan, De Witt, Piatt, Champaign, and Vermillion Counties, and St. Louis, Mo.; (3) between points in Bay, Gratiot, Midland, and Saginaw Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Mason, Logan, De Witt, and Vermillion Counties, and St. Louis, Mo.; (4) between points in Berrien County, Mich., on the one hand, and, on the other, points in Illinois in and south of St. Clair, Clinton, Marion, Clay, Richland, and Crawford Counties, and St. Louis, Mo.; (7) between points in Clinton, Eaton, and Ingham Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Mason, Logan, De Witt, Piatt, Champaign, and Vermillion Counties, and St. Louis, Mo.; (10) between points in Kent, Ionia, Montcalm, and Ottawa Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Calhoun, Jersey, Macoupin, Montgomery, Shelby, Coles, and Clark Counties, and St. Louis, Mo.; (13) between points in Lenawee and Washtenaw Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, McDonough, Fulton, Peoria, McLean, De Witt, Piatt, Champaign, and Vermillion Counties, and St. Louis, Mo.; (18) between points in St. Joseph County, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, Schuyler, Cass, Mason, Logan, De Witt, Piatt, Champaign, Vermillion Counties, and St. Louis, Mo.; and (19) between points in Wayne County, Mich., on the one hand, and, on the other, points in Illinois in and south of Mercer, Knox, Stark, Peoria, Woodford, McLean, Ford, and Vermillion Counties, and St. Louis. The purpose of this filing is to eliminate the gateway of Tipton County, Ind. The purpose of this partial correction is to correct the territorial descriptions in (2), (3), (4), (7), (10), (13), (18), and (19). The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E60) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 6, 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: *Self-propelled street sweepers*, which because of size or weight require the use of special handling or special equipment or which are self-propelled and weigh 15,000 pounds or more; (5) from points in Lake, Porter, LaPorte, St. Joseph, and Elkhart Counties, Ind., to points in Delaware, Maryland, West Virginia, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of South Bend, Ind. The purpose of this partial correction is to correct the destination points in (5) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E87) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER May 29, 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: *Self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, and *self-propelled road construction and earth moving machines and equipment*, which because of size or weight require special handling or the use of special equipment (except automobiles, trucks, buses, trailers, cabs, and chassis), from those points in Illinois . . . The purpose of this filing is to eliminate the gateway of South Bend, Ind. The purpose of this correction is to correct the commodity description above.

No. MC 50069 (Sub-No. E76), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 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 products*, in bulk, in tank vehicles, from Evansville, Ind., and points within ten miles thereof; (a) to points in Ohio (Lawrenceville, Ill., and Seymour, Ind.); (b) to points in Missouri within 135 miles of East St. Louis, Ill. (Princeton, Ind., and East St. Louis, Ill.); (c) 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 (Lawrenceville, Ill., Seymour, Ind., and Cincinnati, Ohio); (d) to points in New York on and west of a line beginning at 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. (Lawrenceville, Ill., Seymour, Ind., Warren, Ohio, and Titusville, Pa.); (e) to points in Michigan east and south of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to Lansing, Mich., thence along Michigan Highway 78 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich. (Lawrenceville, Ill., Seymour, Ind., and Bryan, Ohio); and (f) to points in Illinois bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to East St. Louis, Ill., thence along U.S. Highway 66 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line (Princeton, Ind.); (2) *Petroleum chemicals*, except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti-freeze preparations and choline chloride, in bulk, in tank vehicles, from Evansville, Ind., and points within ten miles thereof; (a) to points in Iowa (Lawrenceville, Ill., New Goshen, Ind., and Peoria, Ill.); and (b) to points in Minnesota (Terre Haute, Ind., and Lawrenceville, Ill.); and (3) *Petroleum products*, except petroleum chemicals, in bulk, in tank vehicles, from Evansville, Ind., and points within ten miles thereof, to points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Maryland, District of Columbia (Lawrenceville, Ill., Seymour, Ind., Heath, Ohio, and Congo, W. Va.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 59557 (Sub-No. E1), filed June 4, 1974. Applicant: AUCLAIR TRANSPORTATION, 333 March Avenue, Manchester, N.H. 03103. Applicant's representative: John E. Russell (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, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (a) between points in New Hampshire on and north of New Hampshire Highway 25, on the one hand, and, on the other, points in Essex, Middlesex, Norfolk, and Suffolk Counties, Mass., within an area bounded by a line beginning at Salem, Mass., and proceeding on Massachusetts Highway 35 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 2, thence along Massachusetts Highway 2 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Norfolk-Plymouth County line, thence along the Norfolk-Plymouth County line to the Atlantic Ocean (Boston, Mass.); (b) between points in Connecticut on and west of Connecticut Highway 17 beginning at New Haven extending along Connecticut Highway 17 to Middletown, Conn., thence along Connecticut Highway 9 to Connecticut Highway 72, thence along Connecticut Highway 72 (including New Britain) to junction

Connecticut Highway 8, thence along Connecticut Highway 8 to the Connecticut-Massachusetts State line, on the one hand, and, on the other, points in Massachusetts on and east of Massachusetts Highway 2 beginning at Boston, Mass., and extending along Massachusetts Highway 2 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction U.S. Highway 3, thence along U.S. Highway 3 to the Massachusetts-New Hampshire State line (Lowell, Mass., and points and places within ten miles of Lowell, Mass.)\*; (c) between points in New Hampshire on and north of New Hampshire Highway 25, on the one hand, and, on the other, points in Rhode Island (Boston, Mass., Lowell, Mass., and points and places within ten miles of Lowell, Mass.)\*; and (d) between points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 125 to the Rockingham-Stafford County line, thence along the Rockingham-Stafford County line to the Merrimac-Stafford County line, thence along the Merrimac-Stafford County line to the Merrimac-Belknap, thence along the Merrimac-Belknap County line to junction New Hampshire Highway 107, thence along New Hampshire Highway 107 to Laconia, thence along U.S. Highway 3 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the east bank of the Connecticut River, thence along the east bank of the Connecticut River to the United States-Canada International Boundary line, on the one hand, and, on the other, on and south of a line beginning at New Haven, Conn., and extending along Connecticut Highway 34 to junction Interstate Highway 84, thence along Interstate Highway 84 to the Connecticut-New York State line (including Danbury, Conn.) (Boston, Mass., Lowell, Mass., and points and places within ten miles of Lowell, Mass.)\*.

(2) *Boots, shoes, shoe findings and leather*, between points in Maine on and north of a line beginning at South Harpswell, Maine, on the Atlantic Ocean, on Maine Highway 123 to junction Maine Highway 196, thence along Maine Highway 196 to Auburn, Maine, thence along Maine Highway 121 to junction Maine Highway 26, thence along Maine Highway 26 through Norway and So. Paris, Maine, to junction U.S. Highway 2, thence along U.S. Highway 2 to the Maine-New Hampshire State line, on the one hand, and, on the other, points in Massachusetts on, south, and east of a line beginning at the Connecticut-Massachusetts State line on Massachusetts Highway 10 to Northampton, Mass., thence along Massachusetts Highway 9 to junction U.S. Highway 20 (including Worcester, Mass.), thence along U.S. Highway 20 to Marlboro, Mass., thence along Massachusetts Highway 85 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 3,

thence along Massachusetts Highway 3 to Quincy, Mass. (Brockton, Mass.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 67646 (Sub-No. E1), filed May 15, 1974. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel A. 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between points in Maryland on and west of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Maryland on and east of U.S. Highway 11; (2) between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in New Jersey; (3) between points in Washington County, Md., and those in Allegany County, Md., on and east of U.S. Highway 220, on the one hand, and, on the other, points in New Jersey; (4) between points in Maryland on and east of U.S. Highway 522 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in New York; (5) between points in Maryland on and west of U.S. Highway 522 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in New York on and east of U.S. Highway 15; (6) between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Pennsylvania on and north of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 81 to junction Interstate Highway 78, thence along Interstate Highway 78 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Philadelphia, Pa.; (7) between points in Maryland on and west of U.S. Highway 11 and 50 miles of Fairview, Md., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 405, thence along Pennsylvania Highway 405 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line.

(8) Between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Virginia on, west, and south of a line beginning at the West Virginia-Virginia State line and extending along Interstate

Highway 81 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 31, thence along Virginia Highway 31 (crossing the James River) to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 30, thence along Virginia Highway 30 to junction Virginia Highway 33, thence along Virginia Highway 33 to Chesapeake Bay; (9) between points in Maryland on and west of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Virginia (except Charlottesville), on, east, and south of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 15 to junction U.S. Highway 29/211, thence along U.S. Highway 29/211 to junction Virginia Highway 215, thence along Virginia Highway 215 to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 15/29, thence along U.S. Highway 15/29 to junction U.S. Highway 15/29 Bypass, thence along U.S. Highway 15/29 Bypass to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 640, thence along Virginia Highway 640 to junction Virginia Highway 681, thence along Virginia Highway 681 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-Tennessee State line; (10) between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in West Virginia.

(11) Between points in Maryland on and west of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in the District of Columbia; (12) between points in Pennsylvania in Bedford, Franklin, Fulton, and Huntingdon Counties within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Maryland on and east of U.S. Highway 11; (13) between points in Pennsylvania on and east of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Maryland in Washington, Alleghany, and Garrett Counties; (14) between points in Pennsylvania within 50 miles of Fairview, Md., on and west of a line beginning



at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 522, thence along U.S. Highway 522 to Mount Union, Pa., on the one hand, and, on the other, points in New Jersey; (15) between points in Pennsylvania within 50 miles of Fairview, Md., on and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction Pennsylvania Highway 16, thence along Pennsylvania Highway 16 to junction U.S. Highway 522, thence along U.S. Highway 522 to Mount Union, Pa., on the one hand, and, on the other, points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; (16) between points in that part of Pennsylvania bounded by a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 96, thence along Pennsylvania Highway 96 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in New York on and east of a line beginning at South Amboy, N.J., and extending along the New Jersey-New York State line to junction with the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 31, thence along New York Highway 31 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York State line near Fishers Landing, N.Y.; (17) between points in Pennsylvania within 25 miles of Fairview, Md., on the one hand, and, on the other, points in New York.

(18) Between points in Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in New York on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line, and those in Pennsylvania on and west of U.S. Highway 219; (19) between points in that part of Pennsylvania bounded by a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 96, thence along Pennsylvania Highway 96 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line

and extending along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Interstate Highway 81E, thence along Interstate Highway 81E to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Delaware State line.

(20) Between points in Pennsylvania within 25 miles of Fairview, Md., on the one hand, and, on the other, points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Interstate Highway 81E, thence along Interstate Highway 81E to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, and Philadelphia, Pa., and points in Pennsylvania within 20 miles of Philadelphia, Pa.; (21) between points in Pennsylvania within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Virginia; (22) between points in Pennsylvania on and east of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in West Virginia; (23) between points in Pennsylvania on and east of U.S. Highway 522 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 50; and (24) between points in Pennsylvania on and west of U.S. Highway 11 within 50 miles of Fairview, Md., on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate the gateways of Fairview, Md., and points within 8 miles of Fairview and Hagerstown, Md.

No. MC 78228 (Sub-No. E135), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia on or east of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 19 to

Clarksburg, W. Va., thence along U.S. Highway 50 to the West Virginia-Maryland State line, to points in Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E136), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the place of beginning to points in Michigan on or north of a line beginning at the Michigan-Lake Huron border, thence along Michigan Highway 32 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E137), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia on or east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to Clarksburg, W. Va., thence along U.S. Highway 50 to the West Virginia-Maryland State line to points in Michigan on or north of a line beginning at Lake Huron and extending along Michigan Highway 21 to junction U.S. Highway 31, thence along U.S. Highway 31 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E138), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on or west of a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate

U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E139), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on or west of a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E141), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on or west of a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E142), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New

York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Michigan on and north of a line beginning at the Michigan-Ontario Border, thence along Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction Highway 12 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E143), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Michigan on and north of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction U.S. Highway 12, thence along U.S. Highway 12 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E144), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2319 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in West Virginia south of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to the West Vir-

ginia-Maryland State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E145), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on, west, and north of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 17 to Lake Erie to points in West Virginia south and west of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 77 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E146), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line extending along Pennsylvania Highway 68 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Kane, Pa., thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in West Virginia south of a line beginning at the West Virginia-Kentucky State line, thence along U.S. Highway 52 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to Logan, thence along West Virginia Highway 10 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to Beckley, W. Va., thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E147), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant

Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 224 to New Castle, Pa., thence along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Franklin, Pa., thence along U.S. Highway 62 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, to points in West Virginia south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E148), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania north of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 224 to New Castle, Pa., thence along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to Clarion, Pa., thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in West Virginia south of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 52 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to Logan, thence along West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to Beckley, W. Va., thence along West Virginia Highway 3 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E172), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*,

from points in Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Mercer, Pa., thence along Pennsylvania Highway 58 to junction Pennsylvania Highway 268, thence along Pennsylvania Highway 268 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line to points in that part of New York on, north, and east of a line beginning at the St. Lawrence River, thence along New York Highway 68 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to Tupper Lake, N.Y., thence along New York Highway 30 to junction New York Highway 28N, thence along New York Highway 28N to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 149, thence along New York Highway 149 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E173), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line and extending along Ohio Highway 129 to Hamilton, Ohio, thence along Ohio Highway 4 to Marysville, Ohio, thence along U.S. Highway 36 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 154, thence along Ohio Highway 154 to the Ohio-Pennsylvania State line to points in Maryland on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E174), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 422, thence along

U.S. Highway 422 to the Ohio-Pennsylvania State line to points in Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E175), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E176), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 502 to Greenville, Ohio, thence along U.S. Highway 127 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 4, thence along Ohio Highway 4 to Marion, Ohio, thence along U.S. Highway 30 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 154, thence along Ohio Highway 154 to the Pennsylvania-Ohio State line to points in Maryland on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E177), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, north, and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 62 to Columbus, Ohio, thence along Ohio Highway 16 to Coshocton, Ohio, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Pennsylvania-Ohio State line to points in Maryland on and east of Interstate Highway 95. The pur-

pose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E178), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, north, and west of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 62 to junction Ohio Highway 541, thence along Ohio Highway 541 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 154, thence along Ohio Highway 154 to the Pennsylvania-Ohio State line to points in Maryland on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E179), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along U.S. Highway 19 to Mercer, Pa., thence along U.S. Highway 62 to the Ohio-Pennsylvania State line to points in Maryland. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E180), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line to points in Maryland on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E181), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to New Castle, Pa., thence along U.S. Highway 422 to the Pennsylvania-Ohio State line to points in Maryland on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E182), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along U.S. Highway 19 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to the Pennsylvania-Ohio State line to points in Maryland. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E183), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E184), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in New York on and west of

a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E185), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 528, thence along Pennsylvania Highway 528 to junction Pennsylvania Highway 588, thence along Pennsylvania Highway 588 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to the Pennsylvania-Ohio State line to points in Maryland on and east of a line beginning at the Maryland-Delaware State line and extending along U.S. Highway 13 to junction Maryland Highway 413, thence along Maryland Highway 413 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E186), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Pennsylvania on and west of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Butler, Pa., thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line to points in Maryland on and east of a line beginning at the Maryland-Delaware State line, thence along U.S. Highway 13 to junction Maryland Highway 413, thence along Maryland Highway 413 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E187), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on and south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to Youngstown, Ohio, thence along U.S. Highway 62 to Canton, Ohio, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line to points in New York (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E188), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on and south of a line beginning at the Pennsylvania-Ohio State line and extending along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to Salem, Ohio, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to Canton, Ohio, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line to points in New York on, north, and west of a line beginning at the New Jersey-New York State line and extending along Interstate Highway 287 to junction Interstate Highway 95, thence along Interstate Highway 95 to the New York-Connecticut State line (except Buffalo and Niagara Falls, N.Y., and points in their respective commercial zones, as defined by the Commission). The purpose of this filing is to eliminate the gateway of the facilities of Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E189), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio on, south, and west of a line beginning at Lake Erie, and extending along U.S. Highway 422 to Warren, Ohio, thence along Ohio Highway 82 to the Pennsylvania-Ohio State line, to points in New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to the St. Law-

rence River. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 78228 (Sub-No. E190), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio (except points in Ashtabula, Belmont, Geauga, Lake, and Monroe Counties) to points in New York on and east of a line beginning at Lake Ontario, thence along New York Highway 104 to junction New York Highway 38, thence along New York Highway 38 to Auburn, N.Y., thence along New York Highway 34 to Ithaca, N.Y., thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to Elmira, N.Y., thence along New York Highway 328 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E191), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio (except points in Belmont and Monroe Counties) to points in New York on, south, and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa.

No. MC 78228 (Sub-No. E192), filed May 30, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in Ohio to points in New York on, east, and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to the Massachusetts-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Wampum, Pa.

No. MC 99776 (Sub-No. E1), filed May 15, 1974. Applicant: BUCKNER TRUCK-

ING, INC., P.O. Box 3287, Houston, Texas 77001. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and the drilling of water wells. (A) Between points in Kansas on and west of a line commencing at the Kansas-Nebraska State line on U.S. Highway 81, thence south on U.S. Highway 81 to junction U.S. Highway 166, thence east on U.S. Highway 166 to junction U.S. Highway 77, thence south on U.S. Highway 77 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Kansas, on, south, and east of U.S. Highway 62. (C) Between points in Kansas, on the one hand, and, on the other, points in Arkansas, on, south and west of a line commencing at the Arkansas-Oklahoma State line on U.S. Highway 70, thence east on U.S. Highway 70 to junction U.S. Highway 71, thence south on U.S. Highway 71 to junction U.S. Highway 82, thence east on U.S. Highway 82 to the Arkansas-Mississippi State line. (D) Between points in Oklahoma on, west and north of a line commencing at the Oklahoma-Kansas State line on U.S. Highway 177, thence south on U.S. Highway 177 to junction U.S. Highway 77, thence south on U.S. Highway 77 to Perry, Oklahoma, thence east on U.S. Highway 64 to Tulsa, Oklahoma, thence southwest on U.S. Highway 66 to Oklahoma City, Oklahoma, thence southwest on U.S. Highway 62 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Arkansas on, north and east of a line commencing at Ft. Smith, Arkansas, thence east on Arkansas Highway 22 to junction Arkansas Highway 7, thence south on Arkansas Highway 7 to Hot Springs National Park, Arkansas, thence east on U.S. Highway 270 to Sheridan, Arkansas, thence southeast on Arkansas Highway 35 to junction U.S. Highway 65, thence south on U.S. Highway 65 to the Arkansas-Louisiana State line.

(E) Between points in Oklahoma on and west of a line commencing at the Oklahoma-Kansas State line on U.S. Highway 75, thence south on U.S. Highway 75 to junction Oklahoma Highway 1, thence south on Oklahoma Highway 1 to junction Oklahoma Highway 7, thence west on Oklahoma Highway 7 to junction U.S. Highway 77, thence south on U.S. Highway 77 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Arkansas on and north of a line commencing at the Arkansas-Missouri State line on Arkansas Highway 5, thence south on Arkansas Highway 5 to junction U.S. Highway 62, thence east on U.S. Highway 62 to junction U.S. Highway 63, thence southeast on U.S. Highway 63 to junction Arkansas Highway 18, thence east on Arkansas

Highway 18 to its terminus at or near Barfield, Arkansas. (F) Between points in Oklahoma on and north of a line commencing at Maysville, Oklahoma, thence west on Oklahoma Highway 20 to junction U.S. Highway 69, thence south on U.S. Highway 69 to junction Oklahoma Highway 33, thence west on Oklahoma Highway 33 to junction U.S. Highway 66, thence west on U.S. Highway 66 to junction Oklahoma Highway 6, thence west on Oklahoma Highway 6 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Louisiana on and south of U.S. Highway 80. (G) Between points in Oklahoma on and north of a line commencing at the Oklahoma-Texas State line on U.S. Highway 62, thence east on U.S. Highway 62 to junction U.S. Highway 277, thence north on U.S. Highway 277 to Checkasha, Oklahoma, thence east on Oklahoma Highway 39 to junction Oklahoma Highway 99, thence north on Oklahoma Highway 99 to junction Oklahoma Highway 9, thence east on Oklahoma Highway 9 to junction U.S. Highway 69, thence north on U.S. Highway 69 to junction U.S. Highway 62, thence east on U.S. Highway 62 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Louisiana-Mississippi State line on Louisiana Highway 21, thence south on Louisiana Highway 21 to junction Louisiana Highway 41, thence south on Louisiana Highway 41 to junction U.S. Highway 11, thence south on U.S. Highway 11 to junction U.S. Highway 90, thence southwest on U.S. Highway 90 to junction Louisiana Highway 23, thence southeast on Louisiana Highway 23 to its terminus at Venice, Louisiana.

(H) Between El Paso, Texas; and points in Texas on and north of U.S. Highway 60, on the one hand, and, on the other, points in Arkansas on and north of a line commencing at the Arkansas-Oklahoma State line on U.S. Highway 70, thence east on U.S. Highway 70 to junction Arkansas Highway 8, thence east on Arkansas Highway 8 to junction Arkansas Highway 4, thence east on Arkansas Highway 4 to junction U.S. Highway 65, thence south on U.S. Highway 65 to junction U.S. Highway 82, thence east on U.S. Highway 82 to the Arkansas-Mississippi State line. (I) Between points in Texas on and north of Interstate Highway 40, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Arkansas-Louisiana State line on U.S. Highway 165, thence south on U.S. Highway 165 to junction U.S. Highway 167, thence south on U.S. Highway 167 to Abbeville, Louisiana, thence south and southwest on Louisiana Highway 82 to a terminus at Pecan Island, Louisiana. The purpose of this filing is to eliminate the gateway of points in Tulsa County, Oklahoma.

No. MC 99776 (Sub-No. E2), filed May 15, 1974. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Ronald E. Butler (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, (1) from points in Texas on and south of a line beginning at the New Mexico-Texas State line on Texas Highway 18, thence along Texas Highway 18 to junction Texas Highway 302, thence along Texas Highway 302 to junction Texas Highway 158, thence along Texas Highway 158 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to its terminus at Galveston, Tex., to points in Alabama on, south and east of a line beginning at the Tennessee-Alabama State line on Alabama Highway 17, thence along Alabama Highway 17 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line; (2) from points in Texas on, east and south of a line beginning at the Texas-Louisiana State line on U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 315, thence along Texas Highway 315 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to a terminus at Port Lavaca, Tex., to points in Arizona; (3) from points in Texas on, south and west of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to Houston, Tex., thence along U.S. Highway 75 to a terminus at Galveston, Tex., to points in Arkansas;

(4) From points in Texas on, south and east of a line beginning at Brownsville, Tex., thence along U.S. Highway 77 to junction Texas Highway 141, thence along Texas Highway 141 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Alternate Highway 77, thence along U.S. Alternate Highway 77 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line, to points in California; (5) from points in Texas, on, south and east of a line beginning at the Texas-Louisiana State line on U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 60, thence along Texas Highway 60 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction U.S. Highway 77, thence along U.S. Highway 77 to

its terminus at Brownsville, Tex., to points in Colorado; (6) from points in Texas on and south of a line beginning at the New Mexico-Texas State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 80, thence along U.S. Highway 80 to Longview, Tex., thence along Texas Highway 149 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Connecticut;

(7) From points in Texas on, south and west of a line beginning at the Texas-New Mexico State line on Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Delaware; (8) from points in Texas on, south and west of a line beginning at Farwell, Tex., thence along U.S. Highway 50 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 287, thence along U.S. Highway 287 to Fort Worth, Tex., thence along U.S. Highway 80 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in the District of Columbia; (9) from points in Texas on and west of a line beginning at Baytown, Tex., thence along Texas Highway 146 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to Dallas, Tex., thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line, to points in Florida; (10) from points in Texas on, south and west of a line beginning at the Texas-New Mexico State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 84 to Abilene, Tex., thence along Texas Highway 6 to Bryan, Tex., thence along Texas Highway 30 to Huntsville, Tex., thence along U.S. Highway 75 to a terminus at Galveston, Tex., to points in Georgia; (11) from points in Texas on and east of a line beginning at Brownsville, Tex., thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas

Highway 21, thence along Texas Highway 21 to Nacogdoches, Tex., thence along Texas Highway 7 to the Texas-Louisiana State line, to points in Idaho;

(12) From points in Texas on and south of a line beginning at the Del Rio Tex., thence along U.S. Highway 90 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 105, thence along Texas Highway 105 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Illinois;

(13) From points in Texas on and south of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 105, thence along Texas Highway 105 to junction Texas Highway 321, thence along Texas Highway 321 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Indiana on and east of U.S. Highway 41; (14) from points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 21, thence along Texas Highway 21 to Madisonville, Tex., thence along U.S. Highway 75 to junction Texas Highway 150, thence along Texas Highway 150 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 105, thence along Texas Highway 105 to Beaumont, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Iowa;

(15) From points in Texas on, south and east of a line beginning at the Texas-Louisiana State line on Texas Highway 12, thence along Texas Highway 12 to junction Texas Highway 62, thence along Texas Highway 62 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 327, thence along Texas Highway 327 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 326, thence along Texas Highway 326 to junction Texas Secondary Highway 770, thence along Texas Secondary Highway 770 to junction Texas Highway 105, thence along Texas Highway 105 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 150, thence along Texas Highway 150 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction Texas Highway 36, thence along Texas Highway 36 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 71, thence

along Texas Highway 71 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to a terminus at McAllen, Tex., to points in Kansas on and north of a line beginning at the Kansas-Colorado State line on U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line;

(16) From points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on Texas Highway 18, thence along Texas Highway 18 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 146, thence along Texas Highway 146 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Kentucky on and east of a line beginning at Owensboro, Ky., thence along U.S. Highway 431 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to junction Kentucky Highway 107, thence along Kentucky Highway 107 to Hopkinsville, Ky., thence along U.S. Highway 41 to the Kentucky-Tennessee State line; (17) from points in Texas on and west of a line beginning at Galveston, Tex., thence along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 77 to the Texas-Oklahoma State line, to points in Louisiana on, south and east of a line beginning at Bogalusa, La., thence along Louisiana Highway 21 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to the Gulf of Mexico; (18) from points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 149, thence

along Texas Highway 149 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line, to points in Maine;

(19) From points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to Fort Worth, Tex., thence along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Louisiana-Texas State line, to points in Maryland on and east of U.S. Highway 11; (20) from points in Texas on, south and west of a line beginning at the Texas-New Mexico State line on Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 77, thence along U.S. Highway 77 to Dallas, Tex., thence along U.S. Highway 75 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Massachusetts; (21) from points in Texas on and south of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 62, thence along Texas Highway 62 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line, to points in Michigan; (22) from points in Texas on and south of a line beginning at the Texas-Louisiana State line on U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 90, thence along U.S. Highway 90 to a terminus at Del Rio, Tex., to points in Minnesota;

(23) From points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 75, thence along U.S. Highway 75 to the terminus at Galveston, Tex., to points in Mississippi; (24) from points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S.

Highway 90 to junction U.S. Highway 75, thence along U.S. Highway 75 to a terminus at Galveston, Tex., to points in Missouri; (25) from points in Texas on, south and east of a line beginning at Laredo, Tex., thence along U.S. Highway 81 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line, to points in Montana; (26) from points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 30, thence along Texas Highway 30 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 105, thence along Texas Highway 105 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to Jackson, Nebr., and points in Nebraska on and east of U.S. Highway 73; (27) from points in Texas on, south and east of a line beginning at the Arkansas-Texas State line on U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to the terminus at Brownsville, Tex., to points in Nevada on, north and west of a line beginning at the Idaho-Nevada State line on U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line;

(28) From points in Texas on and south of a line beginning at the New Mexico-Texas State line on Texas Highway 125, thence along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line, to points in New Hampshire; (29) from points in Texas on and south of a line beginning at the Louisiana-Texas State line on Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 175, thence along U.S. Highway 175 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 116, thence along Texas Highway 116 to the Texas-New Mexico State line, to points in New Jersey; (30) from

points in Texas on, south and east of a line beginning at the Louisiana-Texas State line on Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Secondary Highway 1960, thence along Texas Secondary Highway 1960 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 60, thence along Texas Highway 60 to its terminus at Matagorda, Tex., to points in New Mexico; (31) from points in Texas on and south of a line beginning at the Texas-New Mexico State line on U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 84, thence along U.S. Highway 84 to Abilene, Tex., thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in New York;

(32) From points in Texas on, south and west of a line beginning at the New Mexico-Texas State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 84 to Abilene, Tex., thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 171, thence along Texas Highway 171 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line, to points in North Carolina on, east and north of a line beginning at the North Carolina-Tennessee State line on U.S. Highway 70, thence along U.S. Highway 70 to Asheville, N.C., thence along U.S. Highway 74 to Charlotte, N.C., thence along U.S. Highway 21 to the North Carolina-South Carolina State line; (33) from points in Texas on, south and east of a line beginning at Laredo, Tex., on U.S. Highway 81, thence along U.S. Highway 81 to junction Texas Highway 53, thence along Texas Highway 53 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in North Dakota; (34) from points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S.

Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 84, thence along U.S. Highway 84 to Waco, Tex., thence along Texas Highway 6 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 146, thence along Texas Highway 146 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line, to points in Ohio;

(35) From points in Texas on, south and east of a line beginning at Baytown, Tex., thence along Texas Highway 146 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 77, thence along U.S. Highway 77 to the terminus at Brownsville, Tex., to points in Oklahoma; (36) from points in Texas on, south and east of a line beginning at Laredo, Tex., thence along U.S. Highway 81 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 59, thence along U.S. Highway 59 to a terminus at Texarkana, Tex., to points in Oregon; (37) from points in Texas on and south of a line beginning at the Texas-Louisiana State line on U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction Texas Highway 36, thence along Texas Highway 36 to Abilene, Tex., thence along U.S. Highway 84 to Snyder, Tex., to junction U.S. Highway 180 to the Texas-New Mexico State line, to points in Pennsylvania; (38) from points in Texas on and south of a line beginning at the Texas-New Mexico State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to points in Rhode Island;

(39) From points in Texas on, west and south of a line beginning at the Texas-New Mexico State line on U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, to points in South Carolina on and south of U.S. Highway 1; (40) from points in



Texas on, south and east of a line beginning at the Texas-Louisiana State line on Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 81, thence along U.S. Highway 81 to a terminus at Laredo, Tex., to points in South Dakota on and north of U.S. Highway 14; (41) from points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 30, thence along Texas Highway 30 to junction U.S. Highway 75, thence along U.S. Highway 75 to the terminus at Galveston, Tex., to points in Tennessee; (42) from points in Texas on, south and east of a line beginning at the Texas-Louisiana State line on Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 294, thence along Texas Highway 294 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 36, thence along Texas Highway 36 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 237, thence along Texas Highway 237 to junction U.S. Highway 77, thence along U.S. Highway 77 to the terminus at Brownsville, Tex., to points in Utah;

(43) From points in Texas on, south and west of a line beginning at the New Mexico-State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 82 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to the Louisiana-Texas State line, to points in Vermont; (44) from points in Texas on, west and south of a line beginning at Bledsoe, Tex., thence along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Secondary Highway 587, thence along Texas Secondary Highway 587 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 171, thence along Texas Highway 171 to junction U.S. Highway 84,

thence along U.S. Highway 84 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction U.S. Highway 69, thence along U.S. Highway 69 to a terminus at Port Arthur, Tex., to points in Virginia; (45) from points in Texas on, south and east of a line beginning at Laredo, Tex., thence along U.S. Highway 81 to San Antonio, Tex., thence along U.S. Highway 281 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 77, thence along U.S. Highway 77 to Dallas, Tex., thence along U.S. Highway 67 to a terminus at Texarkana, Tex., to points in Washington; (46) from points in Texas on and south of a line beginning at the New Mexico-Texas State line on U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 7, thence along Texas Highway 7 to junction Texas Highway 103, thence along Texas Highway 103 to junction U.S. Highway 69, thence along U.S. Highway 69 to its terminus at Port Arthur, Tex., to points in West Virginia;

(47) From points in Texas on and south of a line beginning at the Texas-Louisiana State line on Texas Highway 12, thence along Texas Highway 12 to junction Texas Highway 62, thence along Texas Highway 62 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 90, thence along U.S. Highway 90 to a terminus at Del Rio, Tex., to points in Wisconsin; and (48) from McAllen, Tex., and points in Texas on, south and east of a line beginning at Brownsville, Tex., thence along U.S. Highway 281 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Alternate Highway 77, thence along U.S. Alternate Highway 77 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to Bryan, Tex., thence along Texas Highway 6 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 94, thence along Texas Highway 94 to Lufkin, Tex., thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Houston, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24207 Filed 9-10-75; 8:45 am]

[Notice No. 74]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 1, 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-75971. By order of September 5, 1975, the Motor Carrier Board approved the transfer to Karl Bowes, Louisburg, Kansas, of Certificate No. MC 66507 issued July 25, 1958, to Herman F. Henry, Louisburg, Kansas, authorizing the transportation of livestock and other specified commodities from, to, and between specified points in Kansas and Missouri. Karl Bowes, R.R. 2, Louisburg, Kansas 66053, for applicants.

No. MC-FC-76004. By order of September 5, 1975, the Motor Carrier Board approved the transfer to John R. Costa and Peter G. Costa, A Partnership, Doing Business As Pacific Cartage & Warehousing, San Leandro, California, of Certificate of Registration No. MC 121689, issued November 3, 1972, to James R. Mullen, Howard W. Hester and Bernard J. Glaser, A Partnership, Doing Business As Action Drayage Co., San Francisco, California, evidencing a right to engage in transportation in interstate or foreign commerce, of general commodities between points in California. Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, California, 94111, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24208 Filed 9-10-75; 8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 8, 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. 43041—*Corn and Grain Sorghums from Points in Missouri*. Filed by Southwestern Freight Bureau, Agent, (No. B-553), for interested rail carriers. Rates on corn and grain sorghums, in carloads, as described in the application, from specified points in Missouri, to points in Arkansas.

Grounds for relief—Rate relationship and motor competition.

Tariff—Supplement 133 to Southwestern Freight Bureau, Agent, tariff 225-M, I.C.C. No. 4971. Rates are published to become effective on October 6, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-24209 Filed 9-10-75; 8:45 am]

[Notice No. 102]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 4, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 19TA), filed August 28, 1975. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead,

Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, and equipment, materials and supplies* used in the erection of metal buildings, from the plant site of Behlen Manufacturing Company, at or near Columbus, Nebr., to points in Alaska, for 180 days. Supporting shipper: James E. Weldon, Traffic Manager, Box 569, Columbus, Nebr. 68601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 10457 (Sub-No. 5TA) (Correction), filed August 1, 1975, published in the FEDERAL REGISTER issue of August 18, 1975, and republished as corrected this issue. GURGRABE TRUCK LINES, INC., Old U.S. Highway 40, Warrenton, Mo. 63383. Applicant's representative: John E. Burruss, Jr., Central Trust Bldg., P.O. Box 1096, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods), between Wainwright, Tebbetts, Mokane, Steedman, Portland, Rhineland, Readsville, and Reform, Mo., and the facilities of Union Electric Company at or near Reform, Mo., on the one hand, and the regular route points applicant is presently authorized to serve, on the other; from Jonesburg, Mo., over Interstate 70 to its junction with U.S. Highway 54 at Kingdom City, Mo.; thence, over U.S. Highway 54 to Jefferson City, Mo.; from Jefferson City, Mo., over Missouri State Highway 94 to its junction with Missouri State Highway 19; thence, over Missouri State Highway 19 to its junction with Interstate 70; from the junction of Interstate 70 and Callaway County, Mo., Route D thence over Route D to its junction with Missouri State Highway 94; from Reform, Mo., over Callaway County Route CC to its junction with Missouri State Highway 94; from Mokane, Mo., over Callaway County Route C to its junction with U.S. Highway 54; from Reform, Mo., over Callaway County Route CC to its junction with Callaway County Route O, thence over Route O to its junction with Callaway County Route K, thence over Callaway and Montgomery County Route K to its junction with Missouri State Highway 19; from the junction of Routes CC and O, thence over Route O to its junction with U.S. Highway 54 at Fulton, Mo., and return over the same routes with authority to operate over said routes and all presently authorized routes in providing service between said points and the regular route points applicant is presently authorized to serve. Applicant proposes to interline at St. Louis, with MC-78400, for 180 days. Supporting shipper: Union Electric Company, P.O. Box 149, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, Dis-

trict Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101. The purpose of this republication is to correct the applicant's name and address.

No. MC 18535 (Sub-No. 61TA), filed August 27, 1975. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, S.C. 29135. Applicant's representative: O. Alex Hicklin, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed scrap motor vehicles and/or shredded motor vehicle scrap metal*, between points in South Carolina and points in Richmond County, Ga., for 180 days. Supporting shipper: Automotive Recycling Corp., P.O. Box 979, Charleston, S.C. 29402. Send protests to: E. E. Stroheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 69492 (Sub-No. 49TA), filed August 18, 1975. Applicant: HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and related advertising materials, from Detroit, Mich., to Blytheville, Ark., and Helena, Ark.; (2) *Feed, feed ingredients and insecticide*, from Memphis, Tenn., to Benton, Fancy Farm and Folsomdale, Ky., for 150 days. Supporting shippers: Hooper Sales Co., Inc., 829 Henderson St., Blytheville, Ark. 72315. Centennia Distributing Co., Inc., 523 Arkansas St., Helena, Ark. 72342. McCain Distributing Co., 314 North Fifth St., West Memphis, Ark. 72301. Ralston Purina Company, Inc., 1785 Airways, Memphis, Tenn. Send protests to: Kenneth R. Inman, Transportation Specialist, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 83217 (Sub-No. 65TA) (Correction), filed August 15, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished as corrected this issue. Applicant: DAKOTA EXPRESS, INC., 2817 West 6th St., Sioux Falls, S. Dak. 57101. Applicant's representative: Bill White, 505 East Fifth St., South, South St. Paul, Minn. 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Paul, Minn., to points in Cook County, Ill., restricted to shipments originating at the plantsite and storage facilities of Gourmet Foods, Inc., at St. Paul, Minn., and destined to Cook County, Ill., for 180 days. Supporting shipper: Gourmet Foods, Inc., 860 Vandalia, St. Paul, Minn. 55114. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501. The purpose of this republication is to correct the docket number which

was previously published in error as 43217 (Sub-65TA).

No. MC 107012 (Sub-No. 225TA), filed August 26, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and commercial and institutional fixtures*, from Tacoma, Wash., to points in Colorado, Kansas, Minnesota, New Mexico, North Dakota, South Dakota, Texas, and Wyoming, for 180 days. Supporting shipper: Hauserman, Educators Division, P.O. Box 1458, Tacoma, Wash. 98401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 108393 (Sub-No. 93TA), filed August 26, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, 1 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Birmingham and Leesburg, Ala., on the one hand, and Evansville, Ind., on the other, under a continuing contract with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Administrative Center, Carl R. Anderson, Director, Corporate Traffic, Benton Harbor, Mich. 49002. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1088, Chicago, Ill. 60604.

No. MC 110420 (Sub-No. 740TA), filed August 26, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Munster, Ind., to Louisville, Ky., for 180 days. Supporting shipper: Pepsi-Cola General Bottlers, Inc., 1745 N. Kolmar Ave., Chicago, Ill. 60639. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 569TA), filed August 26, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting*

*media of all kinds*; (2) *Emergency repair parts*, restricted against the transportation of packages or articles weighing more than 60 pounds in the aggregate from one consignor to one consignee on any one day, between Youngstown, Ohio and Weirton, W. Va., for 90 days. Supporting shipper: J. V. McNicholas Transfer Company, Inc., 555 West Federal St., Youngstown, Ohio 44501. Send protests to: Anthony D. Gialimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113690 (Sub-No. 6TA), filed August 25, 1975. Applicant: SIDNEY T. SMITH, 29 Crawford St., Roxbury, Mass. 02121. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture*, between New York City, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, West Virginia, and Virginia, for 180 days. Supporting shipper: Art Steel Company, Inc., 170 West 233rd St., Bronx, N.Y. 10463. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 115691 (Sub-No. 34TA), filed August 25, 1975. Applicant: MURPHY TRANSPORTATION, INC., 1414 Crawford Ave., Anniston, Ala. 36201. Applicant's representative: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Untreated lumber*, from the plantsite of Hammermill Paper, Inc., Southern Forest Products Div., located at or near Maplesville, Ala., to all points located in the Eastern U.S., this being the area consisting of points in and east of the following states: Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, for 180 days. Supporting shipper: Hammermill Paper, Inc., Southern Forest Products Div., P.O. Box 63, Maplesville, Ala. 36750. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 116254 (Sub-No. 153TA), filed August 26, 1975. Applicant: CHEMHAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37251. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum*, in crucibles, from Rockdale, Tex., to Wilson Springs, Ark., for 150 days. Supporting shipper: General Cable Corporation, 26 Washington St., Perth Amboy, N.J. 08862. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 117125 (Sub-No. 5TA), filed August 25, 1975. Applicant: REMPEL-TRAIL TRANSPORTATION LTD., 2020 Uukon St., Vancouver, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor* in bulk, from Bellingham, Wash., to U.S.-Canada boundary line at or near Blaine or Sumas, Wash., or Eastport, Idaho to Edmonton, Alberta, Canada, under a continuing contract with The Master Builders Company, Limited, for 150 days. Supporting shipper: The Master Builders Company, Limited, 79 Kincort St., Toronto, Ontario M6M-3E4. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 118038 (Sub-No. 12TA), filed August 27, 1975. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Gund Club Road, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, 303 East "D" St., Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends*, between Moses Lake, Walla Walla, and Yakima, Wash.; Junction City, Portland and Salem, Ore.; and points in Idaho, Oregon and Washington, for 180 days. Supporting shippers: Libby, McNeill & Libby, 901 South First Ave., Yakima, Wash. 98902, Continental Can Company, P.O. Box 03220, Portland, Ore. 97203. Send protests to: Huetig District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 118831 (Sub-No. 121TA) (Correction), filed August 15, 1975, published in the FEDERAL REGISTER issue of August 26, 1975, and republished as corrected this issue. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Gary L. Honbarrier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene pellets*, in bulk, in pneumatic tanks, from Forest City, N.C., to points in New York, for 180 days. Supporting shipper: Polysar Plastics, Inc., P.O. Box 688, Forest City, N.C. 28043. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to correct the territorial description.

No. MC 118831 (Sub-No. 122TA) (Correction), filed August 12, 1975, published in the FEDERAL REGISTER issue of August 26, 1975, and republished as corrected this issue. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Gary L. Honbarrier (same address as applicant). Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Polystyrene pellets*, in bulk, in pneumatic tanks, from Forest City, N.C., to points in New Jersey, for 180 days. Supporting Shipper: Polysar Plastics, Inc., P.O. Box 688, Forest City, N.C. 28043. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to correct the territorial description.

No. MC 118831 (Sub-No. 123 TA) (Correction), filed August 12, 1975, published in the FEDERAL REGISTER issue of August 26, 1975, and republished as corrected this issue. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Gary L. Honbarrier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, liquid, in bulk, from Fayetteville, N.C., to points in Georgia, for 180 days. Supporting shipper: Cargill, Incorporated, P.O. Box 1825, Fayetteville, N.C. 28302. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to correct the territorial description.

No. MC 118831 (Sub-No. 124 TA) (Correction), filed August 15, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished as corrected this issue. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, liquid, in bulk, from Fayetteville, N.C., to points in South Carolina, for 180 days. Supporting shipper: Cargill, Incorporated, P.O. Box 1825, Fayetteville, N.C. 28302. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to correct the territorial description.

No. MC 124796 (Sub-No. 147 TA), filed August 25, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* utilized in the installation of floor coverings and floors; floor mats and runners; adhesives; cove base; carpet binding accessories; maintenance equipment and products; and materials, equipment, and supplies utilized in the manufacture, sale, and distribution of the commodities described above, from Piqua, Ohio, to (1) points in the United States in and east of the state of Minne-

sota, Iowa, Missouri, Arkansas, and Louisiana (except Ohio); (2) points in North Dakota, South Dakota, and Texas; (3) City of Industry, Calif., restricted against the transportation of commodities in bulk and those which, by reason of size and weight require the use of special equipment and further restricted to a transportation, to be performed under a continuing contract or contracts with Roberts Consolidated Industries, a subsidiary of Champion International. Supporting shipper: Roberts Consolidated Industries (a subsidiary of Champion International), 600 N. Baldwin Park Blvd., City of Industry, Calif. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 126736 (Sub-No. 79 TA), filed August 26, 1975. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 E. 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste synthetic gypsum* (from the manufacture of Titanium Dioxide), in bulk, in dump vehicles, from Savannah, Ga., to points in Florida, for 180 days. Supporting shipper: American Cyanamid Company, Bound Brook, N.J. 08805. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 129635 (Sub-No. 5 TA), filed August 21, 1975. Applicant: ROYAL'S MOTOR SERVICE, INC., P.O. Box 1124, Grand Prairie, Tex. 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), each weighing 15,000 pounds or less, and *attachments, parts, and accessories therefor* when moving at the same time and in the same equipment, from Houston, Tex., to points in Colorado, Illinois, Iowa, Missouri, and Utah, for 180 days. Supporting shipper: Ford Motor Company Tractor, Operations Corporation, 2500 E. Maple Road, Troy, Mich. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 133576 (Sub-No. 4TA), filed August 26, 1975. Applicant: BUSBOOM TRUCKING, INC., Route 1, Filley, Nebr. 68357. Applicant's representative: Duane L. Stromer, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in containers, from the facilities of Dow Chemical Company, at or near Ludington, Mich., and Midland, Mich., to points in Kansas, Colorado, and that portion of Iowa west of U.S. Highway 65. Restriction: The operations au-

thorized to be limited to a transportation service to be performed under a continuing contract or contracts with Oldfather's O.K. Tire Company of Beatrice, Nebr., for 180 days. Supporting shipper: John G. Smith, Director, Commercial Sales, Oldfather's O.K. Tire Company, 615 Dorsey St., Beatrice, Nebr. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 133755 (Sub-No. 14TA), filed August 27, 1975. Applicant: MILLIS BROS. TRANSFER, INC., P.O. Box 112, Black River Falls, Wis. 54615. Applicant's representative: Gregory E. Kubash, Suite 820 Watergate, 600 New Hampshire Ave. NW., Washington, D.C. 20037. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and related advertising material and return of empty containers*, from St. Louis, Mo., to Chippewa Falls, Wis., under a continuing contract or contracts with West Wisconsin Distributing Company, Inc., for 180 days. Supporting shipper: West Wisconsin Distributing Co., Inc., Chippewa Falls, Wis. 54729. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 134224 (Sub-No. 8TA), filed August 27, 1975. Applicant: HAUSER TRUCKING CORP., P.O. Box 241, Cobleskill, N.Y. 12043. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Kentucky, Ohio, Pennsylvania, Tennessee, and West Virginia to Schenectady, N.Y., for 180 days. Supporting shipper: General Electric Co., Research and Development Center, P.O. Box 8, Bldg. K-1, Room 2C1, Schenectady, N.Y. 12301. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 134400 (Sub-No. 18 TA) (Amendment), filed July 31, 1975, published in the FEDERAL REGISTER issue of August 12, 1975, and republished as amended this issue. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Ave., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum building products and related accessories*, in shipper-owned trailers, from (1) Dubuque and Osage, Iowa, and Minneapolis, Minn., to points in Adams, Brown, Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Joe Daviess, Knox, LaSalle, Lee, McDonough, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Warren, and Whiteside Counties, Ill.; Adair, Clark, Knox, Lewis, Marion, Schuyler, Scotland, and Shelby Counties, Mo.; and Crawford, Grant, Iowa, Lafayette, and Richland Counties, Wis.; and

(2) from Minneapolis, Minn., to points Iowa, under a continuing contract or contracts with Zephyr Aluminum Products, Inc., for 90 days. Supporting shipper: Zephyr Aluminum Products, Inc., P.O. Box 936, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to add part two.

No. MC 134806 (Sub-No. 33 TA), filed August 26, 1975. Applicant: B-D-R-TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th St. NW, Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear*, in unsealed cases, from Wilton, Maine, to Marlboro and Middleboro, Mass., under a continuing contract with G. H. Bass & Co., for 180 days. Supporting shipper: G. H. Bass & Co., Wilton, Maine 04294. Send protests to: S. Arnold Smith, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 87 State St., P.O. Box 548, Montpelier, Vt. 05602.

No. MC 135231 (Sub-No. 10 TA), filed August 25, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by mail order houses (except commodities in bulk)*, from St. Cloud, Minn., to Kansas City, Kans., restricted to transportation of shipments originating at the facilities of Fingerhut Manufacturing Co., located at or near St. Cloud, Minn., and destined to U.S. Post Offices for immediate and subsequent movement by U.S. Mail, for 180 days. Supporting shipper: Fingerhut Manufacturing Co., 11 McLeland Road, St. Cloud, Minn. 56301. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138530 (Sub-No. 19 TA), filed August 26, 1975. Applicant: C. O. P. Transport, Inc., 307 South High St., Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second St., Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper and copper alloys viz other than perforated or silver plated sheet, plate and strip, scrap and scrap copper alloy loose or in containers, coils, bars drawn, rolled or extruded, between the plantsite of Hussey Metals Division/Copper Range Co., Eminence, Ky., on the one hand, and, on the other, points in Commercial Zones of Cincinnati, Ohio, under a continuing contract with Hussey Metals*

Division/Copper Range Co., for 180 days. Supporting shipper: Hussey Metals Division/Copper Range Co., Eminence, Ky. 40010. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 138530 (Sub-No. 20 TA), filed August 26, 1975. Applicant: C. O. P. TRANSPORT, INC., 307 South High St., Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second St., Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper and copper alloys viz other than perforated or silver plated sheet, plate and strip, scrap and scrap copper alloy loose or in containers, coils, bars drawn, rolled or extruded, between the plantsite of Hussey Metals Division/Copper Range Co., Eminence, Ky., on the one hand, and, on the other, points in Commercial Zone of Erie, Pa., under a continuing contract with Hussey Metals Division/Copper Range Co., for 180 days. Supporting shipper: Hussey Metals Division/Copper Range Co., Eminence, Ky. 40010. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.*

No. MC 138807 (Sub-No. 10 TA), filed August 25, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spheres, highway marking strip, and glass beads for blast cleaning packaged in bags, drums, and boxes, from the plantsite and warehouse facilities of Cataphote Division of Ferro Corporation at or near Jackson, Miss., to points in Colorado, Montana, North Dakota, Utah, and Wyoming, under a continuing contract with Cataphote Division of Ferro Corporation, for 180 days. Supporting shipper: Cataphote Division of Ferro Corporation, P.O. Box 2369, Jackson, Miss. 39205. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.*

No. MC 138844 (Sub-No. 6 TA), filed August 27, 1975. Applicant: GAS INCORPORATED, 95 E. Merrimack St., Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane, in bulk, in vacuum insulated cryogenic tank trailers, from Everett, Mass., to Providence, R.I., for 180 days. Supporting shipper: Boston Gas Company, 144 McBride St., Boston, Mass. 02130. Send protests to: Darrell W. Hammons, District Supervisor, Interstate*

Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 139468 (Sub-No. 8 TA), filed August 26, 1975. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coated steel used in the manufacture of preengineered building panels, from Greenfield and Kingsbury, Ind., to Houston, Tex., and LaGrange, Ga., restricted to traffic destined to the plantsites and storage facilities of National Steel Products Company, Inc., under a continuing contract with National Steel Products Company, Inc., for 180 days. Supporting shipper: National Steel Products Company, Inc., 11919 Spencer Road, P.O. Box 40490, Houston, Tex. 77040. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, Room 1086, Federal Bldg., 515 Rusk, Houston, Tex. 77002.*

No. MC 139495 (Sub-No. 85 TA), filed August 27, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., Liberal, Kans. 67901. Applicant: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Idaho, Montana, Wyoming, Utah, Oregon, and Washington, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: M. E. Taylor, District Supervisor, 501 Petroleum Bldg., Wichita, Kans. 67202.*

No. MC 138054 (Sub-No. 12 TA), filed August 26, 1975. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the installation of floor coverings, from Compton and Azusa, Calif., to points in the United States (except Alaska and Hawaii). Restricted: restricted against the transportation of commodities in bulk, in tank vehicles and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Adhesive Industries Mfg. Co., for 180 days. Supporting shipper: Adhesive Industries, Mfg. Co., 1441 West El Segundo Blvd., Compton, Calif. 90222. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce*

Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139404 (Sub-No. 3 TA), filed August 28, 1975. Applicant: WILLIAM G. BROWN, 207 North Third St., Bardstown, Ky. 40004. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden barrels, set-up*, (1) from Memphis, Tenn., to Lawrenceburg and Meadow Lawn, Ky., and points within three miles of Meadow Lawn, Ky., and (2) from Lynchburg, Tenn., and commercial zone thereof, to Louisville, Ky., for 180 days. Supporting shipper: Wayne S. Franklin, Director of Traffic, 850 Dixie Highway, Louisville, Ky. 40210. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 P.O. Bldg., Louisville, Ky. 40202.

No. MC 140186 (Sub-No. 23 TA), filed August 26, 1975. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, Mont. 59801. Applicant's representative: Ben Robertson (same ad-

dress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewing cabinets and office furniture and equipment, materials, and supplies* used in the conduct of such business, between points in the United States west of Indiana, Kentucky, Tennessee, and Mississippi, for 180 days. Supporting shipper: Patrick A. Byrne, Vice President, Sirco Manufacturing, Inc., 1919 North Avenue West, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 140186 (Sub-No. 24TA), filed August 26, 1975. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, Mont. 59801. Applicant's representative: Ben Robertson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay and mud treating additives*, from Greybull and Lovell, Wyo., to points in California, for 180 days. Supporting shipper: Wyo-Ben Products, Inc., P.O. Box 1997, Billings, Mont. Send protests to: Paul J. Labane,

District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

#### WATER CARRIER APPLICATION

No. WC-370 (Sub-No. 2 TA), filed August 27, 1975. Applicant: ALBERT BERNERT, INC., 1973 SE 4th Ave., West Linn, Ore. 97068. Applicant's representative: Robert Bernert, 170 Harding Blvd., Oregon City, Ore. 97045. Authority sought to operate as a *contract carrier*, by water as follows: *Logs*, from Clarkston, Wash., Snake River, to Portland and Astoria, Ore., Columbia River, under a continuing contract with Cougar Mt. Tree Farms and Alder Creek Lumber Co., Inc., for 180 days. Supporting shippers: Cougar Mt. Tree Farms, Yelm, Wash. Alder Creek Lumber Co., Inc., Portland, Ore. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-24210 Filed 9-10-75;8:45 am]

# federal register

THURSDAY, SEPTEMBER 11, 1975



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PART II:

## FEDERAL ELECTION COMMISSION

■

### INCORPORATION OF POLITICAL COMMITTEE

Advisory Opinion

FEDERAL  
ELECTION  
COMMISSION

INCORPORATION BY  
POLITICAL COMMITTEE

LOUISIANA  
STATE  
OFFICE  
OF THE  
SECRETARY OF STATE  
MONROE, LOUISIANA



## FEDERAL ELECTION COMMISSION

[Notice 1975-42]

## ADVISORY OPINION

## Incorporation of Political Committee

The Federal Election Commission announces the publication today of Advisory Opinion 1975-37. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regu-

lations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-37

## INCORPORATION OF POLITICAL COMMITTEE

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request by David E. Birenbaum on behalf of the Shriver for President Committee which was published as AOR 1975-37 in the August 20, 1975, FEDERAL REGISTER (40 FR 36534). Interested parties were given an opportunity to submit written comments relating to the request.

The request asks the Commission whether the Shriver for President Committee, a political committee incorporated as a nonprofit corporation solely for the purpose of collecting and expending political contributions, is barred as a corporation from making contributions or expenditures in connection with any federal election under 18 U.S.C. § 610.

The Commission in its advisory opinion published in the FEDERAL REGISTER on August 19, 1975, as AO 1975-16, stated in Section 4 of that opinion, that if "a nonprofit organi-

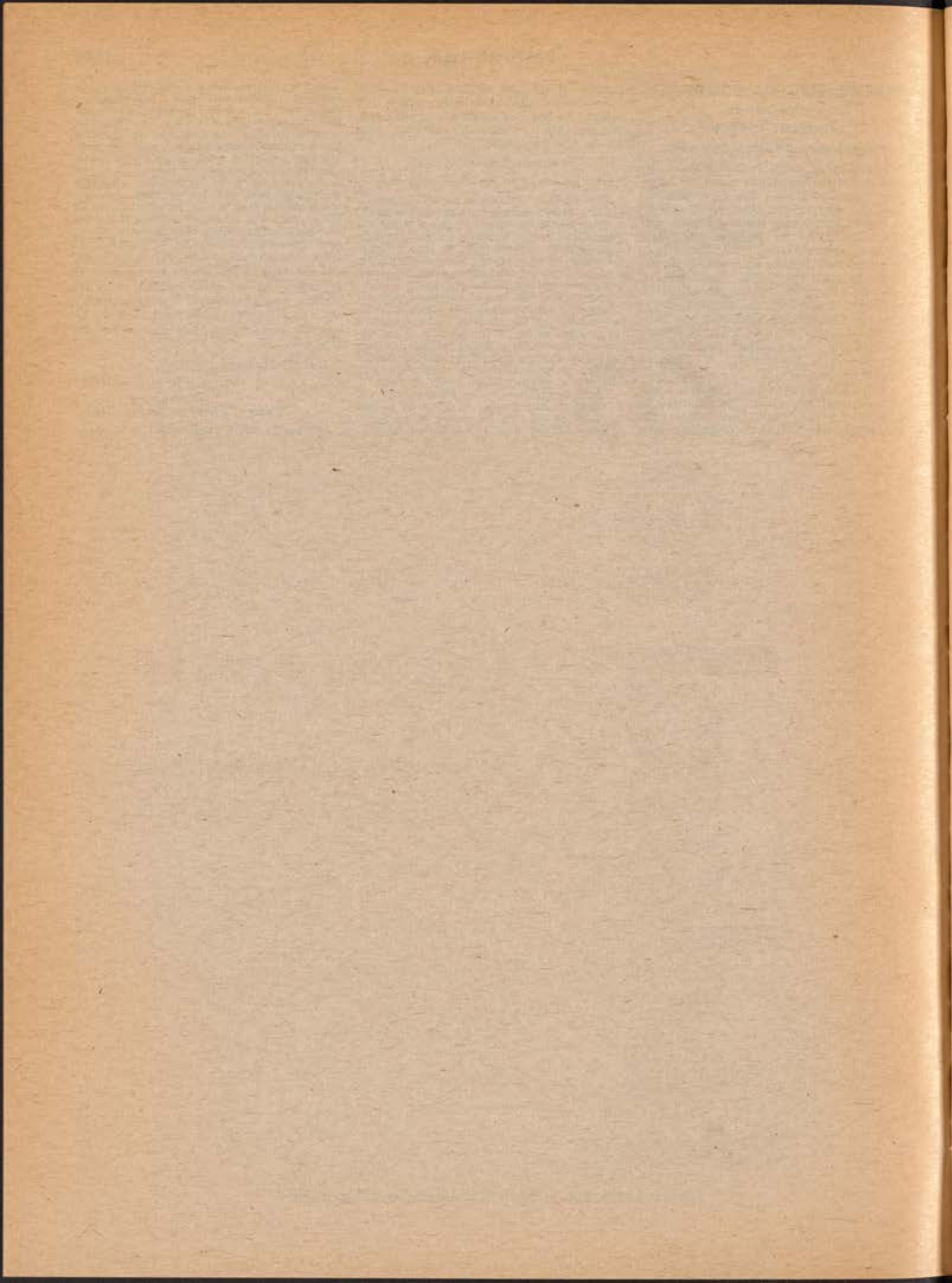
zation is created expressly and exclusively to engage in political activities . . . and has incorporated for liability purposes only, the general prohibitions in § 610 will not apply to that corporation." Accordingly, the Shriver for President Committee is exempted from the restrictions in § 610 as long as it meets the requirements specified above.

It should be noted further that although an incorporated, nonprofit political committee is not subject to the prohibitions in 18 U.S.C. § 610, the treasurer and the chairman of such a political committee nevertheless remain personally responsible for carrying out their respective duties as contemplated by the Federal Election Campaign Act of 1971, as amended. The fact of incorporation does not absolve those officers of any liability imposed upon them under the Act, implementing regulations, and pertinent provisions of Title 18, U.S. Code.

Dated: September 9, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc.75-24018 Filed 9-10-75;8:45 am]



# **federal register**

THURSDAY, SEPTEMBER 11, 1975



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PART III:

## **PRIVACY ACT OF 1974**

■

### **VARIOUS AGENCIES**

Implementation and Proposed Regulation

## Title I—General Provisions

## CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)

## PART 410—COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

## Implementation

The following Regulations, drafted in accordance with Section F of the Privacy Act of 1974, were offered for public comment by publication in the Federal Register on August 6, 1975. No comments were submitted, and the Regulations are hereby adopted unchanged.

Signed the 5th day of September 1975.

JAMES E. RITCHIE,  
Executive Director.

## § 410.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Commission on the Review of the National Policy Toward Gambling (hereafter known as the Commission) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him for the purpose of review, amendment and/or correction.

## § 410.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, 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 the Commission from which information is retrieved by the named of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

## § 410.3 Procedures for requests pertaining to individual records in a record system.

An individual must submit a request to the Executive Director of the Commission to determine if a system of records named by the individual contains a record pertaining to the individual. The individual must submit a request to the Executive Director of the Commission which states the individual's desire to review his record.

## § 410.4 Times, places and requirements for the identification of the individual making a request.

An individual making a request to the Executive Director pursuant to § 410.3 shall present the request at the Commission's offices, 2000 M Street, N.W., Room 3302, Washington, D.C. 20036, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual submitting the request is required to present himself at the Commission's offices with a form of identification which will permit the Commission to verify that the individual is the same individual as contained in the record requested.

## § 410.5 Disclosure of requested information to the individual.

Upon verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

## § 410.6 Request for correction or amendment to the record.

The individual must submit a request to the Executive Director of the Commission which states the individual's desire to correct or to amend his record. This request is to be made in accord with the provisions of § 410.4.

## § 410.7 Agency review of request for correction or amendment of the record.

Within ten (10) days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request to correct or to amend the record, the Executive Director must acknowledge, in writing, such receipt and promptly, either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

## § 410.8 Appeal of an Initial Adverse Agency Determination on Correction or Amendment of the Record.

An individual who disagrees with the refusal of the Executive Director of the Commission to correct or to amend his record may submit a request for a review of such refusal to the Chairman of the Commission, Mr. Charles H. Morin, Dickstein, Shapiro & Morin, 1735 New York Avenue, N.W., Washington, D.C. 20006. The Chairman shall, not later than thirty (30) days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty (30) day period. If, after his review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his disagreement with the refusal of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. section 552a(g)(1)(A).

## § 410.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission shall not disclose a record to any individual other than to the individual to whom the record pertains without receiving the written consent of the individual to whom the record pertains.

## § 410.10 Fees.

If an individual requests copies of his record he shall be charged ten cents per page, excluding the cost of any search for and review of the record.

[FR Doc. 75-24089 Filed 9-8-75; 11:13 am]

**COMMISSION ON THE REVIEW OF  
THE NATIONAL POLICY TOWARD  
GAMBLING**

**PRIVACY ACT OF 1974**

**Notices of Record Systems**

The Notices of Record Systems of the Commission on the Review of the National Policy Toward Gambling were drafted as prescribed by section e(4) of the Privacy Act of 1974, and the routine uses thereof were offered for public comment as provided by section e(11) of the Act, by publication in the Federal Register on August 6, 1975. Upon consideration of recommendations submitted by the Department of Justice, the Notices were amended to include the following additional routine uses. With these exceptions, the Notices of Record Systems stand as originally published.

Signed the 5th day of September, 1975.

**JAMES E. RITCHIE,**  
*Executive Director.*

System Name: Members and Past Members of the Commission—CRNPG

**ROUTINE USES OF RECORDS MAINTAINED IN  
THE SYSTEM, INCLUDING CATEGORIES OF  
USERS AND THE PURPOSES OF SUCH USES**

Identification of the Commission's members, past and present. Used by the Commission's staff.

In the event that this system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use,

to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

System name: Personnel Records—CRNPG

**ROUTINE USES OF RECORDS MAINTAINED IN  
THE SYSTEM, INCLUDING CATEGORIES OF  
USERS AND THE PURPOSES OF SUCH USES**

Identification of CRNPG personnel and their employment records. Used by the Executive Director, Associate Director and the Deputy for Management, Budget and Administration.

In the event that this system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant record in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

[FR Doc.75-24088 Filed 9-8-75; 11:13 am]

## FEDERAL REGISTER PRIVACY ACT PUBLICATIONS

### Table of Dates and Pages

Following is a table of Federal Register Privacy Act publications up to and including September 5, 1975. Documents are listed alphabetically by agency name, with the type of document and its date, page, and part (if applicable) of the Federal Register indicated.

#### ACTION—

Proposed rules (45 CFR Part 1224); 8-27, Part II, Sec. 4..... 39434  
Notices; 8-27, Part II, Sec. 3..... 39085

#### AGENCY FOR INTERNATIONAL DEVELOPMENT—

Proposed rules (22 CFR Part 215); 8-27, Part III..... 39449  
Notices; 8-27, Part III..... 39463

#### AGRICULTURE DEPARTMENT—

Proposed rules (7 CFR Part 1); 8-4..... 32756  
Rules (7 CFR Part 1); 8-28..... 39519  
Notices; 8-27, Part II, Sec. 2..... 38897  
Proposed rules, exemptions (7 CFR Part 1); 9-4..... 40849

#### AMERICAN BATTLE MONUMENTS COMMISSION—

Proposed rules (36 CFR Part 407); 8-27, Part II, Sec. 4..... 39379  
Notices; 8-27, Part II, Sec. 3..... 39217

#### ARMS CONTROL AND DISARMAMENT AGENCY—

Proposed rules (22 CFR Parts 601, 603, 606); 8-28, Part II..... 39663  
Notices; 8-28, Part II..... 39665

#### BOARD FOR INTERNATIONAL BROADCASTING—

Proposed rules (1 CFR Part 415); 8-29, Part V..... 40047  
Notices; 8-29, Part V..... 40048

#### CENTRAL INTELLIGENCE AGENCY—

Proposed rules (32 CFR Part 1901); 8-28, Part II..... 39775  
Notices; 8-28, Part II..... 39778

#### CIVIL AERONAUTICS BOARD—

Proposed rules (14 CFR Parts 310a, 385); 7-18..... 30283  
Notices; 8-6, Part V..... 33181  
Notices (additional); 9-3, Part IV..... 40782

#### CIVIL RIGHTS COMMISSION—

Proposed rules (45 CFR Part 706); 9-3, Part IV..... 40783  
Notices; 9-3, Part IV..... 40786

#### CIVIL SERVICE COMMISSION—

Proposed rules (5 CFR Parts 293, 297); 5-27..... 22842  
Proposed rules (5 CFR Part 736); 8-25..... 37051  
Notices; 8-27, Part II, Sec. 4..... 39239

#### COMMERCE DEPT.—

Proposed rules (15 CFR Part 4b); 8-5, Part V..... 32961  
Notices; 8-5, Part V..... 32970

#### COMMISSION FOR REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING—

Proposed rules (1 CFR Part 410); 8-6, Part V..... 33178  
Notices; 8-6, Part V..... 33179

#### COMMODITY FUTURES TRADING COMMISSION—

Proposed rules (17 CFR Part 146); 8-5..... 32839  
Notices; 8-28, Part II..... 39713  
Rules (17 CFR Part 146); 9-4, Part IV..... 41056

#### COMMUNITY SERVICES ADMINISTRATION—

Proposed rules (45 CFR Part 1006); 8-27..... 38165  
Notices; 9-4, Part IV..... 41062

#### COUNCIL ON WAGE AND PRICE STABILITY—

Proposed rules (6 CFR Part 703); 8-27, Part II, Sec. 2..... 39013  
Notices; 8-27, Part II, Sec. 2..... 39016

#### ENVIRONMENTAL PROTECTION AGENCY—

Proposed rules (40 CFR Part 16); 9-3, Part IV..... 40792

#### DEFENSE DEPARTMENT—

Proposed rules; 8-26, Part II..... 37498  
Notices; 8-18, Part II, Secs. 1-3..... 35150  
Notices; 8-28, Part II..... 39677  
Notices; 8-29, Part V..... 40087  
List of system names; 8-29, Part V..... 40093

#### DEFENSE MANPOWER COMMISSION—

Proposed rules (1 CFR Part 410); 8-27, Part II, Sec. 3..... 39197  
Notices; 8-27, Part II, Sec. 3..... 39198

#### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION—

Proposed rules (10 CFR Part 708); 8-26, Part III, Sec. 2..... 38025  
Notices; 8-26, Part III, Sec. 2..... 38031

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—

Proposed rules (29 CFR Part 1611); 8-27, Part II, Sec. 4..... 39377  
Notices; 8-27, Part II, Sec. 3..... 39219

#### EXPORT-IMPORT BANK—

Proposed rules (12 CFR Part 405); 8-27, Part II, Sec. 4..... 39428  
Notices; 8-27, Part II, Sec. 3..... 39201

#### FARM CREDIT ADMINISTRATION—

Proposed rules (12 CFR Part 603); 8-12..... 33831  
Rules (12 CFR Part 603); 9-2, Part IV..... 40454

#### FEDERAL COMMUNICATIONS COMMISSION—

Notices; 8-29, Part V..... 40068

#### FEDERAL DEPOSIT INSURANCE CORPORATION—

Proposed rules (12 CFR Part 310); 8-27, Part II, Sec. 4..... 39426  
Notices; 8-27, Part II, Sec. 3..... 39079

#### FEDERAL ELECTION COMMISSION—

Proposed rules (11 CFR Part 1); 8-22, Part V..... 36872  
Notices; 8-22, Part V..... 36875

#### FEDERAL ENERGY ADMINISTRATION—

Notices; 8-27, Part II, Sec. 4..... 39321

#### FEDERAL HOME LOAN BANK BOARD—

Proposed rules (12 CFR Part 505a); 7-15..... 29729  
Rules (12 CFR Part 505a); 8-27, Part II, Sec. 4..... 39371  
Notices; 8-27, Part II, Sec. 3..... 39057

#### FEDERAL MARITIME COMMISSION—

Proposed rules (46 CFR Part 503); 7-17..... 30128  
Notices; 8-19, Part IV..... 36287  
Rules; (46 CFR Part 503); 8-29, Part V..... 40036

#### FEDERAL MEDIATION AND CONCILIATION SERVICE—

Proposed rules (29 CFR Part 1410); 8-27, Part II, Sec. 3..... 39035  
Notices; 8-27, Part II, Sec. 3..... 39037

#### FEDERAL POWER COMMISSION—

Proposed rules (18 CFR Part 3b); 8-20, Part V..... 36546  
Notices; 8-27, Part II, Sec. 4..... 39353

#### FEDERAL RESERVE SYSTEM—

Proposed rules (12 CFR Part 261a); 8-28, Part II..... 39380

#### FEDERAL TRADE COMMISSION—

Proposed rules (16 CFR Part 4); 8-14..... 34162  
Proposed rules, correction; 8-27..... 38171  
Notices; 8-27, Part II, Sec. 3..... 39041  
Rules (16 CFR Part 4); 9-3, Part IV..... 40780

#### FOOD AND DRUG ADMINISTRATION—

Proposed rules (21 CFR Parts 4, 7); 8-27, Part II, Sec. 4..... 39388  
Notices; 8-27, Part II, Sec. 3..... 39073

<b>FOREIGN CLAIMS SETTLEMENT COMMISSION—</b>		Notices; 8-11, Part III.....	33812
Proposed rules (45 CFR Part 504); 8-27, Part II, Sec. 4.....	39381	Notices; 8-29, Part V.....	40137
Notices; 8-27, Part II, Sec. 3.....	39023	<b>NUCLEAR REGULATORY COMMISSION—</b>	
<b>GENERAL SERVICES ADMINISTRATION—</b>		Proposed rules; (10 CFR Part 9); 8-2.....	33833
Proposed rules (41 CFR Part 105-64); 8-27, Part II, Sec. 4.....	39410	Notices; 8-27, Part II, Sec. 2.....	38997
Notices; 8-27, Part II, Sec. 3.....	39137	Notices, correction; 9-2, Part IV.....	40492
Rules (standards of conduct); 8-28.....	39505	<b>OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION—</b>	
<b>HEALTH, EDUCATION, AND WELFARE DEPT.—</b>		Proposed rules (29 CFR Part 2400); 8-29, Part V.....	40057
Proposed rules (45 CFR Part 5b); 8-14; exemptions, 9-5.....	34129, 41141	Notices; 8-29, Part V.....	40060
Notices; 8-27, Part II, Sec. 1.....	38391	<b>OFFICE OF MANAGEMENT AND BUDGET—</b>	
Notices, correction; 9-2, Part IV.....	40491	Proposed rules (5 CFR Part 1302); 8-14.....	34165
<b>HOUSING AND URBAN DEVELOPMENT DEPT.—</b>		Notices; 9-2, Part IV.....	40493
Rules (interim) (24 CFR Part 16); 8-28, Part II.....	39729	<b>OVERSEAS PRIVATE INVESTMENT CORPORATION—</b>	
Notices; 8-28, Part II.....	39738	Proposed rules (22 CFR Part 707); 8-22, Part V.....	36878
<b>INTER-AMERICAN FOUNDATION—</b>		Notices; 8-22, Part V.....	36880
Proposed rules (22 CFR Part 1003); 8-19, Part IV.....	36264	<b>PANAMA CANAL COMPANY—</b>	
Notices; 8-19, Part IV.....	36284	Proposed rules (35 CFR Part 10; 9-2, Part IV.....	40485
<b>INTERIOR DEPT.—</b>		<b>PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION—</b>	
Proposed rules (43 CFR Part 2); 8-26.....	37216	Proposed rules (36 CFR Part 903); 8-28, Part II.....	39671
Notices; 9-5, Part VII.....	41432	Notices; 8-28, Part II.....	39674
<b>INTERNATIONAL TRADE COMMISSION—</b>		<b>PENSION BENEFIT GUARANTY CORPORATION—</b>	
Proposed rules (19 CFR Part 201); 8-29, Part V.....	40050	Proposed rules (29 CFR Part 2607); 8-25.....	37057
<b>JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES—</b>		Notices; 9-2, Part IV.....	40499
Proposed rules (20 CFR Part 903); 8-27, Part II, Sec. 4.....	39387	<b>POSTAL RATE COMMISSION—</b>	
Notices; 8-27, Part II, Sec. 3.....	39227	Proposed rules (39 CFR Part 3003); 7-29.....	31813
<b>JUSTICE DEPT.—</b>		Rules (39 CFR Part 3003); 8-27.....	38154
Proposed rules (28 CFR Part 16), (8 CFR Part 103); 8-27, Part II, Sec. 4.....	39404, 39408, 39423	Notices; 8-6, Part V.....	33186
Notices; 8-27, Part II, Sec. 2.....	38703	<b>POSTAL SERVICE—</b>	
<b>LABOR DEPT.—</b>		Proposed rules (39 CFR Part 266); 7-24.....	30988
Proposed rules (29 CFR Part 70a); 8-29, Part V.....	40039	Proposed rules (39 CFR Part 266; exemptions); 8-26.....	37227
<b>MARINE MAMMAL COMMISSION—</b>		Proposed rules (39 CFR Parts 268, 447); 8-28, Part II.....	39805
Proposed rules (50 CFR Part 501); 9-4, Part IV.....	41066	Notices; 8-28, Part II.....	39805
Notices; 9-4, Part IV.....	41068	<b>PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOW-SHIPS—</b>	
<b>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—</b>		Notices; 8-27, Part II, Sec. 3.....	39225
Proposed rules (14 CFR Part 1212); 8-26, Part III, Sec. 2.....	38073	<b>RAILROAD RETIREMENT BOARD—</b>	
Notices; 8-26, Part III, Sec. 2.....	38083	Proposed rules (20 CFR Part 200); 8-19, Part IV.....	36262
<b>NATIONAL CREDIT UNION ADMINISTRATION</b>		Notices; 8-19, Part IV.....	36268
Proposed rules (12 CFR Part 720); 8-7, Part III.....	33410	<b>SECURITIES AND EXCHANGE COMMISSION—</b>	
Notices; 8-7, Part III.....	33414	Proposed rules (17 CFR Part 200); 8-15.....	34417
<b>NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES—</b>		Notices; 8-27, Part II, Sec. 4.....	39253
Proposed rules (45 CFR Part 1115); 8-29, Part V.....	40052	<b>SELECTIVE SERVICE SYSTEM—</b>	
Notices; 8-29, Part V.....	40054	Proposed rules(32 CFR Part 1608); 8-22, Part V.....	36887
<b>NATIONAL LABOR RELATIONS BOARD—</b>		Notices; 8-6, Part V.....	33188
Proposed rules (29 CFR Part 102); 8-28, Part II.....	39763	Notices, supplemental; 9-5, Part V.....	41345
Notices; 8-28, Part II.....	39765	<b>SMALL BUSINESS ADMINISTRATION—</b>	
<b>NATIONAL SCIENCE FOUNDATION—</b>		Proposed rules (13 CFR Part 102); 8-29, Part V.....	40063
Proposed rules (45 CFR Part 613); 7-29.....	31811	Notices; 8-27, Part II, Sec. 3.....	39015
Notices; 8-26, Part III, Sec. 2.....	38129	<b>SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS—</b>	
<b>NATIONAL SECURITY COUNCIL—</b>		Proposed rules (15 CFR Part 2005); 8-27, Part II, Sec. 4.....	39384
Proposed rules (32 CFR Part 2102); 9-3, Part IV.....	40794	Notices; 8-27, Part II, Sec. 3.....	39215
<b>NATIONAL TRANSPORTATION SAFETY BOARD—</b>		<b>STATE DEPARTMENT—</b>	
Proposed rules (49 CFR Part 802); 7-17, 7-24.....	30130, 30988	Proposed rules (22 CFR Part 6a); 9-2, Part IV.....	40456
Rules (49 CFR Part 802); 8-29.....	40134	Notices; 9-2, Part IV.....	40460
		<b>TENNESSEE VALLEY AUTHORITY—</b>	
		Notices; 8-27, Part II, Sec. 2.....	38685
		Proposed rules; 8-27, Part II, Sec. 4.....	39374

## TRANSPORTATION DEPT.—

Proposed rules (49 CFR Part 10); 8-14..... 34142  
 Notices; 8-27, Part II, Sec. 2..... 38803

## TREASURY DEPT.—

Proposed rules (31 CFR Part 1); 8-26, Part III, Sec. 1..... 37602  
 Notices; 8-26, Part III, Sec. 1..... 37640

## U.S. INFORMATION AGENCY—

Proposed Rules (22 CFR Part 505); 8-27, Part II, Sec. 4..... 39430  
 Notices; 8-27, Part II, Sec. 4..... 39335

## U.S. RAILWAY ASSOCIATION—

Proposed rules (49 CFR Part 932); 8-28, Part II..... 39803

## VETERANS ADMINISTRATION—

Proposed rules (38 CFR Part 1); 6-27..... 27261  
 Rules (38 CFR Part 1); 8-12, Part IV..... 33944  
 Notices; 8-26, Part III, Sec. 2..... 38095

## WATER RESOURCES COUNCIL—

Proposed rules (18 CFR Part 701); 8-27, Part II, Sec. 4..... 39438  
 Notices; 8-27, Part II, Sec. 3..... 39231  
 Notices, correction; 9-4..... 40886



**OFFICE OF TELECOMMUNICATIONS  
POLICY  
PRIVACY ACT OF 1974  
Notice of Systems of Records**

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a, P.L. 930579), the Office of Telecommunications Policy hereby publishes its systems of records and their respective routine uses for public comment pursuant to the provisions of section (c)(4) of the Privacy Act of 1974.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed notices of systems of records should send them to the Office of the General Counsel, Office of Telecommunications Policy, Room 703, 1800 G Street, N.W., Washington, D.C. 20504 within twenty days after publication of this notice in the Federal Register.

John Eger,

*Acting Director. Alphabetical Listing of Systems of Records  
OFFICE OF TELECOMMUNICATIONS POLICY 1. Bioeffects  
Project Resumes 2. Congressional Relations System 3. Contractor  
Record System 4. Employee Reports of Financial Interests and  
Employment 5. General Personnel Records 6. Inventory Control  
of Property 7. Library Circulation Control Records 8. Military  
Personnel System 10. Personnel Applicant Records 11. Travel  
Payment System*

**OTP File No. 1**

**System name:** Bioeffects Project Resumes—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Principal investigator.

**Categories of records in the system:** This system contains abstracts on Biological Effects of Nonionizing Electromagnetic Radiation research projects conducted or funded by the Federal Government.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Identification of research projects. Used by OTP personnel and program personnel from other cognizant Federal agencies as part of OTP's coordination of the Federal Government's multiagency program to assess the biological effects of nonionizing electromagnetic radiation.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

**Retrievability:** Individual's name is used as one identifier of the project. Not alphabetical.

**Safeguards:** Office locked after business hours.

**Retention and disposal:** Records are retained permanently.

**System manager(s) and address:** Deputy Assistant Director for Frequency Management, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504 (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information comes from the agency conducting or sponsoring the research.

**OTP File No. 2**

**System name:** Congressional Relations System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Members of Congress who have corresponded with OTP.

**Categories of records in the system:** Correspondence with members of Congress.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Files are maintained to appraise OTP Congressional liaison personnel of the interests of members of Congress. Records are for internal use only.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets.

**Retrievability:** Alphabetically by name.

**Safeguards:** Administratively controlled access.

**Retention and disposal:** Destroyed when member of Congress leaves office.

**System manager(s) and address:** Assistant to the Director for Congressional and Media Relations, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

**OTP File No. 3**

**System name:** Contractor Record System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Individuals doing work under contract to OTP.

**Categories of records in the system:** Copies of all invoices and bills and evaluations of contractors' performance.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to maintain a financial accounting of all contracts let by OTP. Evaluation of contractor's performance maintained for future reference in relation to subsequent contracts. Routine disclosure of information contained in the system of records may be made to other Federal agencies at their request. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets.

**Retrievability:** Contracts are filed by number. Record can be retrieved alphabetically by name by use of a 3 x 5 cross-reference card file.

**Safeguards:** Locked file cabinets.

**Retention and disposal:** Permanent retention.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 4

**System name:** Employee Reports of Financial Interests and Employment—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** All OTP personnel at or above Government Service Grade 13.

**Categories of records in the system:** OTP Forms 7 and 8, "Confidential Statement of Employment and Financial Interest," required of certain employees and contractors contain a statement of the financial interests of the employee or contractor and the members of his immediate family and the employment of the immediate family or any other employment by the OTP employee or contractor.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by authorized OTP personnel for ascertaining conflicts or apparent conflicts of interest and recommending appropriate action to the employee or to the OTP. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in alphabetical order in folder designated "financial interest reports."

**Retrievability:** Alphabetical by name.

**Safeguards:** Kept in closed safe with combination lock except when being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Maintained by OTP until employee leaves and then destroyed by burning.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 5

**System name:** General Personnel Records (Official personnel folder and records related thereto)—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Current OTP employees and those formerly employed by the OTP (death, resignation, retirement, and separation).

**Categories of records in the system:** This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain information about an individual relating to birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letter of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training;

minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

This system also consists of a variety of records containing information about an individual relating to position management actions; position classification actions; promotion records; evaluation records; clearance upon separation; suggestion files; financial and tax matters; incoming letters of complaint; employee and former employee locator information; jury duty records; participation in and implementation of special emphasis programs; Combined Federal Campaign records; Unemployment Compensation notices; outside employment statements; savings bond records; and correspondence files pertaining to any of the personnel information referred to in this notice.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is used or a record may be used: (a) To provide information to a prospective employer of an employee or former OTP employee. (b) To provide data for the automated Central Personnel Data File (CPDF). (c) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations. (d) To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, investigation for security clearance, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (e) If necessary, obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses. (g) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (h) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

**Retrievability:** Alphabetically by name.

**Safeguards:** Kept in locked file cabinet except when being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Records are maintained permanently.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 6

**System name:** Inventory Control of Property—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** OTP personnel.

**Categories of records in the system:** Records of Federal Government Property charged out to OTP personnel. File card contains name of individual and a list of all property assigned to the individual.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record is used when individual separates from OTP to account for property charged out in the individual's name. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 3 x 5 card file.

**Retrievability:** Alphabetically by name.

**Safeguards:** Administratively controlled access.

**Retention and disposal:** Card destroyed when individual separates from OTP.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Contesting record procedures:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 7

**System name:** Library Circulation Control Records—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Library users.

**Categories of records in the system:** Individuals who borrow library materials, receive library materials on distribution, or request the purchase of library materials.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information is used by the Library Staff to identify the location of materials withdrawn from the library collection and to distribute library publications in response to a request. Lists of names are used for the distribution of periodicals.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Distribution lists are maintained in folders in file cabinets. Book cards are kept in card files.

**Retrievability:** By name of individual or publication.

**Safeguards:** Administratively controlled access.

**Retention and disposal:** Individual's name is crossed out when material is returned to the library, and is removed from distribution lists at such person's request or when such person separates from OTP.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system comes from the individuals to whom it pertains.

#### OTP File No. 8

**System name:** Military Personnel System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Military personnel detailed to OTP.

**Categories of records in the system:** System contains evaluation reports, job description, documents relating to assignments, and letters of commendation.

**Authority for maintenance of the system:** AFR 36-10.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to prepare evaluation reports and correspondence relative to future assignment. Only user is the Military Assistant to the Director for purposes indicated. Information contained in the file relates to the individual's assignment to OTP only.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders are maintained in file cabinets.

**Retrievability:** Alphabetically by name.

**Safeguards:** Maintained in locked file cabinet.

**Retention and disposal:** Destroyed when military detail is reassigned from OTP.

**System manager(s) and address:** Military Assistant to the Director, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 9

**System name:** Payroll/Personnel System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Current and former OTP personnel.

**Categories of records in the system:** File record system for processing OTP payroll and personnel actions consisting of records of time and attendance, leave, tax withholding, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deduction. Aside from payroll processing, recorded personnel data is available on a need to know basis to personnel offices in accordance with Civil Service Commission and General Services Administration regulations.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used for payroll and to record annual and sick leave. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder maintained in desk drawer designated "time and attendance."

**Retrievability:** Alphabetically by name.

**Safeguards:** Kept personally by timekeeper.

**Retention and disposal:** Records of active personnel are kept in one folder. Records of separated personnel are kept in separate folder in same location as active records.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 10

**System name:** Personnel Applicant Records—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Individuals applying for, or inquiring about, employment with OTP.

**Categories of records in the system:** Contains original or copy of Standard Form 171, resume, evaluative remarks and any correspondence between the applicant and the Division Director.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Supervisory personnel evaluate qualifications and select candidates under consideration for employment. If no position is available, some applications are maintained for reference. Applications of successful candidates are removed to general personnel files.

**Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets.

**Retrievability:** By name from folder designated "personnel."

**Safeguards:** Administratively controlled access to file cabinets which are locked after business hours.

**Retention and disposal:** Files are maintained for approximately one year, then disposed of by burning.

**System manager(s) and address:** Files are maintained separately by division. Address inquiry to one of the following, as appropriate: Office of the Director; Office of the Assistant Director for Government Communications; Office of the Assistant Director for Frequency Management; Office of the Assistant Director for International Communications; Office of the Assistant Director for Executive Direction and Administration; Office of the General Counsel, Executive Officer, The Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-

5800.

**Contesting record procedures:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 11

**System name:** Travel Payment System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Personnel who travel on official business.

**Categories of records in the system:** Travel authorizations, travel vouchers, and travel advance records, which contain the individual's name, residence, place and mode of travel, travel dates, amount of travel advance, expenses incurred, amount of advance outstanding.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Preparing disbursement schedules so that individual will be paid for travel expenses, recording the cost of travel, and compiling cost and budget information. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder in file cabinet designated "travel."

**Retrievability:** Alphabetically by name.

**Safeguards:** File cabinet is locked except when records are being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Records on individuals who have separated from OTP are destroyed by burning.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202)395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

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